



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1313

Tuesday, October 10, 2017

11:00 a.m.

Connecticut Siting Council, Hearing Room Two

Ten Franklin Square, New Britain, CT 06051

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions

1. Christine Kilbourn-Jones Request for Party Status, dated October 2, 2017
2. DWW Solar II, LLC's Motion to Compel Responses to Interrogatories from Flammini, et al., dated October 4, 2017

D. Administrative Notice taken by Council

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14. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, *available at* http://www.epa.gov/renewableenergyland/docs/best_practices_siting_solar_photovoltaic_final.pdf
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E. State Agency comments

1. Department of Transportation, dated August 28, 2017
2. Council on Environmental Quality, dated August 29, 2017

F. Public Official comments

1. State Representative John Hampton, dated September 12, 2017
-

II. Appearance by Petitioner

Petitioner: DWW Solar II, LLC

Representative: Lee D. Hoffman, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

1. TOWN OF SIMSBURY, *2007 Adopted Plan of Conservation and Development*, effective November 3, 2007, *available at* <https://www.simsbury-ct.gov/planning-and-land-use-department/pages/plan-of-conservation-and-development-effective-1132007>
2. TOWN OF SIMSBURY, July 2017 Proposed Plan of Conservation and Development (draft – pending adoption), *available at* https://www.simsbury-ct.gov/sites/simsburyct/files/uploads/proposed_pocd_071217_blackline_rfs.pdf

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by DWW Solar II, LLC, received June 29, 2017, and attachments.
2. DWW Solar II, LLC's Responses to Council Interrogatories, Set I, dated August 28, 2017
3. DWW Solar II, LLC's Proposed Field Review Driving Route, dated September 1, 2017
4. DWW Solar II, LLC's Aerial Drone Video Footage of Proposed Site, dated September 1, 2017
5. DWW Solar II, LLC's Responses to the Town of Simsbury Interrogatories, Set I, dated September 5, 2017
6. DWW Solar II, LLC's Responses to the Department of Agriculture's Interrogatories, Set I, dated September 5, 2017
7. DWW Solar II, LLC's Sign Posting Correspondence with photographs, dated September 5, 2017
8. DWW Solar II, LLC's Responses to Council Interrogatories, Set II, with attachments, dated October 3, 2017
9. DWW Solar II, LLC's Visual Simulation Revision of Viewpoint 44 depicting changes from the October 3 2017 Project Layout Map, dated October 9, 2017

C. Swear Witnesses

1. Claude Cote
2. Jeffrey Grybowski, Deepwater Wind
3. Aileen Kenney, Deepwater Wind
4. Shawn Markham, Soltek, LLC
5. Susan Moberg, Vanasse Hangen Brustlin, Inc.
6. Gordon Perkins, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services (EDR)
7. Jeffrey Peterson, Vanasse Hangen Brustlin, Inc.
8. Paul Vitaliano PE, Vanasse Hangen Brustlin, Inc.
9. Adam T. Henry, GZA

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

E. Cross Examination.

1. Council
2. Department of Energy and Environmental Protection (DEEP)
3. Department of Agriculture (DOAg)
4. Abutting Property Owners, Flammini et al./Kilbourn-Jones
5. Town of Simsbury

III. Appearance by Party: Abutting Property Owners, Flammini et al.
Christine Kilbourn-Jones

Representatives: Alan M. Kosloff, Esq.
Alter Pearson, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Abutting Property Owners, Flammini et al.'s Request for Party Status, dated August 28, 2017
2. Abutting Property Owners, Flammini et al.'s Pre-filed Testimony of George Logan with attachments, dated September 8, 2017
3. Abutting Property Owners, Flammini et al.'s, Pre-filed Testimony, dated September 11, 2017
 - a. Lis Shlansky, MD, MPH
 - b. Ed and Carol F. Wrobel
 - c. Michael Flammini
 - d. Linda Lough
4. Abutting Property Owners, Flammini et al.'s Responses to DWW Solar II, LLC Interrogatories, Set One, dated September 27, 2017
5. Kilbourn-Jones' Request for Party status, dated October 2, 2017
6. Additional Pre-filed Testimony, dated October 9, 2017
 - a. Chris Kilbourn-Jones
 - b. Laura Nigro
 - c. John Marckett

C. Swear Witnesses

1. Michael Flammini
2. Laura Nigro
3. Linda Lough
4. Lisabeth Shlansky, MD, MPH
5. John Marckett
6. Ed Wrobel
7. George T. Logan
8. Christine Kilbourn-Jones

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

E. Cross Examination.

1. Council
2. Petitioner
3. DOAg
4. DEEP
5. Town of Simsbury

IV. Appearance by Party: Department of Energy and Environmental Protection (DEEP)

Representative: Kirsten S.P. Rigney, Esq.
Bureau of Energy Technology Policy
DEEP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Department of Energy and Environmental Protection's Notice of Intent to Be a Party, dated August 1, 2017
2. Comments from the Department of Energy and Environmental Protection, dated September 11, 2017

C. Swear Witness

- 1.

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

E. Cross Examination.

1. Council
2. Petitioner
3. DOAg
4. Abutting Property Owners, Flammini et al. /Kilbourn-Jones
5. Town of Simsbury

V. Appearance by Party: Connecticut Department of Agriculture (DOAg)

Representative: Jason Bowsza

A. Administrative Notice.

FEDERAL

1. UNITED STATES DEPARTMENT OF AGRICULTURE, *Natural Resources Conservation Service, Conservation Practice Standard Code 544, Land Reclamation, Currently Mined Land*, available at: <https://efotg.sc.egov.usda.gov/references/public/CO/CO544.pdf>
2. UNITED STATES DEPARTMENT OF THE INTERIOR, *Mine Land Reclamation Standards for Prime Farmland*, available at <https://www.osmre.gov/programs/tdt/primeFarmland.shtm>
3. UNITED STATE DEPARTMENT OF AGRICULTURE, *Soil Survey Manual*, Handbook No. 18, March 2017, available at https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142P2_054262
4. UNITED STATE DEPARTMENT OF AGRICULTURE, Natural Resources Conservation Service. *National Soil Survey Handbook*, Title 430-VI, available at http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/ref/?cid=nrcs142p2_054242
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9. UNITED STATES DEPARTMENT OF AGRICULTURE, Natural Resources Conservation Service, *National Resources Inventory*, available at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/nra/nri/>
10. UNITED STATES DEPARTMENT OF AGRICULTURE, NASS, *2012 Census of Agriculture*, 2014, available at <https://www.nass.usda.gov/>
11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *Wording of Instruments for Financial Assurance for Hazardous Waste Facilities*, 40 Code of Federal Regulations § 264.151

STATE

12. CONNECTICUT COUNCIL ON ENVIRONMENTAL QUALITY, *Environmental Quality in Connecticut – the state’s annual report on the condition of our air, water, land and wildlife through 2016*, June 21, 2017, available at <http://www.ct.gov/ceq/cwp/view.asp?a=986&Q=477460>
13. CONNECTICUT COUNCIL ON ENVIRONMENTAL QUALITY, *Energy Sprawl in Connecticut*, February 3, 2017, available at <http://www.ct.gov/ceq/cwp/view.asp?a=986&q=248850#Special>
14. CONNECTICUT DEPARTMENT OF AGRICULTURE, *Grow Connecticut Farms: Governor’s Council for Agriculture Development*, December 2014 Update, available at www.ct.gov/doag/cwp/view.asp?a=3260&q=399110
15. UNIVERSITY OF CONNECTICUT, Center of Land Use Education and Research, *Connecticut’s Changing Landscapes, Agricultural Fields and Soil Analysis*, available at <http://clear.uconn.edu/research/index.htm>

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20. WORKING LANDS ALLIANCE, *Plowing Ahead: Farmland Preservation in 2010 and Beyond*, March 2010, available at <http://action.farmland.org/site/DocServer/PlowingAheadFarmlandPreservationin2010andBeyondWhitePap.pdf?docID=2784>

B. Exhibits for Identification.

1. Department of Agriculture’s Notice of Intent to Be a Party, dated August 1, 2017
2. Department of Agriculture’s Comments from Steven K. Reviczky, Commissioner, dated August 30, 2017
3. Department of Agriculture’s Pre-filed Testimony of Kipen Kolesinskas, dated September 5, 2017
4. Department of Agriculture’s Responses to Council Interrogatories, Set I, dated October 3, 2017
5. Department of Agriculture’s Responses to DWW Solar II, LLC’s Interrogatories, Set I, dated October 6, 2017

C. Swear Witnesses

1. Kipen Kolesinskas, Consulting Conservation Scientist
2. Stephen Anderson
3. Commissioner Steven K. Reviczky

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

E. Cross Examination.

1. Council
2. Petitioner
3. DEEP
4. Abutting Property Owners, Flammini et al./Kilbourn-Jones
5. Town of Simsbury

VI. Appearance by Party:	Town of Simsbury
Representatives:	Jesse A. Langer, Esq. Robert M. DeCrescenzo, Esq. Updike, Kelly & Spellacy, P.C.

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Town of Simsbury's Request for Party Status, dated July 6, 2017
2. Town of Simsbury's Pre-filed Testimony with attachments, dated September 5, 2017
 - a. Lisa L. Heavner, First Selectwoman, Town of Simsbury
 - b. Marguerite Carnell, Vice Chair, Simsbury Historic District Commission
 - c. Robert J. Carr P.E., LEP, Zuvic, Carr and Associates, Inc.
 - d. Chad Frost, Kent + Frost, LLC
3. Town of Simsbury's Pre-filed Testimony of James D. Rabbitt, dated October 2, 2017
4. Town of Simsbury's Responses to DWW Solar II, LLC's Interrogatories with attachments, dated October 3, 2017
5. Town of Simsbury's Responses to Council Interrogatories with attachments, dated October 3, 2017
6. Town of Simsbury's Addendum to Council Interrogatory Response to No. A6f-2, dated October 3, 2017
7. Town of Simsbury's Supplemental Disclosure to DWW Solar II, LLC's Interrogatories Concerning Review of Town and DEEP files, dated October 5, 2017
8. Town of Simsbury's Supplemental Disclosure to DWW Solar II, LLC's Interrogatories Concerning State Historic Preservation Office Correspondence, dated October 6, 2017

C. Swear Witnesses

1. Lisa L. Heavner, First Selectwoman, Town of Simsbury
2. Marguerite Carnell, Vice Chair, Simsbury Historic District Commission
3. Robert J. Carr, P.E., LEP, Zuvic, Carr and Associates, Inc.
4. Chad Frost, Kent + Frost, LLC
5. James D. Rabbitt, AICP, Director of Planning and Community Development, Town of Simsbury

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

E. Cross Examination.

1. Council
2. Petitioner
3. DOAg
4. DEEP
5. Abutting Property Owners, Flammini et al./Kilbourn-Jones

IV. Continuation by Connecticut Siting Council.