



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1611
Thursday, May 16, 2024
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

- I. Opening by Council
 - A. Statement read by Presiding Officer
 - B. Administrative Notice taken by Council

FEDERAL

1. National Institute of Environmental Health Sciences, National Institutes of Health, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. National Research Council, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. United States Department of the Interior, National Park Service, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. United States Department of Energy, Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
7. United States Quadrennial Energy Review Task Force, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
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10. United States Fish and Wildlife Service, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
12. United States Environmental Protection Agency and National Renewable Energy Laboratory, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
13. United States Department of Agriculture, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. United States Department of Agriculture, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. United States Federal Aviation Administration, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
16. United States Federal Aviation Administration, *Obstruction Evaluation Version 2023-Sep.3, Notice Criteria Tool*, available at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
17. United States Federal Aviation Administration, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at <https://www.faa.gov/sites/faa.gov/files/airports/environmental/FAA-Airport-Solar-Guide-2018.pdf>
18. United States Federal Aviation Administration, *Review of Solar Energy System Projects on Federally-Obligated Airports*, May 11, 2021, available at <https://www.federalregister.gov/documents/2021/05/11/2021-09862/federal-aviation-administration-policy-review-of-solar-energy-system-projects-on-federally-obligated>
19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

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21. ISO-New England, Inc., *2023 Regional System Plan*, November 1, 2023, https://www.iso-ne.com/static-assets/documents/100005/20231114_rsp_final.pdf
22. ISO-New England, Inc., *Regional System Plan Project List*, March 2024, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
23. ISO-New England, Inc., *2024-2033 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2024, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
24. ISO-New England, Inc., *ISO New England's Internal Market Monitor 2022 Annual Markets Report*, June 5, 2023, available at <https://www.iso-ne.com/static-assets/documents/2023/06/2022-annual-markets-report.pdf>
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26. ISO-New England, Inc., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
27. ISO-New England, Inc., *New England's Forward Capacity Auction Closes with Adequate Power System Resources for 2027/2028*, February 9, 2024, available at https://www.iso-ne.com/static-assets/documents/100008/20240209_pr_fca18_initial_results.pdf
28. ISO-New England, Inc., *FCA Results Filing in FERC Docket No. ER24-____-000*, February 21, 2024, available at https://www.iso-ne.com/static-assets/documents/100008/er24-____-000_fca_18_results_filing.pdf

STATE

Connecticut Siting Council

29. Connecticut Siting Council, Petition No. 754 - *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
30. Connecticut Siting Council, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
31. Connecticut Siting Council, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket_346/whitepprFINALpdf.pdf

32. Connecticut Siting Council, *2022 Analysis of Life-Cycle Costs of Electric Transmission Lines*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport_s.pdf
33. Connecticut Siting Council, Petition No. 1589 - USS Somers Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf
34. Connecticut Siting Council, Petition No. 1352 - Nutmeg Solar, LLC, Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 19.6-megawatt AC solar photovoltaic electric generating facility on approximately 162 acres comprised of 9 separate parcels located generally south of Bailey Road and east of Route 191 (Broad Brook Road), and associated electrical interconnection to Eversource Energy's Scitico Substation at 20 Bailey Road in Enfield, Connecticut. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1351-1360/petition-no-1352-nutmeg-solarenfield
35. Connecticut Siting Council, Petition No. 1508 - Enfield Solar One, LLC and VCP, LLC d/b/a Verogy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 110 North Street, Enfield, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1508
36. Connecticut Siting Council, Petition No. 1516 - Connecticut Green Bank and CEFIA Holdings, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 1.175-megawatt AC solar photovoltaic electric generating facility located at the Enfield & Willard Correctional Institutions at 289 and 391 Shaker Road, Enfield, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1516
37. Connecticut Siting Council, Petition No. 1557 - LSE Hercules LLC, NJR Clean Energy Ventures III Corporation Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 99, 105 and 113 Raffia Road, Enfield, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1557
38. Connecticut Siting Council, Petition No. 1572 – East Windsor Solar Two, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1572

39. Connecticut Siting Council, Petition No. 1598 - Windsor Solar One, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 445 River Street, Windsor, Connecticut, and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1598
40. Connecticut Siting Council, Petition No. 1602 - Glastonbury Solar One, LLC and VCP, LLC d/b/a Verogy, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 17 Wickham Road, Glastonbury, Connecticut, and associated electrical interconnection. January 26, 2024, Department of Energy and Environmental Protection Office of Environmental Review & Strategic Initiatives correspondence related to the classification of solar as industrial for the purposes of noise emissions, *available at* https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1602/stateagencycomments/pe1602_deep-commentsrecd_a.pdf

Department of Energy and Environmental Protection

41. Department of Energy and Environmental Protection, Connecticut Council on Soil and Water Conservation, *Connecticut Guidelines for Soil Erosion and Sediment Control*, effective date March 30, 2024, *available at* <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control> https://portal.ct.gov/-/media/DEEP/water/water_quality_management/Guidance/SESCG_CleanFinal.pdf
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52. Department of Energy and Environmental Protection, Stormwater Program, Stormwater Construction Filings, available at <https://filings.deep.ct.gov/DEEPPortal/PublicSearch/SWC>
53. Department of Energy and Environmental Protection, Stormwater Program, *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*, available at https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Water_Discharge_General_Permits/stormconstgppdf.pdf
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Department of Public Health

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Department of Transportation

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58. Department of Transportation Bureau of Engineering and Highway Operations, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <https://portal.ct.gov/-/media/DOT/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

59. Office of Policy and Management, *Conservation and Development Policies Plan for Connecticut 2018-2023*, December 4, 2019, available at <https://portal.ct.gov/OPM/IGPP/ORG/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>
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71. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).

72. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).
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TECHNICAL

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ENVIRONMENTAL

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MAPS

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94. Mail-A-Map Street Map, Enfield & Somers, available at http://mailamap.com/street_maps
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96. Connecticut Department of Energy and Environmental Protection, State Park and Forests Interactive Map, *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>
97. Connecticut Department of Energy and Environmental Protection, 2022 Forest Action Plan Priority Areas Map, *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=d4d74b090d8047ca80bb4b9ff6baa819>

C. State Agency comments

1. Council on Environmental Quality Comments, dated March 1, 2024

II. Appearance by Petitioner: Lodestar Energy LLC (**LSE**)

Representatives: Carrie Larson Ortolano, Esq.
Lodestar Energy LLC

Lee Hoffman, Esq.
Liana Feinn, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by LSE Scutum LLC and LSE Bootes, LLC, (Lodestar Energy) received February 8, 2024, and attachments.
2. Petitioner Sign Posting Affidavit, dated May 9, 2024
3. Petitioner Responses to Council Interrogatories and attachments, dated May 9, 2024
 - a. Boundary Map
 - b. Operation and Maintenance Plan
 - c. Supplemental Noise Analysis
 - d. Photolog
 - e. State Historic Preservation Office Letter
 - f. TCLP Testing
 - g. Screening Plan and Photo Simulations
4. Petitioner Response to the Town of Enfield Interrogatories and Requests for Production of Documents, dated May 9, 2024

C. Swear Witnesses

1. Jeffrey Macel, Co-Founder and Managing Director, Lodestar
2. Jeffrey Shamas, Director of Environmental Services, Vanasse Hangen Brustlin, Inc.
3. Tim Coon, P.E., J.R. Russo & Associates, LLC.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Town of Enfield
3. Grouped Resident Intervenors

III. Appearance by Party:

Town of Enfield (**TOWN**)

Representatives:

Mark Cerrato, Esq.
Office of the Town Attorney

Jeffrey J. Mirman, Esq.
Hinckley, Allen, & Snyder, LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of Enfield Request for Intervenor Status and Request for Public Hearing, dated March 6, 2024
2. Town of Enfield Pre-Filed Testimony of Thomas Tyler, dated May 8, 2024
3. Town of Enfield Pre-Filed Testimony of Karen LaPlante, dated May 9, 2024

C. Swear Witnesses

1. Thomas Tyler, Interim Town of Enfield Attorney, Tyler & Tyler, LLC
2. Karen LaPlante, Chairperson – Enfield Agricultural Commission, Vice Chairperson – Enfield Conservation Commission

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Grouped Resident Intervenors

IV. Appearance by Grouped Resident Intervenors:

Barbara Audet,
Jennifer Krasinkiewicz, and
John Cox (**RES**)

Representative:

John Cox

A. Administrative Notice.

B. Exhibits for Identification.

1. Barbara Audet Request for Intervenor Status, dated March 8, 2024
2. Jennifer Krasinkiewicz Request for Intervenor Status, dated March 8, 2024
3. John Cox Request for Intervenor Status, dated March 15, 2024

C. Swear Witnesses

1. Barbara Audet
2. Jennifer Krasinkiewicz
3. John Cox

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Enfield

V. Continuation by Connecticut Siting Council.