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LEED Green Associate

August 28, 2017

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Petition 1313 – DWW Solar II, LLC Petition for Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need Is Required for A 26.4 Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut

Dear Attorney Bachman:

This office represents the Town of Simsbury (“Town”). On behalf of the Town, I have enclosed Interrogatories to DWW Solar II, LLC in connection with the above-captioned matter. In accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies and the Connecticut Siting Council’s July 21, 2017 correspondence, I have enclosed an original and fifteen (15) copies of each.

If you have any questions concerning the objection, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jesse A. Langer', is written over a light blue horizontal line.

Jesse A. Langer

Enclosure

cc: *Service List (via regular mail and electronic mail)*

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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

.....)
DWW SOLAR II, LLC PETITION FOR) PETITION NO. 1313
DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AND PUBLIC NEED)
IS REQUIRED FOR A 26.4 MEGAWATT)
AC SOLAR PHOTOVOLTAIC ELECTRIC) August 28, 2017
GENERATING FACILITY IN SIMSBURY)
CONNECTICUT)
.....)

INTERROGATORIES TO DWW SOLAR II, LLC
BY THE TOWN OF SIMSBURY

Pursuant to § 16-50j-22a(c) of the Regulations of Connecticut State Agencies, the Town of Simsbury (“Town”), through counsel, respectfully propounds the following interrogatories to DWW Solar II, LLC (“DWW”) in connection with the above-captioned matter pending before the Connecticut Siting Council (“Council”). Unless otherwise specified, capitalized terms assume the same meaning as provided in the Petition. The Town reserves its right to propound additional interrogatories in accordance with the Council’s Hearing Procedure Memorandum, dated August 4, 2017.

Abutters

1. How many abutters have representatives of DWW spoken with directly about the Project?
2. How many abutters have representatives of DWW met with either at the abutter’s residence or on the Project Site about the Project?
3. Please provide a list of abutters with whom representatives of DWW met or conversed about the Project.
4. Page 54 of the Petition provides that DWW would address the application of additional vegetation barriers for residential properties directly abutting the Project Site on a case-by-case basis. Has DWW engaged in that case-by-case assessment? If so, what are the results of that assessment? If not, when would DWW do so?

5. What type of plantings would DWW use to provide additional vegetation barriers for residential properties directly abutting the Project Site?
6. How did DWW determine that a ten foot vinyl fence was an appropriate screening measure that reflects the historical character of the Town, neighborhood and/or immediate area?
7. Has DWW entered into any agreements with any abutters for the purpose of landscaping and/or buffering concerning the Project? If so, with whom has DWW contracted? Please provide copies of those agreements.

Environmental Assessment

8. Please explain why DWW conducted a Phase I Environmental Site Assessment (“Phase I”) of the Project Site under ASTM 1527-13 as opposed to the Connecticut Department of Energy and Environmental Protection Site Characterization Guidance Document.
9. Does DWW anticipate supplying the Phase I omissions to the ASTM standard practice as stated on page 2 of the Phase I? If not, why?
10. Does DWW intend to conduct soil and ground water testing of the Project Site for residual compounds consistent with the historic use of the Project Site as a tobacco farm? If not, provide evidence as to why the Project Site may have different characteristics than adjacent parcels that have been similarly farmed.
11. Why has DWW not identified Areas of Concern (AOC) that may exist on the Project Site?
12. The Phase I identified a significant data gap concerning current and past Project Site usage as well as facility operations. Please provide that missing information as it is essential to determining whether the Project Site constitutes an “establishment” under the Connecticut Transfer Act.
13. Monitoring wells on Parcel 5 were noted in the Phase I. Please provide additional information on past testing results, if any. Would all wells be properly abandoned as part of the development, if approved?
14. Would DWW remove and dispose of all solid waste, characterized as discarded materials and containers, located on the Project Site?
15. The Project is partially located over an area identified as an Aquifer Protection Zone. Please provide an Aquifer Protection Plan to establish proper protections for this resource consistent with the requirements of the State Department of Public Health.

16. Does the Project Site contain pump and irrigation facilities that would remain for site restoration requirements? If not, would those facilities be removed as part of the development of the Project?
17. Given the sandy soils present at the Project Site, would DWW utilize irrigation facilities to establish ground cover?
18. Given the sandy soils present at the Project Site, and historical use of irrigation to grow crops, would DWW place topsoil in disturbed areas and employ temporary irrigation to ensure ground cover is adequately established during the first growing season?
19. Provide more detail as to what, if any, prime agricultural soils would be removed, stockpiled and replaced as part of the Project.
20. Provide details on expected precautions for storing petroleum fuels, refueling operations, and spill containment and locations for these activities.
21. Do the solar panels contemplated for the Project, or any components of those solar panel arrays, including any chemicals used to clean the arrays, contribute substances to stormwater runoff? If so, please identify those substances and measures DWW would adopt to prevent harm to the Project Site and the surrounding environment.
22. DWW has not provided any documentation or history concerning any public or private drinking water wells in the general area of the Project Site. Some of these wells are classified as GAA classified groundwater sources. Please provide further information and data on the wells. Also provide information on any public water supply wells in the vicinity of the development.
23. Discuss air quality expected during construction and planned mitigation to address these conditions during construction including emissions expected from construction equipment. Discuss limitation on idling of construction equipment consistent with current regulatory requirements.

Wetlands; Wildlife; Noise

24. Would DWW be willing to provide a six inch gap at the bottom of all fencing to afford passage for wildlife?
25. Please elaborate on the assumptions regarding the transition from existing ground cover (“Row crops, contoured, Poor”) to proposed ground cover (“Legumes, straight row, Good”) as set forth in Exhibit L of the Petition (Stormwater Management Report).
26. Will stormwater runoff affect the underlying aquifer or nearby surface waters such as small streams? Please explain and provide supporting documentation.
27. Would DWW conduct post construction assessment of resident, breeding and seasonal animal and plant species compared with baseline surveys?

28. Will DWW require that transformers used at the site be certified as PCB-free?
29. Will DWW comply with the Town's aquifer protection area regulations?
30. Will DWW obtain flood certification from the Connecticut Department of Energy and Environmental Protection for work in the area of special flood hazard?
31. According to the site plan, there is work within mapped wetland soils (adjacent to wetland flags 6-223, 6-220, 6-600, and 6-158). Has DWW reviewed the work proposed in this area? If so, is there an updated wetlands report which includes assessment of these activities?
32. Provide information on total cuts and fills expected and if any material is expected to be removed from the site
33. Identify any project lay-down areas within or outside of the project site.

Historical

34. Has DWW completed a Phase 1B survey as recommended by Heritage Consultants, LLC in Exhibit M of the Petition? If so, please provide a copy of that survey. If not, please explain why not. If not, please conduct such a survey and produce it to the Council and parties of record.
35. Has DWW considered preserving all of the historical barns located on the Project Site? If so, why did DWW conclude that preservation of all five of the historical barns is unnecessary?
36. Will DWW prepare maintenance and preservation plans for the buildings that will be retained on the Project Site?
37. Has DWW conducted shovel-pit testing of Archeological areas, Site 128-52 and Locus 1 for evaluation of National Register eligibility?
38. Is DWW willing to conduct additional research on Martin Luther King's connection to the Cullman Brothers' properties to confirm the location of the farm(s) where he worked in 1944 and 1947?

Buffering; Plantings

39. Would DWW be willing to install black vinyl-coated chain link fencing around the solar arrays with black posts and hardware?
40. Will barbed wire be used on fencing?
41. Will DWW hire a landscape architect to work with representatives from the Town on landscaping that impacts public view sheds and abutter properties?
42. What native flowering plants, trees and shrubs would DWW use at the Project Site? Where will these native flowering plants, trees and shrubs be located?

43. Would DWW be willing to plant native pollinator species throughout the Project Site, including buffer areas? What proposals does DWW currently have for the planting of pollinators on the Project Site?
44. Does the seed mix proposed include species of plant suitable for shaded areas (below solar panels) and sun areas (between rows)?
45. What percent of the Project Site would be dominated by wildflowers?
46. What percent of the Project Site would be dominated by native species cover?
47. What plant species used for ground cover will occupy more than 2 percent of the ground cover area for the Project Site?
48. How many species with at least three blooming seasons would there be and what percent of ground cover would those species occupy?
49. What percentage of the seed mixture or plants would be sourced from Connecticut?
50. What is DWW's plan for invasive plant management at the Project Site?
51. Does DWW intend to remove stumps in areas of proposed panel installation as well as shade control areas? Please explain how the remaining stump and root systems, coupled with infrequent mowing and inspection (once per year each), would not overtake native meadow grasses and pollinators.
52. Would DWW install specific site signage in compliance with the Town's Zoning Regulations?
53. DWW states that it will develop a Resource Protection Plan. If the Petition is approved, would DWW provide a Resource Protection Plan as a component of its D&M Plan to be reviewed by the Council and parties of record?
54. Please provide a map indicating where DWW intends to plant additional native evergreen vegetation and/or landscaped berms to serve as screening of the Project.
55. In the forested areas slated for removal, has DWW reviewed a tree inventory to determine if any significant or potentially notable trees are present?
56. Would DWW harvest the wood from the Project Site to make use of this natural resource?
57. To the extent the landscaping at the Project becomes unhealthy, what would be the process for notifying DWW? What is the timeline for DWW to correct any deficiencies?

58. Please provide details of the construction of proposed walking paths and a plan which illustrates public access to the proposed walking paths.

Visibility; Shading

59. How did DWW determine the proposed clearing parameters? Please provide any shade studies or assessments supporting the proposed clearing parameters.

60. Please provide information on any site lighting or security cameras that would be constructed as part of the Project, if any. Has DWW assessed whether Project Site lighting would have any impact on abutting properties?

61. Please describe nocturnal lighting that DWW would use at the Project Site and where it would be located.

62. Please explain anticipated reflectivity from the solar panels and any expected impacts, i.e. glare, particularly on abutting property owners.

63. On page 9 of the Petition, DWW states that the solar panels will be “approximately” ten feet above the ground. Is there a range that quantifies the descriptor “approximately?” If so, please provide that range.

64. Did DWW generate any photo-simulations of existing views of the Project during leaf-off conditions? If so, please provide them. If not, why did DWW elect not to do so? If not, please produce a visibility analysis of the Project during leaf-off conditions.

Operations & Maintenance

65. Will DWW develop and implement a detailed phasing plan for erosion and sediment control during construction? Will DWW agree to retain a qualified third party expert to periodically inspect erosion and sediment control measures and to report to the Council and the Town?

66. Will DWW have professionals, such as a civil engineer and/or soil scientist, on site during construction to perform third party inspections, and who would report to the Town and the Council?

67. Some of the Project Site contains soils which are classified as “prime land soils.” Has DWW developed an agricultural management plan for pre- and post-construction that provides for protection and/or enhancement of these soils?

68. The Operations & Maintenance Plan (Exhibit Q) of the Petition (“O&M Plan”) provides one mowing per year. What is the basis for determining that one mowing per year would be sufficient?

69. The O&M Plan does not address the areas DWW would seed with pollinator mixtures specifically. Has DWW considered the need for an additional level of inspection that includes assessment of success and the need to re-seed not based solely on bare spots? If not, please provide such an assessment.

70. Discuss the expected use, if any, of herbicides, pesticides or fertilizers for maintaining or removing vegetation as part of the O&M Plan. To what percentage of the Project Site would DWW apply such applications?

71. The O&M Plan calls for snow to be plowed off the access roads and equipment pads following snow events. Would this maintenance work be limited to certain hours of the day to lessen the acoustical impact on abutting properties? What hours are proposed for this work?

72. The O&M Plan states that grass and weeds would be removed once per year. How did DWW arrive at this number? Would this keep unintended vegetation and potential invasive plants from taking hold of planned vegetation? If so, please provide support for this proposition. If invasive plants take over the Project Site, would this impact stormwater calculations? How would this impact the pollinator demonstration area?

73. What assurances would/can DWW provide that the Project Site would be maintained in a manner consistent with the Petition or as ordered by the Council?

74. Would DWW set aside contingency funds for additional landscaping and maintenance over the life of the Project?

75. Would DWW conduct post construction monitoring of wildlife and vegetation? If yes, for how long and to whom would DWW report its findings?

Decommissioning Plan

76. Exhibit S to the Petition (Decommissioning Plan) does not include the removal of pile foundations, which may impact future farming activity. Would DWW include full removal of pile foundations as part of the Decommissioning Plan?

77. Exhibit S of the Petition (Decommissioning Plan) provides that electric wire would be pulled and removed from the ground at the Project Site. Would this include all conduits, whether they are direct buried or concrete encased?

78. Absent full knowledge of the end-of-life value of the solar panels contemplated for the Project, what is the basis for asserting that the salvage value of those solar panels would cover the costs of decommissioning?

79. What financial protection is available during the first ten years of the Project when the financial assurance by DWW has not been fully funded?

Infrastructure


80. Provide a copy of the System Impact Study (SIS) prepared for ISO New England.
81. Please confirm that the electrical lines proposed as part of the Project both on-site and off-site would be underground installations. Has DWW discussed this issue with the appropriate public service company and, if so, what is the status of those discussions?
82. Please confirm whether any easements would be required over public or private property for the completion of the Project. If so, please detail the nature of and probable location of each such easement. Has DWW obtained these easements?
83. Please provide information on any use of public water or sewer that is required for the Project, if any.
84. Does DWW anticipate ground mounted transformers to be constructed as part of the Project and, if so, would they be protected in accordance with the applicable electrical codes?
85. How many megawatts (“MW”) of power is DWW required to provide under the power purchase agreement? Does the number of megawatts vary? Please provide a copy of the power purchase agreement.
86. How many panels does DWW expect to use if the Project is approved as set forth in the Petition?
87. What are the specifications for the individual solar panels selected for the Project?
88. Are there any alternative panels with greater capacity, wattage and output available in the industry that might reduce the footprint of the Project to generate the same 26.4 MW? If so, why did DWW elect to use those currently contemplated for the Project?
89. If DWW were to use the alternative panels referenced in Request 88, how many panels would DWW require to produce 26.4 MW of power? How much of the Project footprint could be reduced?

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Respectfully submitted by,

THE TOWN OF SIMSBURY

By:

A handwritten signature in blue ink, appearing to read "Jesse A. Langer" and "Robert M. DeCrescenzo", written over a horizontal line.

Jesse A. Langer

Robert M. DeCrescenzo

UPDIKE, KELLY & SPELLACY, P.C.

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CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

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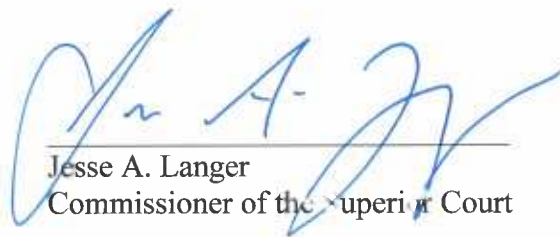
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Jesse A. Langer
Commissioner of the Superior Court