

In The Matter Of:
STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1310
September 19, 2017

BCT Reporting LLC
PO Box 1774
Bristol, CT 06010
860.302.1876

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1310

Request for Declaratory Ruling that No
Certificate of Environmental Compatibility
and Public Need is Required for the Proposed
Construction, Maintenance and Operation of a
50-Megawatt AC Solar Photovoltaic Electric
Generating Facility on Approximately 561
Acres Comprised of 29 Separate and Abutting
Privately-Owned Parcels Located Generally
North of Wauregan Road in Canterbury,
Connecticut, and South of Rukstela Road and
Allen Hill Road in Brooklyn, Connecticut

Regular Hearing held at the Brooklyn
Community Center, Main Room, 31 Tiffany Street,
Brooklyn, Connecticut, Tuesday, September 19,
2017, beginning at 3:00 p.m.

H e l d B e f o r e :

ROBIN STEIN, Chairman

1 A p p e a r a n c e s:

2 Council Members:

3 JAMES J. MURPHY, JR.

4 Vice Chairman

5

6 ROBERT HANNON,

7 DEEP Designee

8

9 LARRY P. LEVESQUE,

10 PURA Designee

11

12 MICHAEL HARDER

13 DR. MICHAEL W. KLEMENS

14 ROBERT SILVESTRI

15 DANIEL P. LYNCH, JR.

16

17 Council Staff:

18 MELANIE BACHMAN, ESQ.,

19 Executive Director and Staff Attorney

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21 MICHAEL PERRONE,

22 Siting Analyst

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24 LISA A. MATHEWS,

25 Office Assistant

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e a r a n c e s:(cont'd)
 LOCKE LORD, LLP
 20 Church Street
 Hartford, Connecticut 06103
 BY: DAVID W. BOGAN, ESQ.

1 THE CHAIRMAN: I'd like to call to order
2 the meeting of the Connecticut Siting Council
3 today, Tuesday, September 19, 2017, at
4 approximately 3 p.m.

5 My name is Robin Stein. I'm Chairman of
6 the Connecticut Siting Council. Other members of
7 the Council present are Senator Murphy, our Vice
8 Chairman; Mr. Hannon, designee from the Department
9 of Energy and Environmental Protection;
10 Mr. Levesque, designee from the Public Utilities
11 Regulatory Authority; Mr. Silvestri; Dr. Klemens;
12 Mr. Harder; and Mr. Lynch.

13 Members of the staff present are
14 Attorney Melanie Bachman, our Executive Director;
15 Mr. Perrone, our siting analyst; and Lisa
16 Matthews, our office assistant.

17 This hearing is held pursuant to the
18 provisions of Title 16 of the Connecticut General
19 Statutes and of the Uniform Administrative
20 Procedure Act upon a petition from Quinebaug
21 Solar, LLC, for a declaratory ruling that no
22 certificate of environmental compatibility and
23 public need is required for the proposed
24 construction, maintenance and operation of a
25 50-megawatt AC solar photovoltaic electric

1 generating facility on approximately 561 acres
2 comprised of 29 separate and abutting privately
3 owned parcels located generally north of Wauregan
4 Road in Canterbury, Connecticut, and south of
5 Rukstela Road and Allen Hill road in Brooklyn,
6 Connecticut. This petition was received by the
7 Council on June 15, 2017.

8 As a reminder to all, off-the-record
9 communication with a member of the Council or
10 member of the Council's staff upon the merits of
11 this petition is prohibited by law. At the moment
12 the party is the petitioner, Quinebaug Solar,
13 Attorney Bogan representing the petitioner.

14 We will proceed in accordance with the
15 prepared agenda, copies of which are available in
16 the back, or side back. Also available there are
17 copies of the Council's citizens guide to siting
18 council procedures. And at the end of this
19 afternoon's session we will recess and then resume
20 again for the public hearing portion at 6:30 p.m.

21 The 6:30 p.m., as I just stated, is
22 reserved for the public to make brief oral
23 statements into the record. I wish to note that
24 parties and interveners, including their
25 representatives and witnesses are not allowed to

1 participate in the public comment session.

2 I also wish to note for those who are
3 here and for the benefit of your friends and
4 neighbors who are unable to join us for the public
5 comment session, that you or they may send written
6 statements to the Council within 30 days of the
7 date hereof, and such written statements will be
8 given the same weight as if spoken at the hearing.

9 If necessary, party and intervener
10 presentations may continue after the public
11 comment session if time remains. A verbatim
12 transcript will be made of the hearing and
13 deposited with the town clerks' offices in
14 Brooklyn, Canterbury and Plainfield for the
15 convenience of the public.

16 Do we have any public official who
17 wishes to speak at this time?

18
19 (No response.)
20

21 THE CHAIRMAN: Okay. We have a request
22 for party status from Troy and Meghan Sposato.

23 Attorney Bachman may wish to comment.

24 MS. BACHMAN: Thank you, Mr. Chairman.

25 Staff recommends approval of the request

1 for party status.

2 MR. HANNON: So moved.

3 MR. MURPHY: Second.

4 THE CHAIRMAN: All those in favor
5 signify by saying, aye.

6 THE COUNCIL: Aye.

7 THE CHAIRMAN: Opposed? Abstention?

8

9 (No response.)

10

11 THE WITNESS: The motion carries.

12 I wish to call your attention to those
13 items shown on the hearing program marked as Roman
14 numerals 1D, items 1 through 117.

15 Does the petitioner or any party have an
16 objection to these items that the Council has
17 administratively noticed?

18 MR. BOGAN: Good afternoon, Mr.
19 Chairman. David Bogan on behalf of the
20 petitioner.

21 No objections.

22 THE CHAIRMAN: Okay. Thank you.

23 Accordingly the Council administratively notices
24 these existing documents, statements and comments.

25 And we'll now ask the petitioner to

1 present your witness panel for the purpose of
2 taking the oath, and the Council's staff attorney
3 will administer the oath.

4 MR. BOGAN: Thank you, Mr. Chairman.

5 Beginning with my far left, your far
6 right is Dale Knapp of NextEra Energy Resources,
7 also at Tetra Tech. To his right is Ms. Briony
8 Angus of Tighe & Bond.

9 To her right is Aaron Svedlow. He's a
10 project manager, also of NextEra Energy Resources.
11 And finally to his right, my immediate left is Mr.
12 Dave Cook of NextEra Energy Resources.

13 THE CHAIRMAN: Please rise to take the
14 oath.

15
16 AARON SVEDLOW,

17 DALE KNAPP,

18 DAVID COOK,

19 BRIONY ANGUS,

20 called as witnesses, being first duly
21 sworn by the Executive Director, were
22 examined and testified on their oaths as
23 follows:

24 MR. BOGAN: If I may? For purposes of
25 identification and verification I'll take them

1 slightly out of order. Looking at items one and
2 three on the printed agenda, number one being the
3 petition itself for a declaratory ruling and
4 number three being the responses to certain
5 interrogatories propounded by the Council. If I
6 may collectively ask the panel?

7 Did you prepare, cause to be prepared or
8 assist in the preparation of the items noted as
9 numbers one and three for identification?

10 First beginning with Mr. Knapp. Yes or
11 no?

12 THE WITNESS (Knapp): Yes.

13 MR. BOGAN: Ms. Angus?

14 THE WITNESS (Angus): Yes.

15 MR. BOGAN: Mr. Svedlow?

16 THE WITNESS (Svedlow): Yes.

17 MR. BOGAN: And Mr. Cook?

18 THE WITNESS (Cook): Yes.

19 MR. BOGAN: And are there any changes,
20 corrections, additions that you wish to make to
21 either items one or three, Mr. Knapp?

22 THE WITNESS (Knapp): No.

23 MR. BOGAN: Ms. Angus?

24 THE WITNESS (Angus): No.

25 MR. BOGAN: Mr. Svedlow?

1 THE WITNESS (Svedlow): I do have one
2 correction under item three in the response to
3 interrogatories CSC, number three, related to the
4 PURA review of the project's PPA. That was
5 approved by PURA on September 13, 2017.

6 MR. BOGAN: Thank you.

7 MR. LYNCH: Excuse me. Can you repeat
8 that date?

9 THE WITNESS (Svedlow): Again, that's
10 September 13, 2017.

11 MR. LYNCH: Thank you.

12 MR. BOGAN: And Mr. Cook, any changes
13 you wish to make to the information?

14 THE WITNESS (Cook): No.

15 MR. BOGAN: And with that one change, is
16 the information contained in items one and three
17 accurate and true to the best of your knowledge
18 and information, Mr. Knapp?

19 THE WITNESS (Knapp): Yes, it is.

20 MR. BOGAN: Ms. Angus?

21 THE WITNESS (Angus): Yes.

22 MR. BOGAN: Mr. Svedlow?

23 THE WITNESS (Svedlow): Yes.

24 MR. BOGAN: And Mr. Cook?

25 THE WITNESS (Cook): Yes.

1 MR. BOGAN: And then turning to items
2 two and four, items two being the response
3 tendered on behalf of the applicant to a letter
4 submitted by the Department of Agriculture, the
5 response being dated August 1; and also item four
6 which were the signs and field review driving
7 route.

8 Let me ask Mr. Svedlow and Ms. Angus.
9 Did you oversee the preparation or cause to be
10 prepared the items known as items two and four?

11 THE WITNESS (Angus): Yes.

12 THE WITNESS (Svedlow): Yes.

13 MR. BOGAN: And Mr. Knapp, did you also
14 assist in the preparation of the response to the
15 Department of Agriculture letter?

16 THE WITNESS (Knapp): Yes, I did.

17 MR. BOGAN: And do any of you have any
18 changes to make to items two or four? Mr. Knapp?

19 THE WITNESS (Knapp): No, sir?

20 MR. BOGAN: Ms. Angus?

21 THE WITNESS (Angus): No.

22 MR. BOGAN: Mr. Svedlow?

23 THE WITNESS (Svedlow): No.

24 MR. BOGAN: And is the information
25 contained in items two and four true and accurate

1 to the best of your knowledge and information, Mr.
2 Knapp?

3 THE WITNESS (Knapp): Yes.

4 MR. BOGAN: Ms. Angus?

5 THE WITNESS (Angus): Yes.

6 MR. BOGAN: Mr. Svedlow?

7 THE WITNESS (Svedlow): Yes.

8 MR. BOGAN: And do you adopt the
9 contents of those various filings as your
10 testimony in this matter? Mr. Knapp?

11 THE WITNESS (Knapp): Yes.

12 MR. BOGAN: Ms. Angus?

13 THE WITNESS (Angus): Yes.

14 MR. BOGAN: Mr. Svedlow?

15 THE WITNESS (Svedlow): Yes.

16 MR. BOGAN: Mr. Cook?

17 THE WITNESS (Cook): Yes.

18 MR. BOGAN: The witnesses are available,
19 and I offer them as full exhibits.

20 THE CHAIRMAN: Does the party have any
21 objection to the items?

22
23 (No response.)

24
25 THE CHAIRMAN: If not, we'll admit the

1 petitioner's exhibits.

2 MR. BOGAN: Thank you, Mr. Chairman.

3 THE CHAIRMAN: We'll now begin
4 cross-examination of the petitioner by council
5 staff, Mr. Perrone.

6 MR. PERRONE: Thank you, Mr. Chairman.

7 I understand that there are 50 abutting
8 property owners identified in the petition. And
9 in response to council interrogatory number 1 we
10 know that there's 13 that signed a letter stating
11 that they don't object to the proposed project.

12 Generally what kind of responses have
13 you received from the other abutters?

14 THE WITNESS (Svedlow): So I did not
15 personally have a lot of interactions with the
16 abutters. Some of my former colleagues did. With
17 any project like this of this scale there's been
18 mixed responses, certainly.

19 You know, our effort with that abutter
20 outreach was to provide information, answer
21 questions, introduce the project, et cetera. And
22 as you can see our response to CSC-1, there were a
23 number of folks that were generally in favor and
24 not against it, but we didn't encounter too many
25 folks that were adamantly against it.

1 MR. PERRONE: And there were some areas
2 where they may have asked for some additional
3 visual screening?

4 THE WITNESS (Svedlow): Yeah, correct.

5 MR. PERRONE: I understand the Council
6 has received a letter of support from the first
7 selectman of Canterbury. Have you received any
8 comments from the Town of Brooklyn?

9 THE WITNESS (Svedlow): So we have done
10 quite a bit of outreach with the Town of Brooklyn.
11 We had worked with them on a tax stabilization
12 agreement plan. They voted on that and -- and
13 passed a resolution to work with us to prepare
14 that plan, and we have had a fair amount of
15 interaction with them.

16 MR. PERRONE: Have you received any
17 comments from the Town of Plainfield located
18 within 2500 feet of the project?

19 THE WITNESS (Svedlow): I'm not aware of
20 any.

21 MR. PERRONE: Okay. Is it correct to
22 say that the electric power generated would be fed
23 into the ISO New England grid via a transmission
24 connection?

25 THE WITNESS (Svedlow): That's correct.

1 MR. PERRONE: And is it also correct to
2 say it would generally flow to where it is needed
3 within our New England region?

4 THE WITNESS (Svedlow): I'm not an
5 electrical engineer, but it -- it's put out on the
6 electrical grid.

7 MR. PERRONE: I'm going to move onto
8 agriculture.

9 On page 2 of the soils mitigation plan,
10 under tab R it notes that the results from a
11 valuation of soil test pits indicated that
12 farmland soil designations were generally
13 accurate. However, in response to council
14 interrogatory number eight, Quinebaug notes that
15 per a site visit the forested central and eastern
16 portions of the site would not be considered prime
17 farmland.

18 Could you explain why you got slightly
19 different results from a site visit versus the
20 test pits?

21 THE WITNESS (Knapp): I could jump on
22 that one.

23 There is a soil map included in our
24 exhibits, and so the portions that were reviewed
25 initially and the places where I dug pits were the

1 areas that were identified by NRCS mapping as
2 prime statewide, or locally significant farmland
3 soils. My site visit was intended to confirm
4 their presence.

5 The other portions of the site did not
6 contain prime -- mapped prime farmland soils.
7 And my paperwork confirmed that rocky, bony, stony
8 mineral material was present, so not suitable.

9 MR. PERRONE: And also on that same
10 topic, in the DEEP comments DEEP notes that the
11 sand and gravel excavation does not host any
12 soils, prime farmland or otherwise.

13 Do you agree with that?

14 THE WITNESS (Knapp): I would.

15 MR. PERRONE: And lastly on this topic,
16 Quinebaug notes that in response to council
17 interrogatory number eight, that the estimated
18 agricultural soil disturbances based on the
19 mapping are likely to be greater than the actual
20 impacts.

21 So you're saying that the 1.6 acres of
22 project impacts to prime farmland is conservative?

23 THE WITNESS (Angus): Yes. Yeah, so
24 what we did to calculate that number was take the
25 area of the proposed access roads and electrical

1 equipment paths, but in some areas as -- as folks
2 who might have seen today, there are -- there are
3 areas where the access roads though the site won't
4 need to be improved at all. So we do believe
5 that number is conservative.

6 MR. PERRONE: Okay. Because I
7 understand we were given three numbers. So two of
8 them are accurate and one is conservative?

9 THE WITNESS (Angus): (Nodding
10 affirmatively.)

11 MR. PERRONE: Also, I'd say moving onto
12 cultural resources, in response to council
13 interrogatory number 14 I understand that the
14 state historic preservation office is reviewing
15 the scope of work for a phase 1B cultural
16 resources survey.

17 To date have you received a response
18 from SHPO?

19 THE WITNESS (Angus): We have not.

20 MR. PERRONE: Moving onto wildlife. To
21 date have you received any follow-up
22 correspondence from DEEP after the wildlife
23 surveys were performed by Tetra Tech?

24 THE WITNESS (Svedlow): Yeah, but we did
25 receive some comments from DEEP as part of the

1 petition.

2 MR. PERRONE: But no additional beyond
3 what's in the petition right now?

4 THE WITNESS (Svedlow): Not that I'm
5 aware of.

6 MR. PERRONE: As far as vernal pool
7 buffers, my understanding is you maintain the
8 minimum of 50 in general as a minimum for vernal
9 pool buffers?

10 THE WITNESS (Knapp): There's a minimum
11 50-foot buffer that we maintain around all
12 identified aquatic resources including vernal
13 pools, but that increases in areas as you can see
14 on the schematics submitted.

15 MR. PERRONE: Had you considered a
16 hundred-foot buffer which would be the vernal pool
17 envelope?

18 THE WITNESS (Knapp): We had discussed
19 that early on in some of the design discussions,
20 but some vernal pools on the site were either
21 man-made or low productivity. Not really what you
22 would consider a true vernal pool per
23 the definition.

24 There was a small complex that's
25 identified in some of our materials submitted that

1 we identified on the western side of the parcel,
2 that that has an additional buffer around it.

3 DR. KLEMENS: Per what definition of a
4 vernal pool?

5 THE WITNESS (Knapp): Thinking about a
6 seasonal habitat that's ephemeral, natural, not
7 containing predatory fish, no permanent inlet or
8 outlet. Sort of an accepted regional definition.

9 DR. KLEMENS: Thank you.

10 MR. PERRONE: And I asked about 50
11 versus 100-foot. Had you also sought to minimize
12 development within the 100-foot to 750-foot
13 critical terrestrial habitat areas?

14 THE WITNESS (Knapp): We focused the
15 development around the vernal pools on the western
16 side of the site within the existing agricultural
17 field, so trying to preserve the existing forest
18 there.

19 If you noticed on the site visit,
20 there's quite a significant break in slope there
21 below that rear parking lot. So the forest below,
22 that would remain as well along the river and
23 offsite.

24 MR. PERRONE: Moving onto water quality.
25 I understand that the proposed project would not

1 be located in proximity to a public water supply
2 well, but do adjacent properties use private wells
3 for drinking water?

4 THE WITNESS (Svedlow): I would assume
5 that some of them do. I have no direct knowledge
6 of that, though.

7 MR. PERRONE: How would construction
8 activities potentially affect private wells?

9 THE WITNESS (Cook): I don't believe
10 there would be an impact.

11 MR. PERRONE: Turning to the Department
12 of Energy and Environmental Protection comments,
13 towards the end of the comments is an attachment
14 called storm water management. And on 1, 2 --
15 page 3 of that attachment DEEP has some
16 recommendations for a storm water pollution
17 control plan.

18 Has Quinebaug had a chance to review
19 this document?

20 THE WITNESS (Angus): We have reviewed
21 it with NextEra and Quinebaug Solar. And
22 certainly DEEP's recommendations for phasing in
23 construction period storm water pollution controls
24 is something that we have talked about
25 extensively. And we'll be submitting a storm

1 water pollution control plan for the project.

2 MR. PERRONE: But generally, would you
3 be able to comply with these recommendations?

4 THE WITNESS (Angus): Yes.

5 MR. PERRONE: Okay.

6 THE CHAIRMAN: We have a follow-up
7 question from Mr. Hannon.

8 MR. HANNON: Thank you, Mr. Chairman.

9 I understand what you're saying. For
10 example, on page 6-11 of the application it talks
11 about activities at the project site would be
12 phased to avoid disturbing some five acres and so
13 on.

14 However, back at the back -- but I
15 thought there were comments in here that in
16 essence it -- okay. This would be tab N,
17 page 3-2. The project is proposed to be
18 constructed sequentially in a single phase.

19 So how do you justify a single phase of
20 200-plus acres and still meeting what the
21 department requires in terms of the five-acre
22 chunks, if you will?

23 THE WITNESS (Angus): Sure. Well, the
24 comment regarding a single phase just means that
25 it will be one sort of uninterrupted construction

1 duration for the project, but the site development
2 will be staged in the five-acre segments per
3 DEEP's requirements.

4 It just means that they won't build
5 20 megawatts now and 20 megawatts in 2019.

6 MR. HANNON: Okay. I'm just trying to
7 make sure, because you can look at that and read
8 it as two totally different things.

9 THE WITNESS (Svedlow): Understood.
10 Yeah, I think the discrepancy is in, sort of,
11 our -- as a developer, our interpretation of the
12 words "phased construction" typically means you
13 build half a project. And then maybe in the
14 future you build the remainder.

15 Whereas, I think the alternate
16 interpretation is the clearing of the facility and
17 the ground disturbance will be phased, as in the
18 clearing of five acres at a time, the
19 stabilization and the clearing condition.

20 MR. HANNON: So then if the Council were
21 to actually approve this project you wouldn't have
22 any problems with that kind of language being
23 incorporated as a condition of approval, I'm
24 assuming?

25 THE WITNESS (Svedlow): For the

1 clearing, for the phase clearing? No I don't.
2 We're all -- we're willing to commit to that.
3 We're already committing to that. We have no
4 problem with that.

5 THE CHAIRMAN: Mr. Silvestri also has a
6 followup.

7 MR. SILVESTRI: Thank you, Mr. Chairman.

8 Staying with storm water, the sections I
9 reviewed contained information concerning various
10 precipitation even spanned 24 hours. In addition
11 to those I have concern about deluge events.

12 You know, more and more we're seeing
13 deluge precipitation events of four to five inches
14 in one to two hours, particularly of late in
15 Northern Connecticut and Southern Massachusetts.

16 Have you considered these deluge events
17 for both construction and operation of the
18 project? And can the proposed management measures
19 handle such events?

20 THE WITNESS (Angus): So the storm water
21 management report that was is in the petition,
22 that is a -- it's more focused on post
23 construction how the site will handle storm water
24 once the site is established. And given the
25 proposed restoration and, you know, groundcover

1 for the project, major erosion, sedimentation and
2 water issues are not anticipated.

3 The storm water pollution control plan
4 will go into far greater detail about construction
5 period mitigation and safeguards. And you know,
6 certainly that's something that we are considering
7 more and more these days, you know, working and
8 building these project in the Northeast, and
9 that's something we'll advise Quinebaug Solar on.

10 MR. SILVESTRI: So in your upcoming plan
11 you will include deluge?

12 THE WITNESS (Angus): We certainly can,
13 yes.

14 MR. SILVESTRI: Thank you.

15 Thank you, Mr. Chairman.

16 THE CHAIRMAN: Mr. Harder?

17 MR. HARDER: Yes. Thank you,
18 Mr. Chairman.

19 Just a followup on the sequencing in
20 question. The petition, or at least one part of
21 the petition stated it -- in terms of it, that it
22 was your goal to follow the five-acre sequencing
23 requirement, or goal maybe of the department. The
24 way you were just talking it sounded like it was
25 more of a commitment to do that, that that was

1 something you're absolutely going to follow.

2 And I guess my question is, which is the
3 case? If it's a goal, do you see situations where
4 you wouldn't be able to meet that? And if so,
5 what would those situations be?

6 THE WITNESS (Angus): I feel like our
7 DEEP permit is going to make us comply with it, so
8 we will.

9 THE WITNESS (Svedlow): Yeah, that was
10 the feeling I got, too. I think we were a little
11 bit more vague in our petition. Mr. Hannon had
12 indicated pretty strongly that that was going to
13 be something they were looking for just now.

14 So I think it's something we're willing
15 to commit to. And it was also, I believe, part of
16 the comments from DEEP in that letter that they
17 sent out.

18 MR. HARDER: Okay. Thank you.

19 MR. PERRONE: In response to council
20 interrogatory number 57, I understand the FEMA
21 flood zone maps were included. But could you just
22 tell us qualitatively which areas of the project
23 would be within flood zones, because I did not see
24 that in the legend on the drawings?

25 THE WITNESS (Angus): Let me consult our

1 figures one second.

2 Although I can -- I can say based on
3 review of the flood insurance rate maps that it's
4 the western portion of the site that has the
5 portions of the 500-year floodplain.

6 Yeah, I apologize. I don't have the
7 forms with me. I just have our response, so I
8 can't point to exactly where those areas are.

9 MR. PERRONE: Okay. That's fine, but
10 generally the 500-year flood areas where the
11 project would be located would be to the west?

12 THE WITNESS (Angus): Correct.

13 MR. PERRONE: Any 100-year flood?

14 THE WITNESS (Angus): No for a
15 hundred-year floodplain.

16 MR. PERRONE: Moving onto response to
17 council interrogatory number 26, the question had
18 asked for approximate dimensions for the
19 transformers and inverters. I see one set of
20 dimensions.

21 Is that basically the transformer and
22 inverter lumped together as one unit?

23 THE WITNESS (Cook): That's correct.

24 THE WITNESS (Angus): Okay. And in
25 response to council interrogatory number 35

1 Quinebaug anticipates that the ISO New England
2 reliability committee at its September meeting
3 would find no significant adverse impact to the
4 transmission system.

5 Do you have any updates on the status of
6 this review?

7 THE WITNESS (Svedlow): I don't
8 currently.

9 MR. PERRONE: Okay.

10 And onto the substation topic. Is it
11 correct to say that the petitioner would own the
12 substation all the way up through the generator
13 step-up transformer?

14 THE WITNESS (Cook): Typically the point
15 of demarcation between the project owner and the
16 transmission entity would be on the high side, or
17 where the -- sorry, where the power has already
18 been increased to the transmission voltage level
19 on that side of the GSU.

20 MR. PERRONE: So Eversource's ownership
21 would begin on the 115 kV side?

22 THE WITNESS (Svedlow): Yes, that's
23 generally correct. There is what's called a point
24 of change of ownership that's identified in the
25 final large generator interconnection agreement.

1 And that determines -- will be determined in that
2 agreement, but you are generally correct.

3 MR. PERRONE: And Eversource's equipment
4 and the transmission connection, are you seeking
5 to have that part of this petition? Or if this
6 project is approved, would it be filed as a
7 separate petition by Eversource?

8 THE WITNESS (Svedlow): My -- my
9 expectation is that it's part of this petition.
10 There's some language in the petition describing
11 that.

12 MR. PERRONE: And if approved, the final
13 details of that could be included in the
14 development and management plan?

15 THE WITNESS (Svedlow): Yes.

16 MR. PERRONE: One minor question about
17 cost also tied in with the topic. I understand
18 that the proposed project cost is \$50 million. Is
19 the substation and transmission connection
20 included or excluded from that number?

21 THE WITNESS (Svedlow): I should say
22 that's the -- the minimum cost of the project. So
23 our expectation is it may be higher than that. It
24 likely will be higher than that, but the overall
25 project cost would include all of the

1 infrastructure required for the project, including
2 any pieces of equipment that Eversource would
3 ultimately own would be paid for by the project.

4 MR. PERRONE: Okay. And I understand
5 that both the substation and the proposed solar
6 facility would be fenced.

7 My question is, does the National
8 Electric Code only require fencing for the
9 substation? Or does it also require fencing for
10 the solar facility?

11 THE WITNESS (Cook): I'm not aware of
12 the specific code requirements on the fencing of
13 the facility.

14 MR. PERRONE: And then turning to the
15 topic of snow, on response to council
16 interrogatory number 72, Quinebaug notes that the
17 racking system will be designed to accommodate the
18 maximum snow load for this location.

19 Does that come from the state building
20 code?

21 THE WITNESS (Angus): Yes.

22 MR. PERRONE: Do you know offhand what
23 the snow load is that they used for that?

24 THE WITNESS (Angus): Remind me of the
25 process for turning around and asking someone

1 else?

2 THE WITNESS (Cook): Yeah, I do not know
3 the snow load pounds per square inch.

4 THE WITNESS (Angus): We don't know for
5 this. Okay?

6 MR. PERRONE: That's okay. I understand
7 that any snow that stays on the panels would not
8 be cleared. Is some allowance or assumption of
9 snow cover buried into your model when you
10 calculate annual energy production?

11 THE WITNESS (Svedlow): Yes.

12 THE CHAIRMAN: Mr. Silvestri has another
13 follow-up.

14 MR. SILVESTRI: Thank you, Mr. Chairman.
15 Staying with the snow load, I'm
16 remembering back to February 9th of 2013. Can the
17 panels accommodate a 30 to 40-inch snow load?

18 THE WITNESS (Angus): The -- the racking
19 manufacturer is the, you know, designs the snow --
20 designs the panels -- the racking, excuse me, for
21 the site-specific location to meet code. I'm not
22 sure if they took that particular weather event
23 into account.

24 MR. SILVESTRI: Thank you.

25 THE CHAIRMAN: Mr. Lynch has one.

1 MR. LYNCH: Again staying with the snow
2 for a minute. And I'm probably not comparing
3 apples to oranges, but I know on some rooftop
4 homes and commercial establishments, the storm
5 that Mr. Silvestri was referring to, a lot of
6 these racks collapsed damaging the panels there.

7 Now I'm just following up on
8 Mr. Silvestri. Is that something that's a concern
9 of yours with a heavy snow?

10 THE WITNESS (Svedlow): It's generally
11 not. We have a number of projects operating in
12 the -- in the northern latitudes that deal with
13 snow loads on an annual basis. It's a different
14 type of racking system used for a ground mounted
15 facility as compared to a rooftop mounted or a
16 commercial facility.

17 MR. LYNCH: That's what I thought.

18 Thank you very much.

19 MR. PERRONE: Now I'd like to ask about
20 carbon debt analysis. I understand that a
21 comparison was made to an equivalent natural gas
22 plant. Was that compared to a simple cycle
23 combustion turbine, or a combined cycle?

24 THE WITNESS (Angus): Can you remind us
25 what interrogatory you're on?

1 MR. PERRONE: Fifty-one.

2 THE WITNESS (Svedlow): I don't have
3 direct knowledge of that. We can get back to you
4 on that.

5 MR. PERRONE: That's okay. And I
6 understand it was based on a comparison to an
7 equivalent natural gas plant, but has Quinebaug
8 looked at loss of carbon sequestration and carbon
9 associated with producing the panels versus carbon
10 reduction by displacing generation?

11 In other words, leaving the natural gas
12 plant out of it and just doing a straight
13 comparison?

14 THE WITNESS (Svedlow): We have not done
15 that analysis, however I have worked with
16 EarthShift Global who did the summary analysis
17 that's included in our response. And I know that
18 type of analysis is possible.

19 THE CHAIRMAN: I just want to do a
20 followup.

21 Have you also -- I don't know whether
22 carbon debt analysis is the proper turn, but
23 compared with, for example, under zoning. I guess
24 my first question to you is, what is the property
25 zoned for?

1 THE WITNESS (Svedlow): What is the
2 property zoned for? The municipality -- I'd have
3 to look in the petition.

4 THE CHAIRMAN: Well, my question is --
5 and this may be something you can look into based
6 on what the existing zoning is, if an as-of-right
7 development were actually to happen on this
8 property -- I know at one point they were talking
9 about a golf course, but maybe an as-of-right
10 would be a residential.

11 I don't know. Just off the top of my
12 head I can't remember what the zoning is, how that
13 would be different than what you're proposing as
14 far as you would presumably -- a subdivision would
15 replace trees and agriculture grass, and obviously
16 blacktop. So have you considered doing that
17 analysis so we have a sort of real-life
18 comparison?

19 THE WITNESS (Angus): Just to answer
20 your question on the zoning, Brooklyn is
21 residential/agriculture. And Canterbury is rural.

22 THE WITNESS (Svedlow): So to answer the
23 second part of your question, no, we have not done
24 that analysis or contemplated it.

25 We have done an analysis of what our

1 energy production will offset in terms of metric
2 tons of carbon dioxide emissions. And that's
3 provided in the response to interrogatory number
4 50. We can evaluate that further potentially.

5 THE CHAIRMAN: You may want to. I don't
6 know what those two designations, without going
7 more into the zoning regulations, allow as far as
8 size of lots, for example presuming they do allow
9 residential development.

10 So you may want to look into that.

11 THE WITNESS (Svedlow): I'll just add,
12 if I may, Mr. Chairman? That out facility will
13 have a net positive effect on greenhouse gas
14 emissions. And I think it would be unlikely that
15 any other type of development would have a net
16 positive effect on greenhouse gas emissions if
17 it -- unless it was another type of renewable
18 energy development.

19 THE CHAIRMAN: Okay. Thank you.

20 Mr. Silvestri?

21 MR. SILVESTRI: I have another one
22 regarding the revised carbon debt analysis. Just
23 to make clear, the 76,954 metric tons of carbon
24 that have been, say, offset on an annual basis,
25 does that number include the loss of CO2

1 sequestering from the trees?

2 THE WITNESS (Svedlow): So if you look
3 at that response and compare it to the response to
4 51, the response in 51 notes that we will be
5 paying back basically any carbon emissions from
6 the construction of the project within eight and
7 eleven years, in that time frame. So after we
8 have sort of accounted for that, then we are a net
9 positive.

10 MR. SILVESTRI: Afterwards?

11 THE WITNESS (Svedlow): Yeah.

12 MR. SILVESTRI: Okay. One other
13 followup. The revised analysis also compares the
14 CO2 reduction to removing 16,255 passenger
15 vehicles off the road for one year. Now we're not
16 going to move passenger vehicles off the road for
17 this project, but obviously it can reduce CO2 from
18 the electricity generating sector, and I believe
19 it will be more from natural gas rather than coal
20 or oil.

21 So the question I have for you, do you
22 have any idea how much natural gas would the CO2
23 reduction be equivalent to? We have numbers there
24 for coal and I think for oil, but not for natural
25 gas.

1 THE WITNESS (Angus): We don't have that
2 number offhand.

3 MR. SILVESTRI: Okay. Thank you,
4 Mr. Chairman.

5 MR. PERRONE: And turning to response to
6 council interrogatory number 42, I understand that
7 Quinebaug, as we've discussed earlier, increased
8 vegetative screening in response to abutter
9 outreach. And included in the response to number
10 42 is a drawing that's updated.

11 Is it correct to say that the only
12 change to this drawing is increased screening to
13 the west of Liepis Road?

14 THE WITNESS (Angus): Yes.

15 THE CHAIRMAN: Mr. Harder has a
16 followup.

17 MR. SILVESTRI: Yes, thank you.

18 On the issue, I guess it's interrogatory
19 number 42 also regarding the reflectivity, I think
20 your response was you expect the reflectivity of
21 as little as 2 percent.

22 What would an upper end of the range be,
23 at most?

24 THE WITNESS (Svedlow): I don't think we
25 have that number offhand. I will say that

1 we've -- we're working on another project
2 elsewhere that glare is more of an issue, at an
3 airport, for example. And we were able to get FAA
4 approval for that facility to place the panels
5 within the infield of the airport. So the
6 reflection and glare from these panels is very
7 minimal.

8 MR. HARDER: That seems to be the case.
9 It would seem the more important number or factor
10 would be an upper end of the range, not the lower
11 end. And I assume the lower might be as low as
12 two, or whatever, but -- and I assume the upper
13 end isn't really high, but it would be more useful
14 I think to know what that range would be.

15 THE WITNESS (Svedlow): A fair point.

16 MR. HARDER: The other question I had on
17 screening in the simulated photographs that show
18 where you're proposing to have screening, it still
19 shows panels.

20 And is the plan for the vegetation
21 you're proposing to put in, that those will
22 ultimately grow high enough where that would
23 screen out entirely the view of the panels? Or
24 are you expecting some of those situations where
25 the panels would still be visible to some extent?

1 THE WITNESS (Angus): I think the -- the
2 planting plan on the drawings, and as shown on the
3 renderings is a good balance between not cramming
4 too many plants in so that they don't succeed, and
5 over the course of time filling out so that it is
6 not visible.

7 But I won't say that on day one it's
8 going to be a solid wall of vegetation.

9 MR. HARDER: Right. Right. But you
10 expect over time with growth --

11 THE WITNESS (Angus): Yes.

12 MR. HARDER: -- that it would more or
13 less fully screen the view?

14 THE WITNESS (Angus): Yes. It's -- it's
15 intended to be a mix of different types of
16 vegetation, and staggered for that purpose.

17 THE CHAIRMAN: Mr. Hannon has a
18 followup.

19 MR. HANNON: Thank you.

20 It's a followup on that. I'm just
21 curious as to what the proposed maintenance plan
22 is for maintaining those trees, because we all
23 know that if something happens, they die, maybe
24 they're growing up to ten, twelve feet.

25 Are you going to replace them with a

1 two-foot high tree, you know? So do you have
2 any idea what the maintenance plan is and how you
3 would manage the landscaped buffers for the
4 project?

5 THE WITNESS (Svedlow): The landscaping
6 will be maintained as -- as described in the
7 petition. And we will replant trees if something
8 happens to one of them with, you know, a tree
9 that's sizable.

10 You know, if on year ten a tree dies it
11 may not be possible, but try to replant it with a
12 tree of equal height. But our goal is to plant
13 vegetation that effectively screens the facility
14 and maintain it as such.

15 MR. HANNON: Okay. Thank you.

16 MR. PERRONE: In response to council
17 interrogatory 64, I understand that posts will be
18 installed using a piledriver. Could you explain
19 how the piledriver process works?

20 Are the posts essentially hammered into
21 the ground? Or are they pushed into the ground
22 under pressure?

23 THE WITNESS (Cook): They're essentially
24 hammered in the ground.

25 MR. PERRONE: Okay. In response to

1 council interrogatory number 77, Quinebaug notes
2 that once constructed the project will generally
3 not result in vehicle trips other than those
4 associated with maintenance.

5 So if this project is approved, after
6 commercial operation do you have an estimate of
7 the number and frequency of vehicles visiting the
8 site?

9 THE WITNESS (Cook): The vehicle -- the
10 vehicles coming to the site during the week would
11 be the operating staff, and so they would be
12 coming and going a few times a day. And operating
13 staff is estimated to be two to five people.

14 THE CHAIRMAN: Mr. Silvestri has a
15 followup.

16 MR. SILVESTRI: I wanted to go back to
17 the interrogatory number 64 with the posts, and
18 you mentioned that they would be driven into the
19 ground. Impact noise generally is exempt from
20 Connecticut regulations for noise, but what type
21 of noise are you really going to anticipate from
22 driving all these posts into the ground?

23 In other words, is it going to be such a
24 nuisance that it's going to drive people crazy?

25 THE WITNESS (Cook): I don't know what

1 the decibel level is of that piece of equipment.
2 They do go in very quickly, depending on the soil
3 conditions.

4 MR. SILVESTRI: I just envision this
5 repetitive bang, bang, bang, going all through the
6 course of the day.

7 THE WITNESS (Cook): It's a rapid
8 hammering, but I don't have the decibel level.

9 MR. SILVESTRI: I don't know if that's
10 better or worse, but that's a concern when I was
11 looking at the number of posts and the method that
12 you were going to use to put them in.

13 THE WITNESS (Svedlow): Yeah -- no,
14 that's a good question. It's really the least
15 intrusive method of installation for a solar
16 facility. Other alternatives include concrete
17 ballast foundations and things that have a larger
18 impact on the landscape.

19 And I will note that the construction
20 period is expected to be fairly short in duration
21 and will really only happen once.

22 MR. SILVESTRI: Just to stay with that,
23 the depth of the embedded post is roughly ten to
24 twelve feet, if I read that correctly.

25 Is that correct?

1 THE WITNESS (Cook): That's the current
2 estimate, yes. The final design isn't complete
3 yet.

4 MR. SILVESTRI: And then going back to
5 one of the questions that Michael had asked you
6 about wells. What is depth to groundwater in the
7 footprint of the project? Are you going to
8 encompass groundwater at ten to twelve feet?

9 THE WITNESS (Angus): To my knowledge I
10 don't think a geotechnical study has been done at
11 the site yet. So I don't have depth to
12 groundwater.

13 THE WITNESS (Cook): That's in process,
14 that we don't have a report yet.

15 MR. SILVESTRI: Yeah. So related to
16 that, if you don't know what depth to groundwater
17 there's a number of private wells in the area. So
18 we really don't know any type of impact that you
19 have for driving these posts.

20 Is that correct?

21 THE WITNESS (Svedlow): I don't know if
22 that's correct or not. I mean, I will say there
23 are a number -- a number of water resources that
24 ring the site between the property that we propose
25 to develop, and residential areas that would

1 likely change or buffer any potential impacts to
2 groundwater.

3 MR. SILVESTRI: Yeah, that I don't know,
4 which is why I'm asking the questions. But on the
5 tour you could see all the little well caps all
6 over the place from the different houses that we
7 passed by. That's the question.

8 THE WITNESS (Knapp): If I could
9 interject one thing? The NRCS soils mapping,
10 while is certainly not as detailed as a
11 geotechnical study, it indicates a pretty decent
12 depth to groundwater. You saw out there the soils
13 are very course, and so likely it's pretty well
14 drained material, if that helps at all.

15 MR. SILVESTRI: You don't have an
16 estimate on how many properties, private
17 properties in the area have wells?

18 THE WITNESS (Knapp): I don't.

19 THE CHAIRMAN: I think Mr. Hannon, and
20 then Dr. Klemens.

21 MR. HANNON: I had raised a question out
22 on the site, which I will get to that at a later
23 point in time. But in sticking with the issue
24 with the driving of the posts down, I'm looking at
25 what you have on page 3-7.

1 And it talks about expected hours of
2 work Monday through Saturday between the hours of
3 7 a.m. and 9 p.m. And my guess is that people are
4 not going to want to hear this stuff at seven,
5 eight, nine o'clock at night.

6 So the time period which you're willing
7 to put in the posts, is that different than what
8 sort of the standard workday would be?

9 THE WITNESS (Cook): You know, we don't
10 have a specific construction schedule yet on what
11 exactly what activity will be done at what time.

12 THE WITNESS (Svedlow): Yeah, I would
13 say it's also a balance between getting it done as
14 quickly as possible and, you know, versus
15 extending the construction season over, you know,
16 multiple days.

17 MR. HANNON: Well I mean, part of the
18 reason I'm asking is because you have people that
19 may work during the day. If they've got, you
20 know, children that are in school during the day,
21 but now they're home.

22 Kids are trying to do homework.
23 Families are trying to do family things, and if
24 this is going on in the background I think that's
25 an issue that needs to be weighed.

1 THE WITNESS (Svedlow): Yeah. And I'll
2 just note on that that, you know, we -- although
3 in some discrete areas we are in close proximity
4 to some residential homes, we have a fairly hefty
5 setback to those homes. And the vast majority of
6 the project is really not in close proximity to
7 residential areas.

8 We were in the center of the project
9 today and it's quite far from any developments,
10 but I think we want to be good neighbors and can
11 be sensitive to those issues as we develop our --

12 THE WITNESS (Angus): D and M plan.

13 THE WITNESS (Svedlow): -- d and M plan.

14 MR. HANNON: Thank you, Mr. Chairman.

15 THE CHAIRMAN: Dr. Klemens.

16 DR. KLEMENS: You describe the soils as
17 course and well drained. Do you know what soil
18 types those are?

19 THE WITNESS (Knapp): Sure. If you give
20 me just one second I can walk you through the
21 dominant soils. We can visit the soil types real
22 quick, if you'd like?

23 DR. KLEMENS: I'm actually interested in
24 do you have Hinckley soils on the site?

25 THE WITNESS (Knapp): Just a moment.

1 Yeah, Hinckley, Woodbridge, Agawam,
2 Windsor.

3 DR. KLEMENS: How much percent of the
4 site is Hinckley?

5 THE WITNESS (Knapp): I need to look at
6 my map.

7 DR. KLEMENS: You can get back to me.

8 THE WITNESS (Knapp): Sure. Just give a
9 moment.

10 THE WITNESS (Svedlow): There was a --
11 if I could? There was a question raised about the
12 wells. I just wanted to revisit that if that's
13 okay, Mr. Chairman, briefly?

14 I know that's been an issue for some
15 other solar projects in the state. You know, I
16 think we're monitoring that closely with those
17 other projects. And again, they're not related to
18 ours, but we'd like to learn from what happened
19 there and hopefully mitigate and avoid those
20 issues with our project.

21 Thank you.

22 MR. PERRONE: This question is related
23 to access near the Sposato residence. Before I
24 ask the question, if we could probably turn to
25 sheet 051.

1 I understand that existing access off
2 Wauregan Road would be used as primary
3 construction access, and it abuts the 192 Wauregan
4 road, the property owned by the Sposatos, a party
5 in this proceeding. In their request for party
6 status they have concerns about impacts during the
7 construction process.

8 Has Quinebaug considered any alternate
9 construction access locations, or any plans to
10 mitigate potential impacts due to construction
11 vehicles passing within a hundred feet of their
12 property?

13 THE WITNESS (Svedlow): Yes, we have
14 considered alternate construction access from the
15 north of the project area. As we continue to
16 develop our D and M plan I think we'll have more
17 details on that.

18 It is, as with all things on a project
19 like this, a balance between reducing new
20 potential impacts and utilizing existing
21 infrastructure. And -- and our preference is to
22 utilize existing infrastructure as much as
23 possible, but also to be sensitive, again to our
24 neighbors and potentially use a northern
25 construction access, at least partially as well.

1 MR. PERRONE: Okay. And then going back
2 one sheet to sheet C-050, the Council received a
3 public comment letter from Michael Meehan. And
4 the residence is located at 265 Wauregan Road in
5 Canterbury, and there's a note in here about much
6 of the land being used for gravel operations.

7 And the question was, would the proposed
8 access only be used for the solar facility? Or
9 would it -- could it also be used for
10 transportation to gravel?

11 THE WITNESS (Svedlow): Any existing
12 roads are really -- that would be relied on for
13 the project are owned by the landowner. We have
14 rights to use them. Any new access roads that we
15 were to install would be our property and not
16 accessible for other purposes.

17 MR. PERRONE: Okay. And one last piece
18 associated with this public comment letter also on
19 sheet C-050. I understand there's a construction
20 entrance and access just directly abutting the 265
21 Wauregan Road.

22 And the question was, what is the
23 purpose of this road, and does it need to be so
24 close to their property line?

25 THE WITNESS (Svedlow): So that's

1 strictly for the installation of the gen-tie line
2 guideline, and it will not be a regularly used
3 access road.

4 THE CHAIRMAN: I think Mr. Silvestri has
5 a question.

6 MR. SILVESTRI: Thank you, Mr. Chairman.

7 As a followup to interrogatory number
8 70, on access roads, you mentioned that the
9 proposed use of the main access road is consistent
10 with existing uses for gravel extraction
11 activities.

12 My question is, do you know how many
13 gravel trucks use that road per day, and how many
14 of your contractor construction trucks would then
15 use that?

16 THE WITNESS (Svedlow): I don't know how
17 many trucks use it on a daily basis. My
18 understanding of the access road from the south
19 into the site and the gravel pits in the site,
20 they're currently not active.

21 I do not know whether or not the
22 landowner has a permit to extract gravel from
23 those areas currently, but as I understand it they
24 are -- are dormant and not actively being
25 extracted from.

1 MR. SILVESTRI: So while your answer
2 that the road is consistent with existing uses for
3 gravel extraction activities, there are no
4 activities going on?

5 THE WITNESS (Svedlow): Existing uses in
6 that, that is what that road was designed for and
7 that is what they were doing with it and can do
8 with it in the future, if they choose to.

9 MR. SILVESTRI: At a point in time, but
10 not current. Thank you.

11 THE CHAIRMAN: Senator Murphy, a
12 followup?

13 MR. MURPHY: I'd like to follow up on
14 your response about the use of any roads that you
15 put together. They would be yours and couldn't be
16 used for the gravel construction. This is a lease
17 holder interest on that, as I understand it.

18 You're leasing this property?

19 THE WITNESS (Svedlow): Yes, sir.

20 MR. MURPHY: And gravel operations owner
21 I think is the landowner for a good part of that.
22 Is that correct?

23 THE WITNESS (Svedlow): That's correct,
24 sir.

25 MR. MURPHY: And you already covered

1 that part potentially as far as the KG -- or
2 whatever it is. I understood it was a corporate
3 entity. You're not using it. I mean, it's easy
4 to say, but I'm concerned about your being able to
5 police that under the way things are structured.

6 THE WITNESS (Svedlow): So our -- our
7 solar facility's access roads will be gated, and
8 no other user will have access to them.

9 MR. MURPHY: And you don't anticipate
10 having any roads that are as you refer to them as
11 yours that you think you're going to use just for
12 yourself that are not degraded?

13 THE WITNESS (Svedlow): No. I
14 don't anticipate any of the roads --

15 MR. MURPHY: I don't anticipate the
16 gravel trucks driving around among the panels, but
17 you know, to get from one end to the other there's
18 a way that your people are going to do it. And
19 you know, they might want to do it too?

20 THE WITNESS (Svedlow): My understanding
21 is that the current access road into the property
22 that we took today, that is what has historically
23 been used for a haul road for the gravel.

24 Our new project roads will not be
25 accessible by any other user. It will be gated

1 and they'll be specifically set aside for the
2 solar project. It's not to our advantage --

3 MR. MURPHY: So you're not planning any
4 new roads for construction purposes?

5 THE WITNESS (Svedlow): We are. We are
6 planning new roads for construction purposes, sir,
7 yes.

8 MR. MURPHY: As access?

9 THE WITNESS (Svedlow): As access and
10 for construction purposes for our facility, yes.
11 They will not be accessible for gravel trucks or
12 any other uses.

13 MR. MURPHY: All right. Thank you,
14 Mr. Chairman.

15 MR. PERRONE: I just have one last
16 question. In response to interrogatory 74, if
17 cleaning of the panels would be necessary
18 Quinebaug notes that minimal water would be used
19 to remove deposits. So you would only be using
20 water, and there would not be any cleaning
21 chemicals.

22 Is that correct?

23 THE WITNESS (Cook): That's correct.

24 MR. PERRONE: Thank you. That's all I
25 have.

1 THE CHAIRMAN: I believe Mr. Knapp has
2 an answer?

3 THE WITNESS (Knapp): Mr. Klemens, I
4 don't have a mathematician's eye so it's hard for
5 me to venture a percentage of what's covered on
6 the site. But if you'd like I've got a soil map
7 that's included in the petition. And I've colored
8 in the areas on the site that are Hinckley. Is
9 that something you can take a look at it.

10 MS. BACHMAN: If we could actually get
11 that as a late-filed exhibit that would be very
12 helpful?

13 MR. BOGAN: We'd be happy to do that.

14 THE WITNESS (Knapp): And may I ask a
15 clarifying question, Mr. Klemens? For the, I
16 guess, our filing are you interested in seeing a
17 breakout of all the soil types in more detail?
18 Or --

19 MR. PERRONE: When I get to ask my
20 questions I think some of that will become clear.

21 THE CHAIRMAN: That might be a good
22 segue into, Dr. Klemens, asking your questions.

23 DR. KLEMENS: Well, thank you,
24 Mr. Chairman. I hope my voice holds up.

25 A lot of discussion has been about the

1 design and construction, and I want to take you
2 back actually to the landscape. My interest is in
3 the Hinckley soils. Can you roughly guesstimate
4 what you're looking at there? I mean, without --

5 THE WITNESS (Knapp): Fifteen to -- 15
6 to 20 percent.

7 DR. KLEMENS: So 15 to 20 percent of the
8 site is possibly Hinckley. So are you aware of
9 the DEEP predictive model for the occurrence of
10 the state endangered spadefoot toad and its
11 relationship to Hinckley soils in this section of
12 the Quinebaug valley?

13 THE WITNESS (Knapp): I am not.

14 DR. KLEMENS: Okay. What have you done
15 to search for the spadefoot? Because you need to
16 look at that -- and with DEEP, because there's a
17 model that DEEP has on predictability using that
18 soil type.

19 What work have you done to search for
20 this species, this state listed species?

21 THE WITNESS (Knapp): Personally we have
22 done incidental observations on site during
23 wetland delineations. We have surveyed the site
24 for plants, walked through it numerous times.

25 I personally was not involved in the

1 vernal pool survey work that was done originally
2 on the project.

3 DR. KLEMENS: Let me ask you more
4 specifically. Have you done nocturnal transects
5 across the site in rainy periods?

6 THE WITNESS (Knapp): We have not.

7 DR. KLEMENS: Have you put pitfall
8 arrays across the site?

9 THE WITNESS (Knapp): We have not.

10 THE WITNESS (Svedlow): Doctor, if I
11 could? This was not a species that was part of
12 the NDDB response from DEEP.

13 DR. KLEMENS: Yes, it is, sir.

14 THE WITNESS (Svedlow): Is it?

15 DR. KLEMENS: Absolutely. It is part of
16 the NDDB response.

17 THE WITNESS (Svedlow): Okay.

18 Apologies.

19 DR. KLEMENS: I wouldn't be asking if it
20 wasn't.

21 So basically, based on what you're
22 saying you really have no knowledge of whether
23 this state endangered species occurs on this site?

24 THE WITNESS (Knapp): It has not been
25 observed during our survey, no.

1 DR. KLEMENS: But you haven't used any
2 targeted surveys to look for them either.

3 THE WITNESS (Knapp): That's correct.

4 DR. KLEMENS: With accepted protocols?
5 Thank you.

6 What percentage of the site falls on
7 glacial lake beds? Are you aware of the glacial
8 lake in Plainfield, and what percentage of the
9 site might lie under the glacial Lake Plainfield?

10 THE WITNESS (Knapp): I don't.

11 DR. KLEMENS: Are you aware of the
12 correlation of the diploid pure blue-spotted
13 salamander with glacial Lake Plainfield in this
14 particular area of the state?

15 THE WITNESS (Knapp): I am not.

16 DR. KLEMENS: That's another NDDB
17 endangered species that was called out in the
18 response.

19 Have you heard anything more about have
20 they given you any guidance as to what they expect
21 you to do to determine the absence or presence of
22 these species?

23 THE WITNESS (Knapp): No, sir.

24 DR. KLEMENS: Okay. Let's go to the
25 vernal pools. You gave a definition earlier of

1 vernal pools. Are you familiar with the concept
2 of cryptic vernal pools and vernal pools, classic
3 vernal pools?

4 THE WITNESS (Knapp): I don't -- I've
5 never heard the term cryptic vernal pool, but I am
6 familiar with the definition of what a vernal pool
7 is.

8 DR. KLEMENS: There is a Calhoun and
9 Klemens, the manual that's referenced here?

10 THE WITNESS (Knapp): Yes, sir.

11 DR. KLEMENS: And you should be able to
12 understand what a cryptic vernal pool is.

13 THE WITNESS (Knapp): I cannot recall.

14 DR. KLEMENS: So maybe next time we
15 discuss you'll have read the definition and can
16 possibly comment on the cryptic vernal pools on
17 the site? Somebody can?

18 THE WITNESS (Knapp): I've got the
19 definition in front of me, sir. I'm sorry. I
20 can't recall.

21 DR. KLEMENS: Well, no. But you have --
22 it's administratively noticed and my question
23 really is -- and maybe this is something you'll
24 come back next time with, is you've discussed
25 classic vernal pools with the definition, but you

1 didn't discuss the presence of cryptic vernal
2 pools on the site. So we really don't know how
3 many vernal pools there are on the site and --
4 using an expanded definition. Is that correct?

5 THE WITNESS (Knapp): I personally
6 didn't perform the vernal pool work on the site,
7 nor did any of the reporting.

8 DR. KLEMENS: Okay. Let's turn to that
9 particular -- this monstrous petition. On Tetra
10 Tech, page 7, June 2017. What tab is this? This
11 is tab L?

12 You give a table illustrating what you
13 consider to be the five vernal pools on site. Is
14 that correct?

15 THE WITNESS (Knapp): That we provided a
16 tiered ranking for, yes.

17 DR. KLEMENS: And if you look at the
18 tiered ranking, the habitat values are all the
19 same. They're all high.

20 Is that correct?

21 THE WITNESS (Knapp): I believe so.

22 DR. KLEMENS: So what really is the
23 determining factor between these tiers, tiers
24 three and one are the biological values for it.
25 Is that correct?

1 THE WITNESS (Knapp): Yes.

2 DR. KLEMENS: Let's take a look at --
3 bear with me here. There's so much stuff here --
4 appendix B, the Connecticut vernal pool data
5 sheets. Now just for the record, these are causes
6 sheets, but cause was not involved in this study.

7 Correct?

8 THE WITNESS (Knapp): This work was
9 performed by Berg and Cariff (phonetic), so I
10 can't speak for them.

11 DR. KLEMENS: Well, you have the
12 Connecticut Association of Wetland Scientists
13 project number. Were they involved in this study,
14 or is this just their datasheet you're using?

15 THE WITNESS (Knapp): I don't know.

16 DR. KLEMENS: Let's look at the first
17 sheet. The start time and the end of time,
18 4:20 a.m. to 4:35 p.m. Is that accurate, or is
19 that an error?

20 THE WITNESS (Svedlow): If I could just
21 speak to -- thanks Briony. If I can just speak to
22 this?

23 Mr. Knapp's company didn't perform the
24 vernal pools. Another contractor did before Tetra
25 Tech came on -- that conducted these studies. So

1 I don't think Mr. Knapp will be able to speak to
2 the specifics of the vernal pool datasheets.

3 DR. KLEMENS: Well, I'm just going to
4 ask to look, and bear that in mind. If you look
5 past this first two, which I believe the timing is
6 a misprint, you'll see that the remaining vernal
7 pool assessments were conducted in 15 or 20
8 minutes per pool.

9 Now I know you can't speak to that, but
10 maybe you can provide a witness who can. But I'd
11 like to know really how you can assess
12 comprehensively a vernal pool in a single visit of
13 15 to 20 minutes?

14 That's a question. Maybe you can't
15 answer it now.

16 THE WITNESS (Svedlow): I'm sorry. We
17 can't. Yeah, we can't. Again, Mr. Knapp's
18 company didn't do the studies, nor did I. But --
19 so we can't answer that question right now.

20 DR. KLEMENS: Will you be able to
21 provide someone who can answer these questions?

22 THE WITNESS (Svedlow): Mr. Bogan?

23 MR. BOGAN: I mean, if we have to find
24 somebody we'll get them.

25 THE WITNESS (Svedlow): Yeah. I mean, I

1 can get the original contractor, certainly.

2 DR. KLEMENS: It would be helpful,
3 because I've got questions about how you can
4 basically assess comprehensively a vernal pool in
5 15 to 20 minutes on a single visit, particularly
6 as we've talked about -- you've testified that the
7 biological data is the determining factor in the
8 tiering, the landscape data all being intact.

9 Therefore, it's very important to
10 understand whether a really intense effort has
11 been made to assess the biological data to end up
12 with these tier ratings, which are really
13 determining your prioritization of vernal pools.

14 MR. BOGAN: Mr. Chairman, if I may?
15 Obviously this is an issue of significant
16 importance to the Council and Dr. Klemens. So we
17 will make sure we're able to respond to the best
18 of our ability at the next hearing.

19 DR. KLEMENS: Because if you look at
20 them you'll see that most of the sheets with the
21 exception of the first two, which I think are
22 typographical errors, there's 15 to 20 minutes
23 spent per pool.

24 You have protected areas around vernal
25 pools of 50 feet, in some cases less. And how

1 does that comport with the -- I think Mr. Perrone
2 asked you that question earlier -- with the
3 protection standards of Calhoun and Klemens, the
4 best development practice manual.

5 How can you assure this Council that
6 these vernal pools are actually going to be
7 productive and protected with that amount of land
8 left around them?

9 THE WITNESS (Svedlow): Dr. Klemens, if
10 I could? Your statement about the 50-foot buffer,
11 I believe that's a minimum. Our setbacks are from
12 vernal pools. And it's larger than that in some
13 areas.

14 I just wanted to clarify.

15 DR. KLEMENS: Correct, and Mr. Perrone
16 asked you about the envelope and the critical
17 terrestrial habitat?

18 THE WITNESS (Svedlow): No, understood.
19 Yeah. You had just indicated that in some areas
20 it was less, and I don't believe that's the case.

21 DR. KLEMENS: Twelve feet in one area
22 according to one of your interrogatories?

23 THE WITNESS (Angus): That's -- I don't
24 believe that's from a vernal pool. There's one
25 area where an existing access road is closer than

1 50 feet to a resource area, and that access road
2 will be used as part of the project.

3 DR. KLEMENS: But we don't know whether
4 or not that's a cryptic vernal pool. Do we, in
5 that wetland?

6 We're going around in a circle here, but
7 I'm trying to understand the site. If there's a
8 factor of cryptic vernal embedded in these
9 particular wetlands that makes things quite
10 different.

11 Let's go to -- another question I have
12 for you deals with interrogatory 54 about the
13 long-eared bat. And you stated that the closest
14 hibernaculum was in East Granby, but did you make
15 any effort to determine whether there are
16 hibernacula that are closer to either in Rhode
17 Island or in Massachusetts, which are actually
18 quite close to this site?

19 THE WITNESS (Knapp): We used a lot of
20 publicly available data through DEEP and IPaC to
21 develop that --

22 DR. KLEMENS: So you didn't look at the
23 adjacent states then?

24 THE WITNESS (Svedlow): So IPaC is a
25 U.S. Fish and Wildlife service tool that would

1 have looked at all known hibernacula within the
2 vicinity including in adjacent states.

3 DR. KLEMENS: On page 19, the ribbon
4 snake, which is also in the response from the
5 NDDB, is it your opinion that a minimum 50-foot
6 buffer around water features will be sufficient to
7 protect the ribbon snake?

8 Or to put it another way, do you have
9 any understanding of the terrestrial habitat usage
10 of the ribbon snake beyond the wetlands?

11 THE WITNESS (Knapp): Could you try and
12 rephrase the question?

13 DR. KLEMENS: Basically you have a
14 ribbon snake here. You say the ribbon snake is
15 protected by a minimum 50-foot buffer around the
16 wetlands.

17 And I'm asking you, do you have any
18 knowledge from the literature or directly of the
19 terrestrial habitat utilization of this listed
20 species?

21 THE WITNESS (Knapp): Yes, we do. Would
22 you like to know more? It uses the aquatic
23 habitats and then the surrounding upland shrub
24 areas for the -- for the completion of its
25 lifecycle.

1 DR. KLEMENS: Only within 50 feet? It
2 doesn't wander across the habitat or anything?

3 THE WITNESS (Knapp): No, it's not
4 limited to 50 feet.

5 DR. KLEMENS: Right. So again, what I'm
6 trying to get at here, you have narrow protected
7 areas here. You're stating that these are
8 sufficient to protect the resources, and yet we're
9 hearing something different. So I guess when we
10 have it next time we'll come back and discuss the
11 vernal pools in greater detail.

12 One of the questions I have is about the
13 blue-spotted salamander. Now I don't know if
14 you're aware or not, but we have two blue-spotted
15 salamanders in Connecticut with differential
16 protection.

17 Can you tell us what those are?

18 THE WITNESS (Knapp): Sure. I mean, I
19 might differ the vernal pool discussion until we
20 get a contractor to perform the work here.

21 DR. KLEMENS: Okay.

22 THE WITNESS (Svedlow): Yeah. And just
23 if I could elaborate on Mr. Knapp's response?
24 Yeah, I think it's important for us to get that
25 firm here to talk to you and answer those

1 questions.

2 I will say just on -- on the wildlife
3 habitat in general, I think the intention of
4 indicating that the 50-foot buffer in the
5 protected wetland areas would be beneficial to
6 species that use those types of habitat was to
7 indicate that we're not going to have undue
8 adverse effects on those areas.

9 Additionally, I would argue that the
10 solar project in general is not creating a matrix
11 that's adverse to species movement within it.
12 We're not creating a parking lot or significant
13 amounts of impervious area. Essentially the
14 project will function as a meadow after
15 construction and will not be a hostile matrix for
16 the movement of most species that occur.

17 DR. KLEMENS: Do you have data on the
18 survivorship of vernal pool species in solar
19 projects?

20 THE WITNESS (Svedlow): That has not
21 been studied, no -- to my knowledge.

22 DR. KLEMENS: So your statement is
23 conjectural at best?

24 THE WITNESS (Svedlow): Without that
25 type of study I suppose it is, sir. Yes.

1 DR. KLEMENS: Thank you.

2 Well, when your vernal pool person comes
3 back I'll also ask them if they did any minnow
4 trapping studies to determine the presence of the
5 blue-spotted salamander, which is almost
6 impossible to identify without using minnow trap
7 studies.

8 I don't think I have much more I can
9 really ask at this point, so I'll defer it to the
10 next time when they produce their vernal pool
11 expert.

12 Thank you, Mr. Chairman.

13 THE CHAIRMAN: Senator Murphy.

14 MR. MURPHY: Just a couple of things.
15 The interrogatories from the Council, 62 and 63
16 essentially indicate that the cut and fill kind of
17 balance out as to what's going to be graded and
18 what's going to be dug up, as I understand it.

19 But my question, the question that
20 arises to me is -- this is all a huge project.
21 Are there any particular areas where there's a
22 huge amount that would be cut and needed to be
23 transported to some location that's not, we'll
24 say, relatively adjacent to where this
25 particular cut is? Because this is not the

1 easiest facility to get from one end to the other
2 and so forth and so on.

3 THE WITNESS (Cook): We have not
4 developed a preliminary grading plan at this time.
5 So we haven't done that analysis yet.

6 MR. MURPHY: So you just have the
7 overall numbers, but the where and when and so
8 forth is all you have for us at this particular
9 time?

10 THE WITNESS (Cook): Correct?

11 THE WITNESS (Angus): We've also done --
12 analyzed the slopes across the entirety of the
13 property.

14 And Dave, what's the maximum slope you
15 guys are comfortable building up to?

16 THE WITNESS (Cook): It could be as high
17 as 15 percent.

18 THE WITNESS (Angus): So there, our
19 answer to those interrogatories was mostly driven
20 by the fact that there really aren't that many
21 areas on the site that exceed those slopes.

22 So that's -- that drove the answer to
23 the, you know, we don't expect a ton of site work
24 to need to occur. Even though it doesn't look
25 like a flat site when you're in there, it will

1 accommodate their project.

2 MR. MURPHY: And the other thing that
3 hasn't been touched on is the discussion about
4 noise and the 55 DBAs that's in their DEEP
5 regulations.

6 Do you know whether or not either
7 Brooklyn or Canterbury has noise regulations on
8 their own?

9 THE WITNESS (Angus): Let me consult the
10 noise study.

11 I'm not aware, based on my review of
12 this, on whether or not the two communities have
13 separate standards than -- than the DEEP
14 requirement.

15 THE WITNESS (Svedlow): And I would just
16 direct your attention maybe to table one of the
17 sound study that has the maximum sound levels
18 estimated at the residences nearby, and none of
19 them approached that state standard.

20 So we'll look into if Brooklyn or
21 Canterbury have any specific requirements, but
22 we're -- we're not even approaching that
23 threshold.

24 MR. MURPHY: I think that's all I have
25 right now, Mr. Chairman.

1 you indicate what the expected allocation is? And
2 is that subject to change over time?

3 THE WITNESS (Svedlow): Yeah. Good
4 question. Thank you, sir.

5 So I will say the final PPA that was
6 approved by PURA on the 13th allocates 50 percent
7 of the project's production to the Connecticut
8 utilities. Eversource doing business as
9 Connecticut Light & Power will purchase
10 40.18 percent of the power of the facility, and
11 United Illuminating will do 9.82 percent of the
12 project's electricity. And the remainder of the
13 project's output will be sold to Massachusetts and
14 Rhode Island.

15 So it is 50 percent. That's for a
16 20-year period. That's the term of the PPA and
17 that will not change within that 20-year period.

18 MR. HARDER: That actually touches on
19 one of my other questions, which as you mentioned
20 early on in the petition, I think, that the system
21 has approximately -- or has a 40-year design life.
22 And it caught my attention because most of the
23 systems I think that we have seen so far have been
24 described as having a 20, maybe a 25-year design
25 life.

1 And I'm wondering what's different about
2 this one? Can you say?

3 THE WITNESS (Svedlow): Maybe I can just
4 clarify that a little bit. Our lease for the
5 facility, for the property is up to 40 years.
6 We'd like to request a permit for the facility for
7 up to 40 years. The expected design life of the
8 facility is on the order of magnitude that you
9 mentioned, I think 25 to 35 years, somewhere in
10 that timeframe.

11 THE WITNESS (Cook): We have other
12 projects with agreements to sell power in the
13 30-year term range. So we have certainly had
14 design life in excess of 30 years.

15 MR. HARDER: Thank you.

16 One of my bigger concerns is the setback
17 distance you have chosen, wetland buffers of
18 50 feet. It seems kind of small, kind of short.
19 I did just a very rough survey of looking at other
20 towns, and I looked at ten towns, for example.
21 Most of them it was a hundred. There was one
22 actually that was 50. Canterbury is a hundred.
23 Brooklyn's is 125.

24 I'm wondering how you chose 50. What's
25 the basis for that? So can you explain that?

1 THE WITNESS (Svedlow): Sure. Let me
2 speak to that first, and then I think maybe Mrs.
3 Angus and Mr. Knapp may have something to add to
4 that.

5 The project location is fairly
6 constrained by wetland resources and existing
7 uses, the gravel pits for example. So part of --
8 part of that was trying to maximize the amount of
9 buildable area for this facility without having to
10 impact additional pieces of property.

11 Now with that said, my understanding is
12 the wetlands especially on the western side of the
13 project are potentially of higher quality and
14 there are some pre-setbacks in that area. I don't
15 know if you guys want to add to that at all?

16 THE WITNESS (Knapp): I think from my
17 perspective, one thing to keep in mind is there's
18 a lot of variable terrain on that site in terms of
19 the existing development there now. So if you
20 think about what might be an appropriate setback
21 for what's an existing agricultural field, sort of
22 thinking about the existing condition, if you move
23 that into having grass there, vegetation, it's
24 going to reduce runoff.

25 It's going to have an impact on water

1 quality in that wetland. So if you transition it
2 to -- to panels and have, you know, vegetation
3 there, it's likely going to be an improvement. So
4 I guess it was trying to balance.

5 And certainly the design team maybe
6 could weigh in as well.

7 THE WITNESS (Angus): I think we're all
8 saying the same thing. It was a -- it was a
9 balance between, you know, obviously when you
10 start a project like this we want zero wetland
11 impacts, and that's direct wetland impacts.

12 That's where we ended up in maintaining
13 50 for the project, aside from that one area where
14 you are already in greater proximity -- was with
15 the appropriate construction period mitigation,
16 was the right balance for what was needed for the
17 project.

18 THE WITNESS (Svedlow): And I would add
19 that, you know, I think there's probably few
20 projects in Connecticut or elsewhere that are over
21 200 acres that have zero wetland impacts and not
22 even, you know, a general permit required under
23 the Army Corps.

24 MR. HARDER: I guess somewhat related to
25 that, there's some locations where the access

1 roads and the roads you intend to use for the
2 project are fairly close. And I think you, in at
3 least one situation you've indicated that, you
4 know, that you're using or you would use an
5 existing roadway.

6 And I'm wondering, can you tell us what
7 alternatives -- although it's an existing roadway
8 it doesn't necessarily mean that there are no
9 impacts from that existing roadway. And maybe
10 there are alternatives that are better than the
11 existing roadway.

12 Just using something that's a problem
13 doesn't mean it's not a problem -- I don't know
14 that it's a problem, but can you tell us? I mean,
15 one that I know and I made a note of is on sheet
16 C-065 -- and it's C-080. I think there's one or
17 two other ones, and I think there's one also where
18 you made specific mention where there's a roadway
19 that's fairly close to a wetland, I think about 50
20 feet way. And you're proposing to put a fence
21 line that's immediately downgraded here, or just
22 closer to the wetlands, so it would be about
23 twelve feet away.

24 And that's the kind of situation where
25 I'm wondering, you know, did you look at other

1 alternatives so you're not that close?

2 THE WITNESS (Angus): I -- I think
3 primarily we were focused, you know, if there is
4 an existing access road there. And you saw today
5 that those roads are pretty established and
6 heavily traveled that, you know, abandoning that
7 and moving, creating a new access road a further
8 distance from the resource area is not something
9 that we looked at.

10 I think with a sufficient construction
11 period with erosion and sedimentation control
12 we'll be able to minimize impacts to those
13 wetlands during construction. And once the
14 project is operational the impacts in terms of
15 storm water and erosion to that wetland won't be
16 any different than it is today.

17 THE CHAIRMAN: I think Dr. Klemens has a
18 question.

19 DR. KLEMENS: Well, I have a comment and
20 a question. I mean, this precisely was the nature
21 of my line of questioning, that I think you have a
22 sense of what may be a very valuable wetland and
23 you're trying to protect it through a larger
24 setback.

25 But there may be other wetlands on the

1 site that may even be more valuable, but you don't
2 know because at least from what's in the record
3 you don't have the data to demonstrate whether or
4 not some of those other wetlands may be even more
5 valuable, and as Mr. Harder said, may benefit from
6 rerouting, erode away from it, or something.

7 So this should be a fact-based planning
8 exercise and permitting exercise. And unless you
9 can, from my perspective, shed some light on some
10 of these questions I've asked, and others that I
11 still have, you really don't know which are the
12 most important and valuable wetlands on this site.

13 And that trip guide you're planning, and
14 I think on a site of this size you can vary your
15 buffers and you can tailor it, but not without
16 scientific data.

17 THE WITNESS (Knapp): Sure. I think
18 some of what drove us was some of the NDDB
19 polygons that we were provided. And so there is
20 publicly available data that gives a
21 developer direction as to where those important
22 resources on a site are. And so that did drive
23 some of our setbacks and design, but I certainly
24 understand your comment and feedback to talk more.

25 DR. KLEMENS: Right. And to respond to

1 that, the NDDB very clearly says in their letter
2 that site-specific surveys, there's no
3 substitution for site-specific surveys.

4 THE WITNESS (Knapp): Certainly.

5 DR. KLEMENS: And that's what I've been
6 trying to understand, is the extent of targeted
7 site-specific surveys for some of these listed
8 species, which may occur in wetlands that you
9 would consider to be rather marginal, particularly
10 the spadefoot toad.

11 THE WITNESS (Svedlow): Certainly. And
12 we appreciate that. I'll just reiterate the fact
13 that we have no direct wetland impact, and for the
14 majority of the wetlands on the project we have
15 setbacks in excess of 50 feet.

16 MR. HARDER: Just one or two more
17 questions. Council interrogatory nine asked about
18 environmental contamination. The question I think
19 was fairly general. Is there any environmental
20 contamination on the proposed site from either
21 agricultural use or other land use disturbance?

22 The answer I think may have been a
23 little more specific than that. You indicated
24 no recognized environmental conditions, historical
25 RECs or controlled RECs were identified. And I

1 just want to make sure that the answer was not
2 more specific than the question, because the
3 question was fairly general. It asked about any
4 contamination, and so I want to make sure that I
5 have an answer that's specific to the question.

6 THE WITNESS (Svedlow): Yeah. So we did
7 have a phase one site assessment done, an
8 environmental site assessment done and we're not
9 aware of any existing conditions. And the only
10 data we have on that is really what came out of
11 that phase one environmental site assessment.

12 MR. HARDER: Do you know when it was
13 done?

14 THE WITNESS (Svedlow): It was done
15 earlier this year.

16 MR. HARDER: So the soils haven't been
17 tested for herbicides, pesticides or any other
18 contaminants at this point?

19 THE WITNESS (Svedlow): Not to our --
20 not to my knowledge.

21 MR. HARDER: No more questions,
22 Mr. Chairman.

23 THE CHAIRMAN: Now we'll go to
24 Mr. Levesque.

25 MR. LEVESQUE: The drivers putting the

1 posts in, after the comment about working until
2 nine o'clock at night, especially near probably
3 the areas closest to the home, can you limit that
4 to much earlier on?

5 THE WITNESS (Cook): I would not expect
6 there to be much activity at nine o'clock at
7 night. I think that's just an exceptional
8 circumstance that may be needed periodically, but
9 we -- we would be open to limiting that to be less
10 than -- or earlier than nine o'clock, yes.

11 MR. LEVESQUE: Well, can you come back
12 with -- if you want to consider coming back with
13 your own proposal later on, or maybe described in
14 your construction contracts that they have, like,
15 maybe one, or maybe more than one or two machines
16 so they can do the lot of it before the dinner
17 hour and get it over with so they don't have to
18 work late?

19 THE WITNESS (Svedlow): That's certainly
20 something we can describe in our D and M plan.

21 MR. LEVESQUE: You know, maybe you could
22 describe about these impact noises. If they're in
23 the interior of the property they might not be as
24 much a problem to the homeowners, but
25 especially closer to homeowners to consider. The

1 same with the road building.

2 THE WITNESS (Svedlow): Yeah, I think it
3 might be possible in the D and M plan to talk a
4 little bit more about our construction process and
5 potentially addressing those areas closer to the
6 homes more in the middle of the day, but we can
7 evaluate that in the D and M plan a little bit
8 more.

9 MR. LYNCH: Just a followup to
10 Mr. Levesque. Do you have a general contractor on
11 call, or do you issue an RFP?

12 THE WITNESS (Cook): We have not issued
13 an RFP yet, but we will be later this year, and in
14 the future to be sure.

15 MR. LYNCH: Could you put in, as
16 Mr. Levesque suggested, a time limit at least for
17 the driving of the posts within the contract
18 agreement? Because that to me, it isn't a, as
19 Mr. Hannon said, it's not necessarily the noise.
20 It becomes a nuisance with the repetitive banging
21 and so on.

22 So I'm just wondering if, you know,
23 within your contract or within your RFP you could,
24 you know, not limit total construction, but just,
25 you know, the loud banging of the posts so you

1 don't create a nuisance?

2 THE WITNESS (Svedlow): Yes, sir.

3 Absolutely.

4 MR. LYNCH: Thank you.

5 MR. LEVESQUE: Was the Quinebaug Solar
6 Limited Liability Corporation created just for
7 this particular project?

8 THE WITNESS (Svedlow): That's correct.

9 MR. LEVESQUE: And so will its sold
10 assets be the project and its income stream?

11 THE WITNESS (Svedlow): That would be my
12 expectation, yeah.

13 THE WITNESS (Angus): Yeah.

14 MR. LEVESQUE: And if the project is
15 approved and, you know, construction, there's
16 concern over the removal of the facilities at the
17 end of your project.

18 Are there going to be financial reserves
19 deposited and accumulated for that removal?

20 THE WITNESS (Svedlow): We have a
21 requirement in our lease to decommission the
22 project after its life. We can make guarantees
23 for the funds to decommission the facility if it's
24 a requirement of the Siting Council. That's
25 something that's typically done, certainly a

1 letter of credit or something along those lines.

2 MR. LEVESQUE: A small accumulation as
3 you go along?

4 THE WITNESS (Svedlow): Yeah.

5 MR. LEVESQUE: Maybe if you want to,
6 maybe you can make a proposal that suits you and
7 decide who's the trustee for it now.

8 THE WITNESS (Svedlow): That's great.
9 Yes, we'll evaluate that and make a proposal.

10 MR. LEVESQUE: I don't know if it could
11 be the towns get involved, or whatever you can
12 propose?

13 THE WITNESS (Svedlow): Sure.

14 MR. LEVESQUE: Well, I guess I'll leave
15 the other subjects to my learned colleagues.

16 Thank you.

17 THE CHAIRMAN: We'll try to finish this
18 side, Mr. Silvestri.

19 MR. SILVESTRI: Thank you, Mr. Chairman.

20 Going back to the 40-year design life,
21 or 30 -- maybe that you put it a little bit less
22 in perspective. The PPA is for 20 years, so what
23 happens after 20 years?

24 THE WITNESS (Svedlow): So typically we
25 evaluate, when we look at these projects we

1 evaluate something called a merchant tail. So
2 there's -- there's really two options for the post
3 PPA project. The project can certainly get
4 another PPA with another entity, or the same
5 entities, or it could be a merchant generator.

6 MR. SILVESTRI: Okay. With the PPA for
7 the 20-year lifespan, who gets the renewable
8 energy credits?

9 THE WITNESS (Svedlow): Those are sold
10 to the utilities that are also purchasing the
11 power. It's a bundled REC and energy package.

12 MR. SILVESTRI: So it would be
13 Eversource and UI?

14 THE WITNESS (Svedlow): Yes.

15 MR. SILVESTRI: Okay.

16 On page 4-1 it's noted that the project
17 will provide the electrical system with flexible
18 peaking capacity that is necessary to keep the
19 electric grid stable.

20 Could you please explain flexible
21 peaking capacity?

22 THE WITNESS (Svedlow): I just -- I
23 wanted to find that.

24 MR. SILVESTRI: 4-1.

25 THE WITNESS (Svedlow): Sorry. Which

1 paragraph?

2 MR. SILVESTRI: I'll have to look it up
3 now.

4 THE WITNESS (Svedlow): No, we're good.

5 MR. SILVESTRI: You've got it.

6 THE WITNESS (Svedlow): Briony has got
7 it.

8 The -- the project does provide
9 capacity and will qualify for capacity in the
10 forward capacity market. We may choose or not
11 choose to participate in the forward capacity
12 market, but the project has to qualify forward
13 capacity in the forward capacity market as a term
14 in our PPA.

15 MR. SILVESTRI: The project will provide
16 capacity if approved. It's not a peaking unit?

17 THE WITNESS (Svedlow): It's not a
18 peaking unit. I will say that the corresponding
19 hour of peak energy use in the summertime is
20 generally consistent with the peak output of the
21 solar energy facility in New England.

22 MR. SILVESTRI: Well, in New England
23 peak hours are between 7 a.m. and 11 p.m. on
24 non-holiday weekends -- weekdays, excuse me. And
25 it's the same as being on on-peak hours. So I

1 think we have to be careful how we use the word
2 "peaking."

3 Related to that, though, could you
4 explain stability?

5 THE WITNESS (Svedlow): Sure. So
6 there's been studies done, studies in New England
7 in the ISO and by utilities that demonstrate that
8 distributed generation and projects like ours
9 contributed to grid stability. That's my
10 understanding of that statement.

11 MR. SILVESTRI: Could you give any more
12 detail?

13 THE WITNESS (Svedlow): I would have to
14 do some research.

15 MR. SILVESTRI: Here's my concern. When
16 we look at generating units of all types, you have
17 a baseload generating system which is essentially
18 on 24/7. A nuclear powerplant would be a great
19 example on that one. It's there. It's running.
20 All right?

21 You have intermediate load generating
22 units that kind of follow the load all through the
23 system. As load goes up and load goes down they
24 also respond. And then you have the peaking ones
25 which really come on the extremely hot days of

1 summer, extremely cold days of winter, or if
2 there's a system upset that you need power.

3 Solar tends to come into what they call
4 intermittent power resource. You know, ISO has no
5 control over it, over the amount or availability.
6 It's essentially on if the sun is there and it's
7 not on at night.

8 So again, when we come back to the word
9 "stability," I kind of question the use of that
10 word because it's really not, quote, unquote,
11 stable. It's going to fluctuate through the day
12 through cloud cover through climate. So I'm not
13 sure where that word comes from, which is why I
14 was questioning it.

15 I don't know if you have any other
16 comments to add.

17 THE WITNESS (Svedlow): I'm not an
18 electrical engineer, so I don't have anything else
19 to add to that. But I appreciate your comments.

20 MR. SILVESTRI: You mentioned the
21 forward capacity market. Do you have to
22 participate in that?

23 THE WITNESS (Svedlow): We do not have
24 to participate in the forward capacity market. We
25 do have to qualify for the forward capacity

1 market.

2 THE CHAIRMAN: Mr. Levesque has a
3 question.

4 MR. LEVESQUE: If he is done?

5 So your 40-year lease, you can terminate
6 it short of the 40?

7 THE WITNESS (Svedlow): We can.

8 MR. LEVESQUE: And can you, if after 20
9 years you decide these sort of panels degraded,
10 could you replace them with another set?

11 THE WITNESS (Svedlow): I think that is
12 possible within the lease, yes.

13 MR. LEVESQUE: Okay. Thank you.

14 MR. SILVESTRI: Let's see. Going back
15 to some of the responses to the Siting Council's
16 interrogatories, on number 27 it was noted that
17 the design windspeed is 119 miles per hour. A
18 category three hurricane would have windspeeds
19 ranging from 111 to 129.

20 Would these hold up to a category three?

21 THE WITNESS (Svedlow): The design
22 windspeed is 119 miles per hour.

23 MR. SILVESTRI: So if we got hit with
24 something very large there could be an issue?

25 THE WITNESS (Svedlow): I think if

there's a catastrophic event, there's a catastrophic event. Yeah.

THE CHAIRMAN: Mr. Lynch.

MR. LYNCH: Just to follow up with Mr. Silvestri, are you aware of any solar facility either in Texas or in Florida that was impacted by the two hurricanes?

THE WITNESS (Cook): I am not.

THE WITNESS (Svedlow): I am not.

MR. LYNCH: Thank you.

MR. SILVESTRI: Okay. Moving on. We had mentioned on the field review about the Laurel View farmstead in Exhibit K, so I'm okay with that. But also in Exhibit K there's the Bennett Taylor Gallagher Cemetery. Heritage had recommended leaving a 50-foot buffer. As they put it, it's not uncommon to find additional unmarked human burials outside of but adjacent to cemetery grounds.

Where did the 50-foot buffer come from?

THE WITNESS (Angus): That was a recommendation from Heritage and those were -- those buffers are incorporated into the design.

MR. SILVESTRI: Is it arbitrary?

THE WITNESS (Svedlow): It was reviewed

1 by SHPO and they concurred with it.

2 MR. SILVESTRI: Okay. My concern goes
3 back to the old movie Poltergeist. And yeah,
4 people are chuckling, but you're kind of familiar
5 with the methodology there.

6 My concern is, should that area be
7 scoped with ground penetrating radar or something
8 else to kind of scoop around the area just to make
9 sure that 50 feet is indeed appropriate?

10 THE WITNESS (Svedlow): You know, we
11 certainly don't want to have any undue effects or
12 potentially impact any unknown cultural resources
13 in that area. I think that Heritage's
14 recommendations were based on their professional
15 experience and knowledge and validated by SHPO,
16 but we can certainly be sensitive to that as we
17 proceed.

18 MR. SILVESTRI: Yeah. I don't know how
19 things worked in the past, but you know, it's not
20 that expensive I think to take a swipe with some
21 ground penetrating radar. Something I think to
22 consider.

23 THE WITNESS (Svedlow): Thank you.
24 We'll consider it.

25 MR. SILVESTRI: Exhibit G, and Michael

1 kind of touched on this earlier on. Exhibit G has
2 the abutters' letters of support.

3 In looking at these I could cross
4 reference nine of the letters to names on the
5 abutters list. Four names were either -- could
6 not be cross-referenced or were illegible. And
7 that left 41 abutters on the list, not including
8 the State or the towns.

9 Have you heard from the remaining 41?

10 THE WITNESS (Svedlow): As I noted
11 earlier, my colleagues, former colleagues had done
12 the outreach to the abutters and had spoken to as
13 many abutters as they could get a handle on.

14 MR. SILVESTRI: But no other letters of
15 support?

16 THE WITNESS (Svedlow): Those are the
17 letters of support that we have. I will also add
18 the Town of Canterbury to that list.

19 And there's a record in the petition of
20 the numerous open houses and voluntary outreach
21 events that we held for the project at both towns.
22 And in addition to those we had a number of
23 meetings with town leadership in both Canterbury
24 and Brooklyn.

25 MR. HARDER: Just to follow up on that,

1 I meant to ask this before. Did you get any
2 letters of opposition?

3 THE WITNESS (Svedlow): Not to us.
4 Certainly, no.

5 MR. SILVESTRI: I noticed in the
6 response to interrogatory number 22 that battery
7 storage isn't being considered for this project,
8 but in discussions with the State or with
9 Eversource was this ever brought up or ever
10 considered?

11 THE WITNESS (Svedlow): It was never
12 proposed for this project, no.

13 MR. SILVESTRI: So no discussions
14 whatsoever on it?

15 THE WITNESS (Svedlow): No. No.

16 THE CHAIRMAN: I guess I'm going to have
17 to interject now.

18 That's for the present. You have a
19 project for 20 years. That's what you plan, a
20 minimum to be in operation for 20 years?

21 THE WITNESS (Svedlow): Yeah, at a
22 minimum that's correct.

23 THE CHAIRMAN: Okay. I understand your
24 answer to the question using the present tense
25 about energy storage.

1 You really -- I'm trying to figure out
2 the best way to say this. You believe that --
3 I'll just use the term ten years -- that there
4 won't be energy storage both efficient and
5 economical for projects such as this?

6 And if I am correct -- I just used the
7 arbitrary ten years. My guess is it's closer to
8 five since we already have projects in Vermont,
9 Maine and I believe in the Southwest, and probably
10 in Europe. Will your project be able to
11 incorporate energy storage should it become both
12 economic and efficient?

13 THE WITNESS (Svedlow): Thank you for
14 your question, Mr. Chairman. I guess I'll start
15 by answering the first part of that, and maybe
16 Mr. Cook can answer the remainder of it.

17 NextEra Energy Resources is a leader in
18 storage technology. We have the largest currently
19 operating storage facility, battery storage
20 facility in New England at the Lyman Fossil Plant.
21 It's called Casco Bay. It's a 60-megawatt.

22 And we're also incorporating storage
23 plus solar, or solar plus storage, as you said, at
24 a number of our projects nationwide. Storage was
25 not contemplated at this facility originally. Our

1 interconnection agreement with ISO New England
2 also does not contemplate storage or include
3 storage as an option.

4 The project is being designed and
5 constructed in a manner that, you know, doesn't
6 contemplate storage currently. I'm not aware of
7 any design limitations that would potentially
8 allow or not allow storage in the future, but it
9 would need to go through a separate
10 interconnection process.

11 So Mr. Cook is it -- would it be
12 possible to add storage?

13 THE WITNESS (Cook): It would be
14 possible. The technology could be retroactively
15 added.

16 THE CHAIRMAN: I would certainly hope
17 that is the case, otherwise I'm concerned.
18 Otherwise I will be concerned that we're basically
19 building a project that will be obsolete in five
20 or ten years.

21 Because the question, for example, about
22 stability, you know, on the grid for example when
23 the sun isn't shining -- are basically answered if
24 you have the storage. So we certainly hope that a
25 project this size in our state would be equipped

1 to utilize 21st century storage, which I think is
2 coming very soon.

3 THE WITNESS (Svedlow): Thank you,
4 Mr. Chairman.

5 If I could just add that I think we'd
6 love to do storage. If there's a contracting
7 mechanism for that in the future I think we'd be
8 happy to explore it.

9 As part of the initial proposal to DEEP
10 in the original tri-state RFP solicitation we
11 included substantial details about the production
12 profile, the expected production profile of the
13 facility. And those were studied by the
14 utilities, so they have a good understanding of
15 what's going to be coming onto their system and
16 the profile of that production.

17 But point taken, and certainly we'll
18 keep an eye on storage and viability of that in
19 the future.

20 THE CHAIRMAN: Mr. Lynch?

21 MR. LYNCH: Yeah, that was one of my
22 questions, Mr. Chairman, that included storage.
23 But I'm going to take it one step further.

24 Technology is always evolving. I think
25 it's Moore's Law or Moore's Principle that says

1 technology changes every 18 months. Now if you
2 have a 20-year lifespan of your project, if during
3 that 20 years there's newer technology that comes
4 online that's for solar that makes your project
5 more efficient, you know, a better cost for you
6 and would also allow you to maybe decrease the
7 size of your project, but you're getting the same
8 output.

9 Is that something that would be, you
10 know, possible that you would actually, instead of
11 using so many acres, you could cut that down if
12 you're getting the same amount of power?

13 THE WITNESS (Svedlow): That's a good
14 question. I mean, I would liken it to buying a
15 computer. You know, computer technology changes
16 every month or so, but at some point you've got to
17 make that investment and buy that computer. And
18 you're going to use it for its useful life, and
19 it's the same thing for a solar facility. We have
20 to say, okay. We're going to make this investment
21 now.

22 And the other side of that is after we
23 make that investment we want to get the maximal
24 value of that investment over the life of the
25 project. So you know, I think after we make that

1 investment not knowing what would happen in the
2 future, it's -- it's hard to predict that.

3 THE WITNESS (Cook): I think that's
4 right. The technology is evolving, but we do have
5 to construct the available technology today and
6 that facility will continue to generate.

7 MR. LYNCH: That I understand. I'm
8 just -- as the Chairman said, in the future things
9 are going to change, because if we have better
10 panels as well as the ability to use energy
11 storage my question basically is, would you
12 incorporate them? And I think your answer was
13 yes.

14 THE WITNESS (Cook): Yeah. I think as
15 new technology becomes available we're always
16 looking for opportunities to improve efficiency
17 and be more productive, and consider those things
18 as they develop.

19 MR. LYNCH: Thank you.

20 The other part, second part, would you
21 be able to cut down if it is more efficient on the
22 footprint of your project as far as acreage is
23 concerned?

24 THE WITNESS (Svedlow): I think given
25 all the unknowns at this stage I don't -- I don't

1 think that's something we can say for certain
2 would happen. I think it might be unlikely given,
3 again we're making this investment in a facility
4 that's built now that's expected to operate for at
5 least 20 years. But that could be evaluated in
6 the future, I suppose.

7 MR. LYNCH: Thank you, Mr. Chairman.

8 THE CHAIRMAN: They might be able to
9 produce twice as much, but the other -- the
10 flipside, twice as much energy in the same
11 footprint.

12 But anyway, go ahead, Mr. Silvestri.

13 THE WITNESS (Svedlow): Mr. Chairman,
14 just a comment on that. Our interconnection
15 facility and our interconnection agreement are
16 limited to the 50 megawatts AC that's proposed
17 here. So if that were the case, we would have to
18 re-permit and redo our interconnection.

19 THE CHAIRMAN: But the storage part of
20 it would not be impacted by that?

21 THE WITNESS (Svedlow): Again, we would
22 have to get a new interconnection agreement for
23 the storage facility. That's behind the meter.

24 THE CHAIRMAN: That's with Eversource in
25 this case?

1 THE WITNESS (Svedlow): The
2 interconnection and transmission owner is
3 Eversource. That's correct.

4 THE CHAIRMAN: Well, sometimes I wonder
5 whether they're in the 21st century -- but go
6 ahead.

7 MR. SILVESTRI: Thank you, Mr. Chairman.

8 While we were driving we transitioned
9 from Wauregan to Maynard and right in the area of
10 Maynard, I guess is the most potential visibility
11 to residents in the area. But there was a lot of
12 vegetation right in that area as well that's
13 occurring right now.

14 My question is, will it remain and be
15 augmented? Or do you propose to kind of strip
16 that out and plant new vegetation?

17 THE WITNESS (Svedlow): So the question
18 is about the vegetation on Wauregan Road next to
19 the project area.

20 Just a clarifying point. I think the
21 town line where it transitions into Maynard is at
22 least a few hundred feet east of the project area.

23 Briony, can you speak to the vegetation
24 in that area at all?

25 THE WITNESS (Angus): Yeah, but I want

1 to make sure we're talking about the same. Are
2 you --

3 MR. SILVESTRI: I'm looking --

4 THE WITNESS (Svedlow): Like, just east
5 of Ennis Road?

6 MR. SILVESTRI: Yes, exactly.

7 THE WITNESS (Angus): So that, that area
8 is proposed to be -- the vegetation that fronts on
9 the road will likely be cleared and augmented with
10 new vegetative screening. It's mostly -- so
11 that's all agriculture right now.

12 And then I don't know how to describe
13 the sort of brushy stuff that's sort of on the
14 edges, but I think with the fencing that will be
15 installed and the vegetative screening, that that
16 will replace what's there right now.

17 THE WITNESS (Svedlow): And there's a
18 bit of an existing berm there where you see the
19 vegetation.

20 MR. SILVESTRI: Exactly.

21 THE WITNESS (Svedlow): There's a lot of
22 viny stuff in there, I guess I would --

23 THE WITNESS (Knapp): We did sort of a
24 ditch line.

25 MR. SILVESTRI: Uh-huh. Okay. If you

1 would go to page 6-2 in the application, and the
2 comments there that the land could return to
3 support uses of agricultural production at the end
4 of the project life?

5 My question to you is, are you aware of
6 any solar installations that have retired and
7 reverted the lands to agricultural production?

8 THE WITNESS (Cook): I am not.

9 THE WITNESS (Svedlow): I'm not, but I
10 haven't been in the business long enough, I don't
11 think.

12 MR. SILVESTRI: Okay. So it's
13 conjecture?

14 THE WITNESS (Svedlow): So it's more
15 than conjecture because we have a commitment to
16 decommission and remove the facility after it's
17 useful life. So then the land is available for
18 whatever future uses the landowner would like to
19 use it for.

20 MR. SILVESTRI: If I remember correctly,
21 in looking at that there's going to be a certain
22 amount of soils that are going to be removed that
23 would have been used for farmland, possibly
24 stockpiled or possibly used in other areas.

25 If it were stockpiled could you actually

1 return that back to use after 40 years?

2 THE WITNESS (Angus): Yeah, so that the
3 soils that are described in the soil mitigation
4 plan are the prime farmland soils of statewide
5 importance and soils of -- what's the third one,
6 Dale?

7 THE WITNESS (Knapp): Local, statewide
8 and prime.

9 THE WITNESS (Angus): Yes. So those are
10 the soils specifically proposed to be stockpiled.
11 They certainly could be used for agricultural
12 purposes in the future.

13 You know, soils as they're used in
14 agriculture are augmented and you know, benefit
15 from the natural process of things growing in them
16 and precipitation, et cetera. So they, you know,
17 won't be in active agricultural use, but
18 there's -- they can be returned to agricultural
19 use in the future.

20 MR. HARDER: Just a followup on that.
21 Maybe this is more of a comment than a question,
22 but just about all these proposals. On the one
23 hand, you know, legitimately the proposal is
24 described in part as something that's going to
25 contribute to the clean energy picture in

1 Connecticut and other states, and that's a good
2 thing.

3 But on the other hand, in response to
4 concerns about taking agricultural land out of
5 production the comments were always made, well,
6 it's a 20-year project. At the end of 20 years
7 we've made a commitment. I think you've put it
8 probably a little more strongly than in other
9 situations.

10 But you know, there's a commitment in
11 some way to basically turn the system off and
12 dismantle it, and get rid of it. So if someone
13 desires to, it could be put into agricultural use
14 again.

15 So these systems are temporary which
16 doesn't feel right to me. So again, I don't know
17 if I have a question as much as a comment. You
18 know, there's a lot of solar systems, solar
19 electric systems that are being installed, that
20 have been installed and are being proposed.

21 Those that are in farmland areas, or
22 maybe in even areas where forestland is going to
23 be cut down, the comment or the suggestion is made
24 that, well. Okay. If you want to do something
25 different wait 20 years and you'll be able to do

1 that. It doesn't seem to really get to a
2 long-term solution to the clean energy issue.

3 THE WITNESS (Svedlow): Understood.

4 MR. HARDER: Any comments I guess, would
5 be welcome.

6 THE WITNESS (Svedlow): Yeah. So I
7 think -- I think the idea behind it being a
8 temporary use is that we have -- we have a set
9 lease life. We have a lease term, I should say,
10 of up to 40 years.

11 There's really nothing to say that after
12 that period we -- we wouldn't potentially or
13 couldn't, I should say, come back and do this all
14 again. But the point is that without making a
15 DEEP decision now there is a lifespan to the
16 project and there's a lifespan to our lease
17 agreement. So we are provisioning for the end of
18 the life of the project and indicating what would
19 happen afterwards.

20 And again, there's nothing really to say
21 that you couldn't re-permit it and do it again,
22 but the facility would need to be basically
23 rebuilt. And I think it's also to make a
24 distinction between this type of development and
25 what I would consider truly permanent types of

1 development where there's a substantial amount of
2 new impervious. There's foundations being
3 installed for homes or parking lots. Those --
4 those types of developments cannot have a lifespan
5 at all.

6 And I think, you know, certainly we
7 would like to see Connecticut meet it's renewable
8 energy goals and that's why we're doing this
9 project.

10 But you know, in 40 years it would be
11 redone.

12 THE CHAIRMAN: We're going to recess
13 now, and we're going to resume at 6:30 this
14 evening for the public comment session.

15 Thank you.

16
17 (Whereupon, the above proceedings were
18 concluded at 4:57 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 105 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Regular Hearing in Re: PETITION NO. 1310, REQUEST FOR DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 50-MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY ON APPROXIMATELY 561 ACRES COMPRISED OF 29 SEPARATE AND ABUTTING PRIVATELY-OWNED PARCELS LOCATED GENERALLY NORTH OF THE WAUREGAN ROAD IN CANTERBURY, CONNECTICUT, AND SOUTH OF RUKSTELA ROAD AND ALLEN HILL ROAD IN BROOKLYN, CONNECTICUT, which was held before ROBIN STEIN, Chairman, at Brooklyn Community Center, Main Room, 31 Tiffany Street, Brooklyn Greenwich, Connecticut, July 25, 2017.



Robert G. Dixon, CVR-M 857
Notary Public
BCT Reporting, LLC
PO Box 1774
Bristol, Connecticut 06011
My Commission Expires: 6/30/2020

I N D E X

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