

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2019-02

**APPLICATION OF CHINOOK SOLAR, LLC FOR A CERTIFICATE OF SITE
AND FACILITY FOR THE CHINOOK SOLAR PROJECT IN FITZWILLIAM,
NEW HAMPSHIRE**

Applicant's Request to Waive Certain Decommissioning Plan Requirements

NOW COMES Chinook Solar, LLC ("Chinook"), by and through their attorneys, and submits this request pursuant to Admin. Rule Site 302.05 to waive certain decommissioning requirements contained in Site 301.08(d)(2). In support of this request, Chinook states the following:

1. Chinook is filing an Application for a Certificate of Site and Facility to construct a 30MW solar generating facility in Fitzwilliam, New Hampshire ("the Application"). The Application contains Section J.4.b which describes the decommissioning plan; it also contains Appendix 16C, which is the decommissioning plan itself, and the decommissioning plan is further described in the prefiled testimony of Joseph M. Persechino. The financial assurance for decommissioning is described in the prefiled testimony of Joseph M. Balzano.

2. Site 301.08(d)(2) requires that an applicant include a facility decommissioning plan prepared by an independent, qualified person with demonstrated knowledge and experience in similar energy facility projects and cost estimates, which includes a description of the funding to implement the plan, the provision of financial assurance, a requirement that all transformers be transported off-site, and a requirement

that all underground infrastructure at depths less than four feet below grade be removed from the site. RSA 162-H:7,V(g) requires that the application include a description of the elements of and financial assurances for a facility in reasonable detail.

3. Site 302.05 gives the Committee the authority to waive any provisions of the rules, except where precluded by statute, upon the request of an interested party, provided that the Committee finds that the waiver serves the public interest, and that it will not disrupt the orderly and efficient resolution of matters before the Committee. In determining the public interest, the Committee shall waive the rule if compliance would be onerous or inapplicable or the purpose of the rule would be satisfied by an alternative method. The Committee has granted such waivers in the past. *See, e.g.*, Order on Applicant's Motion for Partial Waiver of the Requirements of N.H. Code Admin. Rules, Site 301.08(d)(2), December 29, 2016 in SEC Docket No. 2015-04 ("Order on Waiver Request"); *see also*, Decision and Order Granting Application for Certificate of Site and Facility, January 31, 2019 in SEC Docket No. 2015-04 at 227 ("Applicant shall be obligated to decommission the Project in accordance with then applicable rules of the SEC" and "[i]t is unknown which method of decommissioning will be required at the time of its retirement").

4. Chinook respectfully requests a waiver from the decommissioning requirement that all underground infrastructure at depths less than four feet below grade be removed from the site. Chinook proposes that it only be required as part of the decommissioning plan to remove material and equipment that is three feet or less below finished grade. Under the National Electric Code electric cables are required to be buried a minimum of three feet below grade when the cable is above a certain voltage class.

Since AC collection cables for Chinook will be installed at a minimum depth of three feet in accordance with the electric code, and their subsequent removal would cause ground disturbance, Chinook requests that only cables installed at three feet or less in depth, as well as other equipment that is located underground at depths of three feet or less, be removed during decommissioning.

5. Chinook also requests a further waiver from the rule when solar racking piles have been concreted into rock. Solar racking piles are typically driven into the ground using pile driving equipment to a depth of 6 to 10 feet below grade, depending on soil conditions. During decommissioning, piles that have been installed using pile driving equipment can be removed using equipment similar to the equipment used for pile installation. At the proposed Chinook site, due to the presence of shallow rock, there will be locations where it will not be feasible to install piles using conventional pile driving equipment. In these circumstances, it is customary to drill a hole into the rock, insert the pile and then install concrete to anchor the pile to the shallow rock for structural support of the solar racking. Chinook Solar is requesting a waiver from having to remove piles shallower than three feet that have been concreted into rock. It is proposed that these piles will be cut off at the interface to the concrete in lieu of removing the pile to a depth of three feet. Doing this will avoid even greater disturbance to the terrain that would be caused by having to drill or possibly dynamite rocks with piles in them at shallower depths.

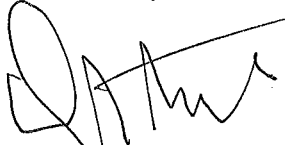
6. Chinook submits that its decommissioning plan, with the requested waivers noted above, is consistent with decommissioning plans that have been prepared for other solar projects in other jurisdictions. As there are no utility-scale solar projects

which have actually been decommissioned, Chinook submits that its decommissioning plan, with these waivers, is a reasonable request at this time. Chinook also submits that granting this request will serve the public interest, and that it will not disrupt the orderly and efficient resolution of matters before the Committee. The alternative method described above, will serve the public interest by conserving resources but still satisfying the purpose of the rule.

WHEREFORE, Chinook respectfully requests that the Committee:

- A. Grant a waiver from certain decommissioning requirements pursuant to Site 302.05 as described above; and
- B. Grant such other relief as the Committee deems appropriate.

Respectfully submitted,
Chinook Solar, LLC
By Its Attorneys



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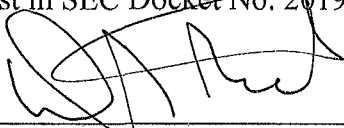
Dated: October 18, 2019



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Certificate of Service

I hereby certify that a copy of the foregoing request has on this 18th day of October 2019 been sent by email to the service list in SEC Docket No. 2019-02.

By: 

Douglas L. Patch