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December 27, 2023

VIA ELECTRONIC MAIL AND U.S. MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1596 – USS Torrington Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility located on the former Torrington Landfill at 105 Vista Drive, Torrington, Connecticut, and associated electrical interconnection.

Dear Ms. Bachman:

I am writing on behalf of my client, USS Torrington Solar, LLC, in connection with the above-referenced Petition. With this letter, I am enclosing the original and fifteen copies of the Responses to the Interrogatories issued by the Council December 6, 2023, along with all exhibits for these responses. In addition, I have electronically filed a Motion for Protective Order and affidavit in support of that order with you earlier today in connection with USS Torrington Solar, LLC's response to Interrogatory Number 4, requesting information regarding the project's costs.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been submitted to all parties on the Petition's Service List as of this date.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman

Enclosures

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

PETITION NO. 1596 – USS Torrington Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.99-megawatt AC solar photovoltaic electric generating facility located on the former Torrington Landfill at 105 Vista Drive, Torrington, Connecticut, and associated electrical interconnection. Council Interrogatories to Petitioner.	**Petition No. 1596**
	December 27, 2023

Petitioner USS Torrington Solar, LLC ("Petitioner" or "USS") hereby submits the following responses to the Pre-Hearing Interrogatories that were directed to USS by the Connecticut Siting Council ("Council") on December 6, 2023.

Notice

1. Has USS Torrington Solar (USS) received any comments since the petition was submitted to the Council? If yes, summarize the comments and how these comments were addressed.

No.

2. Petition Introduction Section refers to the address of the nearest residence as 1126 South Main Street. Petition Visual Impact Section refers to the address of the nearest residence as 1125 South Main Street. Please clarify.

The reference to the nearest residence at 1126 South Main Street was a typographical error. The City of Torrington ("City") property records have been reviewed and the project has confirmed that the nearest residence to this parcel is 1125 South Main Street.

Project Development

3. If the project is approved, identify all permits necessary for construction and operation and which entity will hold the permit(s)?

The following permits are anticipated to be necessary for the construction and/or operation of the Project:

- City of Torrington, Building Permit;
- City of Torrington, Electric Permit;
- Federal Aviation Administration ("FAA") Notice of Proposed Construction and Determinations of No Hazard; and
- Council approval.

It is anticipated that USS will be the entity that holds these permits.

4. What is the estimated cost of the project?

USS objects to this interrogatory to the extent it seeks information that is beyond the scope of a petition to declaratory ruling as provided for under the Public Utility Environmental Standards Act, Conn. Gen. Stat. § 16-50g, et seq ("PUESA"). In addition, USS believes that its cost information consists of trade secrets that are protected from disclosure under Connecticut's Freedom of Information Act, Conn. Gen. Stat. § 1-200 et seq. ("FOIA"). Subject to the foregoing objection, USS replies that it has provided the Council with a Motion for Protective Order and accompanying Affidavit of Reed Richerson, which was sent to the Council in a separate filing and contains an answer responsive to this interrogatory.

5. Is the project, or any portion of the project, proposed to be undertaken by state departments, institutions or agencies, or to be funded in whole or in part by the state through any contract or grant?

No.

6. If the facility operates beyond the terms of the SCEF Agreement, will USS decommission the facility or seek other revenue mechanisms for the power produced by the facility?

USS objects to this interrogatory to the extent it seeks information that is beyond the scope of a petition to declaratory ruling as provided for under PUESA. Subject to the foregoing objection, USS states that it would expect the facility to seek other revenue mechanisms at the end of the 20-year SCEF tariff with Eversource.

7. If USS transfers the facility to another entity, would USS provide the Council with a written agreement as to the entity responsible for any outstanding conditions of the Declaratory Ruling and quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee?

If USS transfers the facility to another entity, USS will provide notice of the entity responsible for management and operations of the Project and any outstanding conditions of the Declaratory Ruling and said entity's contact information.

Proposed Site

8. Submit a map clearly depicting the boundaries of the solar facility site and the boundaries of the host parcel(s). Under Regulations of Connecticut State Agencies (RCSA) §16-50j-2a(29), **"Site"** means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.

The solar facility site map attached hereto as **Exhibit A** has been prepared to clearly depict the boundaries of the solar facility site which includes the proposed leased area with access and interconnection.

9. Referencing Petition Distribution System Impact Study, p. 3, the Site Plan depicts a larger project footprint (3.98 MW). What was the reason for the reduction in the size of the project to 1.99 MW?

The Project had to be downsized in order to adhere to the Connecticut Department of Energy and Environmental Protection's ("CT DEEP") stormwater permitting rule that no more than 10% of a project can be sited on slopes of 15% or greater.

10. Referencing the Site Layout Plan, please define a RCRA closure area.

The Resource Conversation and Recovery Act ("RCRA") requires that all hazardous waste management units and the treatment, storage, and disposal facilities at which the waste units are located undergo one of two closure procedures pursuant to 40 C.F.R. Part 264-65. These closure procedures are more commonly referred to as a "clean closure" or a "land disposal facility" ("LDF") closure, which provides owners of waste facilities with the option to close the unit with the waste in place.

Under 40 C.F.R. section 268.2(c), land disposal includes placement in a landfill. RCRA imposes certain post-closure care requirements for LDF sites pursuant to 40 CFR §§ 264.117-120 and 265.117-21, and which Connecticut has codified in the Connecticut Regulations § 22a-449(c). Such requirements may include, among other things, site monitoring and maintenance of any waste containment systems. As the Project is located on a formerly closed landfill, the site owner, the City of Torrington, appears to be subject to some of these requirements, such as monitoring, etc.

USS intends to cooperate with the City should the City require any action on behalf of USS to fulfill its RCRA LDF post-closure obligations. Notwithstanding the foregoing, USS does not anticipate that the Project will affect the fulfillment of City's obligations under RCRA in any way.

11. Could development of the solar facility at the closed landfill interfere with any remediation phases depicted in the Final Contours Map and/or on remaining areas of the landfill that may be currently used by the City? Explain.

Installation of the solar array will be completed in conjunction with any landfill repairs or regrading activity depicted in the Final Contours Map. The landfill was inspected by an experienced solid waste engineer prior to development of the array layout to help identify areas of the landfill that had settled since closure. These areas have been noted and the final grading plan was configured to ensure positive stormwater drainage is maintained after the installation of the array. Additionally, the City was consulted during the design process to ensure access was maintained to all areas of the landfill planned for continued use and/or maintenance by the City.

Energy Output

12. Is the project being designed to accommodate a potential future battery storage system? If so, please indicate the anticipated size of the system, where it may be located on the site, and the impact it may have on the SCEF Agreement.

No battery storage system is currently contemplated for this Project. Depending on state or federal programs encouraging battery storage systems in the future, the site plan could be amended to accommodate such systems.

13. If one section of the solar array experiences electrical problems causing the section to shut down, could other sections of the system still operate and transmit power to the grid? By what mechanism are sections electrically isolated from each other?

Yes, if a string of panels connected to one inverter shuts down, the other inverters will remain functional. This protects the array from entire electrical shut down.

14. Would USS participate in an ISO-NE Forward Capacity Auction? If yes, which auction(s) and capacity commitment period(s)?

USS objects to this interrogatory to the extent it seeks information that is beyond the scope of a petition to declaratory ruling as provided for under PUESA. Subject to the foregoing objection, USS states that at this time, USS does not anticipate that the Project will be participating in the ISO-NE Forward Capacity Auction, however USS reserves the right to participate in the Forward Capacity Auction in the future.

15. What is the projected capacity factor (expressed as a percentage) for the proposed project?

The projected capacity factor is 19%.

16. Have electrical loss assumptions been factored into the output of the facility?

Yes. A 1% loss has been factored in.

17. Would the power output of the solar panels decline as the panels age? If so, estimate the percent per year.

Yes, USS anticipates a one half of one percent (0.5%) decline per year.

18. When the SCEF contract expires and the solar facility has not reached the end of its lifespan, will USS decommission the facility or seek other revenue mechanisms for the power produced by the facility?

Please see the answer to Interrogatory Number 6 provided above.

Proposed Facility and Associated Equipment

19. Submit specifications sheets for the selected solar panels.

Please see the specification sheets attached hereto as **Exhibit B**.

20. What is the expected useful life of the proposed solar facility?

The expected useful life is 30 years.

Electrical Interconnection

21. Referencing the existing electric distribution line along Vista Drive, what distribution upgrades are required for the facility interconnection, if any?

A new recloser was required.

Public Safety

22. Would the project comply with the current Connecticut State Building Code, National Electrical Code and Connecticut State Fire Prevention Code?

Yes.

23. Provide an Emergency Response Plan for the facility.

Because the final design of the project depends on several factors, including any potential changes made by the Council and/or the DEEP as a result of permit approvals, USS respectfully requests

that the Council make the submission of an Emergency Response Plan a condition of this Petition's approval.

24. If the facility is approved, would USS provide training to emergency responders?

Yes. USS will provide training to emergency responders. In addition, USS will assist in the development of training material for emergency responders. The training materials will focus on the requirements of the Emergency Response Plan and will include steps to be taken when responding to events on the landfill including discussion of the waste materials present and landfill gas precautions.

25. What are industry Best Management Practices for Electric and Magnetic Fields at solar facilities? Would the site design conform to these practices.

According to the Council's revised EMF Best Management Practices dated February 7, 2014, the Council recognized that a 2010 guideline established 2,000 mG as an acceptable exposure level to EMF. The Council also recognized that there is scientific consensus that there is no cause-and-effect link with EMF and any health effect, and that "scientific evidence to date does not warrant the establishment of MF exposure limits" surrounding transmission lines. In 2015, the Massachusetts Department of Energy Resources, Department of Environmental Protection, and Clean Energy Center released a solar guide that states that PV arrays generate EMF in the same extremely low frequency range as electrical appliances and wiring found in most homes and buildings and that the measurements at three commercial PV arrays in MA gave off less than 0.5 mG at the sites' boundaries and typically PV arrays give off less than 1.0 mG within three inches of the panels, whereas a vacuum cleaner three feet away from a motor is approximately 2.0 mG. As such, USS is not aware of any BMPs for EMF at solar facilities.

26. In the event of a brush or electrical fire, how are potential electric hazards that could be encountered by emergency response personnel mitigated?

To mitigate potential electric hazards that could be encountered by emergency response personnel, the Project will have comprehensive signage—with clear warnings relating to the equipment location(s) and hazards associated therewith—throughout the Project Area, including at the main entrance, on the exterior fencing, and on the solar equipment. In addition, a main shutoff switch for the electrical feed for the entire solar facility will be identified with signage. Generally, fire personnel have an understanding of their preferred means to extinguish electrical fires associated with solar equipment. Typically, fire personnel do not actively try to extinguish fires within a solar array, instead the responders typically observe the situation and allow the component (i.e., a solar panel, inverter, etc.) to burn itself out while looking to contain any spread outside of the array.

27. What type of media and/or specialized equipment would be necessary to extinguish a solar panel/electrical component fire?

As an initial matter, it should be noted that solar array fires are extremely unlikely and arrays are frequently sited on landfills. This will be dependent on the fire personnel's preference. Typically fire personnel do not actively try to extinguish fires within a solar array. Instead the responders typically observe the situation and allow the component (i.e., a solar panel, inverter, etc.) to burn itself out while looking to contain any spread outside of the array. Use of water and dry powder have been utilized.

In addition to traditional electrical firefighting equipment, responders will be made aware that the array is constructed on a landfill cover system and piping exiting the landfill may contain methane gas and care should be taken in these areas should flame be approaching the pipes as they are direct conduits to the waste materials below. It should be noted that no piping is located within the facility's boundaries, however.

Additionally, responders should carry 4-gas meters for personal safety. Should a fire extend below the cover system and into the waste below, excavation equipment may be necessary to dig out waste to thoroughly quench the material. Soils may also be used to help reduce the flow of oxygen into the waste.

28. What type of oil is within the transformers? Do the transformers have a containment system in the event of a leak? How are oil leaks detected?

The transformers contemplated for this Project are oil filled, but due to their relatively small size they are not required to have secondary oil containment pursuant to CFR Title 40. USS uses FR3 or mineral oil which is bio-degradable / inert. In the unlikely event of a spill, USS would follow all State and Local requirements for spill reporting. The transformers have low level oil detection systems embedded within.

29. Identify the distance/direction of the nearest federally-obligated airport from the proposed site.

The Hartford-Brainard Airport is located 24.6 miles to the east of the Project Site.

30. What noise-generating equipment would be installed at the site? Would operation of the proposed facility meet the applicable Department of Energy and Environmental Protection (DEEP) Noise Standards at the nearest property boundary?

Please refer to **Exhibit C** attached hereto.

Environmental Effects and Mitigation Measures

31. What is the width of the proposed overhead line utility corridor? Would grubbing be required adjacent to the stream?

The width of the overhead electric line utility corridor is 25 feet. As detailed in the civil design drawing set, Sheet C1.01, this corridor is proposed to have selective tree clearing only. Grubbing activity will be limited to the maximum extent practical. Moreover, grubbing is only likely to occur if needed for the utility pole installation. Otherwise, vegetation will only be cut to the ground surface. A double row of sediment barriers shall be placed to protect the stream during construction and until the area is adequately stabilized.

32. Referencing the Petition O&M Section, what constitutes a DEEP approved meadow grass or pollinator mix?

CT DEEP offers guidance for selecting seed mixes for pollinators, including avoiding invasive plant species and a list of sources of seed mixes that are appropriate for different applications. A native meadow/pollinator seed mix will be selected prior to construction based on material availability at the time of procurement and in conformity with the CT DEEP guidance. The seed mix will be reviewed and approved by the project engineer prior to application.

33. Submit photographic site documentation with notations linked to the site plans or a detailed aerial image that identify locations of site-specific and representative site features. The submission should include photographs of the site from public road(s) or publicly accessible area(s) as well as Site-specific locations depicting site features including, but not necessarily limited to, the following locations as applicable:

    For each photo, please indicate the photo viewpoint direction and stake or flag the locations of site-specific and representative site features. Site-specific and representative site features include, but are not limited to, as applicable:

    1. wetlands, watercourses and vernal pools;
    2. forest/forest edge areas;
    3. agricultural soil areas;
    4. sloping terrain;
    5. proposed stormwater control features;
    6. nearest residences;
    7. Site access and interior access road(s);
    8. utility pads/electrical interconnection(s);
    9. clearing limits/property lines;
    10. mitigation areas; and
    11. any other noteworthy features relative to the Project.

A photolog graphic must accompany the submission, using a site plan or a detailed aerial image, depicting each numbered photograph for reference. For each photo, indicate the photo location number and viewpoint direction, and clearly identify the locations of site-specific and representative site features show (e.g., physical staking/flagging or other means of marking the subject area).

The photographic log and photo location map attached hereto as **Exhibit D** have been prepared to include site-specific and representative site features. In addition, Exhibit D may be accessed by going to the following site:

http://adhocftp.trccompanies.com:80/AHT/AHT_UI/public/#/password?package=q92RNgOHvENcKfYl6PGQwgylPtOYrS7ZznxAgflTAg2vW9FCEaDvDijYnJl124gccVEOphPZTcw8YS8ROHvxSmuCP1GvT3uZrdvbYHZpYRI%3d.

Facility Construction

34. Has USS discussed the Project with the DEEP Stormwater Program? If yes, when and what suggestions/comments did the DEEP Stormwater Division have regarding the Project? Were these suggestions/comments incorporated in the Project design?

Yes, preliminary discussions were held with the CT DEEP Stormwater Program and other CT DEEP units during a pre-application planning meeting held on October 4, 2022 with USS, the City of Torrington and TRC Environmental Corp. ("TRC"). The following is a list of the participants:

CT DEEP	USS	Torrington	TRC
Beatriz Milne	Allen Tate	Jaime Sykora	Carl Stopper
Christopher Stone	Dan Csaplar	Raymond Drew	Amanda Wade
Frank Gagliardo			Matt Regan
Fredrick Riese			
Karen Allen			
David McKeegan			
Brent Madho			
Susan Jacobson			
Jade Barber			
Linda Brunza			
Camille Fontanella			
Edith Pestana			

TRC pointed out that the array racking and perimeter fence will be supported on concrete ballast blocks sitting on the landfill surface. Also, the entire system will be placed on slopes less than 15%. Christopher Stone of CT DEEP Stormwater Program pointed out some of the technical aspects from Appendix I - Stormwater Management at Solar Array Construction Projects of the General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. In particular, the requirements for spacing of panels related to the panel widths and

slopes were discussed. Chris Stone pointed out the need to maintain sheet flow and not create concentrated flows beneath the system. The design proposed incorporates the Appendix I requirements from the General Permit, where achievable, and uses other design features to achieve the desired intent of Appendix I. The proposed design will diffuse stormwater flow across the vegetated landfill surface to maintain sheet flow conditions beneath the array footprint, without creating concentrated flow that results in erosion. Proposed measures designed to achieve this condition will likely include:

1. For slopes less than 5%, the vegetated landfill cover will be adequate to ensure sheet flow conditions are maintained. Solar array ballasts in parallel array rows will be staggered in the flow direction to prevent sheet flow from concentrating;

2. For slopes of 5-10%, and array rows running approximately parallel to contour lines, the vegetated landfill cover will be adequate to ensure sheet flow conditions with staggered solar array ballasts and permanent erosion control blankets being placed under array drip edges;

3. For slopes of 5-10%, and in areas where array rows run approximately perpendicular to contour lines, a 4-inch-thick layer of uniformly graded crushed stone shall be placed on the ground surface along the full length of the array row and extend from the back edge of the ballast to under the array drip edge; and

4. For slopes of 10-15%, a 4-inch-thick layer of uniformly graded crushed stone shall be placed along the full length of the array row and extend from the back edge of the ballast to under the array drip edge.

Best Management Practices have been incorporated to ensure the site maintains good drainage. All impervious surfaces are fully disconnected and routed over low maintenance grass.

Following approval of a Declaratory Ruling from the Council, USS and TRC will meet with the CT DEEP Stormwater Program again to discuss the final system design, stormwater management, erosion and sedimentation control aspects of the Project before submitting the application to CT DEEP for a General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities.

35. Has USS submitted an application for a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities from DEEP. If yes, what is the status of such permit?

As indicated in the response to Interrogatory Number 34, USS has not yet applied for the General Permit for the Project but intends to do so should the Council approve the Petition.

36. Referencing Petition Construction Section, ballasts are not mentioned as being transported to the site. Would ballasts be cast on-site? If yes, where would this activity occur?

The ballasts are typically pre-cast, but if USS decides to cast in place, USS will notify the Council accordingly and provide information as to where the activity would occur.

37. Submit a construction fuel materials storage, refueling and spill response plan with applicable contact information.

USS's contractors' safety plan will include fuel storage, refueling, and spill response measures in accordance with applicable requirements. As the EPC has not yet been selected for this Project, USS respectfully requests that the Council make the submission of this plan a condition of this Petition's approval.

Facility Maintenance/Decommissioning

38. Would the inverters last the life of the project? If not, at what time interval would the inverters need to be replaced?

Yes, the inverters are anticipated last the life of the Project.

39. Has the manufacturer of the proposed solar panels conducted Toxicity Characteristic Leaching Procedure (TCLP) testing to determine if the panels would be characterized as hazardous waste at the time of disposal under current regulatory criteria? If so, submit information that indicates the proposed solar modules would not be characterized as hazardous waste. If not, would USS agree to install solar panels that are not classified as hazardous waste through TCLP testing?

Yes, please see **Exhibit E** attached hereto.

40. Would the City of Torrington or USS manage vegetation within the solar array? If USS is responsible, are there reporting protocols to the City and/or DEEP if issues with the landfill cap are discovered during facility inspections/maintenance?

USS would manage vegetation within the solar array. Quarterly inspections will be conducted for the first year of operation to ensure that disturbed vegetation is re-established and erosion damage has not occurred. Results of the inspections will be provided to the City and to CTDEEP as required by any conditions of the Disruption Permit. Annual inspections will occur after the first year, and any vegetation management indicated by such inspections would be managed by USS.

41. Referencing the Petition O&M Section, would the panels be cleaned periodically? If so, how?

The panels will rarely need to be cleaned off. If necessary, USS will send a crew out to clean off residue with water.

42. Would replacement modules be stored on-site in the event solar panels are damaged or are not functioning properly? If yes, in what location?

No.