

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Novus 242 Solar LLC for a Certificate
of Public Good, pursuant to 30 V.S.A. § 248,
authorizing the installation and operation for a 3.75
MW ground-mounted solar array in Jay, Vermont
to be known as the “Novus 242 Solar Project”

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Case No. 26-0261-PET

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS’
FIRST SET OF INTERROGATORIES AND
AND REQUESTS TO PRODUCE UPON PETITIONER**

The Vermont Agency of Agriculture, Food and Markets (AAFM), by and through counsel, pursuant to Public Utility Commission Rule 2.214 and V.R.C.P. 33 and 34, serves the following discovery requests upon Novus 242 Solar LLC (Petitioner).

DEFINITIONS

For purposes of these Interrogatories and Requests to Produce, the following definitions shall apply in conjunction with the terms’ ordinary meanings:

“**Describe**” means provide a detailed narrative account and description, with or without reference to one or more plans or other documents.

“**Document**” means any and all records of every type in your actual or constructive possession, control or custody, including without limitation, all electronically stored information, writings, memoranda, correspondence, letters, reports, surveys, notes, diaries, log sheets, ledgers, transcripts, microfilm, computer printouts, emails, work papers, engineering diagrams, mechanical or electrical recordings, data, video tapes, audio tapes, telephone and telegraphic communications, and all other records, written, electrical, mechanical or otherwise, as covered by V.R.C.P. 34(a).

“**Explain**” means provide a detailed narrative account and justification, with or without reference to one or more plans or other documents.

“**Identify**” when used in connection to areas of land means provide the location of the area, in relation to the Vermont Agency of Natural Resources Atlas and the site plan(s), and the size of the area in acres.

“**Petitioner**” means Novus 242 Solar LLC.

“**Primary Agricultural Soils**” (PAS) means any area of the project that fits the definition in 10 VSA § 6001 (15) (A) and (B).

“**Project**” refers to the project that is the subject of this proceeding, Public Utility Commission Case No.26-0261-PET, regarding the 3.75 MW ground-mounted solar array in Jay, Vermont.

“**You**” or “**Your**” refers to Novus 244 Solar LLC.

“**AAFM Act 250 guidelines**” means *Act 250 Procedure: Reclamation of Vermont Agricultural Soils*,” available at https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf

INTERROGATORIES

1. Brevakis prefiled at 9 states that the site will be reclaimed prior to construction in accordance with the existing Act 250 permit. Goddard prefiled at 6 states that the site will be graded prior to the Project construction as part of the existing Act 250 permit 7R0644 (and subsequent amendments) reclamation requirements for the gravel pit operation. Goddard

prefiled at 8 and note 6 on the site map (Exhibit N2S-AB-2 at drawing number C-100)

declare that the CPG Holder will adhere to the AAFM Act 250 guidelines for reclamation.

In the previous Section 248 case (24-3725-NM), Bravakis prefiled at 8 acknowledged that the Agency asked Novus 242 for some additional information regarding any previous mitigation on the site of primary agricultural soils, which Novus 242 responded to and has addressed in the prefiled testimony of Seth Goddard. Whereas Goodard prefiled at 5 gives general information on mitigation,¹ Bravakis prefiled at 9-10 points to two exhibits with details on AAFM's Act 250 reclamation: 7R0644-5, the most recent amendment in the land use permit series 7R0644 and site plan (N2S-AB-7, 7R0644-5 of March, 2013) and an email exchange with the district coordinator (N2S-AB-8, December, 2024).

- a. Please explain whether Act 250 permit 7R0644, including subsequent amendments, requires the reclamation of Primary Agricultural Soils (PAS) in accordance with the AAFM Act 250 guidelines.
 - b. Do the reclamation methods described in Act 250 permit #7R0644 have the same requirements as the AAFM's Act 250 guidelines and/or AAFM's guidance letter to Petitioner dated November 7, 2024?
 - c. If the two reclamation methods described above are different, please describe and explain each of the differences between the two reclamation methods.
2. Please explain whether there exists on the project site today stockpiles of PAS separated by horizon layers, as required by AAFM's Act 250 guidelines.

¹ "The proposed grading on the site plan will be completed by the gravel pit owner as part of their Act 250 permit reclamation requirements prior to the solar array being constructed. Final stabilization of the area within the solar array project will occur after the array is complete."

3. Please identify the number, size (area and approximate volume), horizon category, and location of each stockpile of PAS as described in question 2 above.
4. Does Petitioner plan to fully reclaim the site, including the reapplication of stockpiled PAS prior to construction of this project? If not, please explain how Petitioner plans to manage the PAS reclamation for both projects, including the sequencing and timing of the reapplication of each layer of PAS.
5. Are the stockpile(s) on site today (if any) adequate to restore the original depth of topsoil?
6. Exhibit N2S-AB-7 at 3 in case 24-3725-NM, Act 250 Permit 7R0644-5 with a site plan dated December 2012 Drawing C2-A, shows a “Phase I topsoil stockpile.” Note 3 on the same drawing under Facility Start Up/Construction states, “CLEAR CUT PHASE I AREA, CHIP OR BURN BRUSH AS ALLOWED, GRUB PHASE I AREA, SEGREGATE WOOD STUMPS FROM ORGANIC TOPSOIL-WOODS DUFFLAYER. STOCKPILE IN CLOSED PIT AREA AS SHOWN, LOGS MAY BE TEMPORARILY STACKED AND STORED IN THE LOG LANDING AREA SHOWN ON THE PLANS.” Note 2 under Erosion Control/Other Notes states, “EROSION CONTROL/OTHER NOTES” on the drawing states, “STOCKPILE ORGANIC STRIPPINGS AT THE PIT STOCKPILE AREA.”

In the email exchange between Petitioner and the District coordinator, dated November 20, 2024, Seth Goddard inquired whether the developer may “follow the same tactic on this site as we have on previous pits, with the construction sequence being (i) reclamation earthwork, (ii) solar array installation, (iii) seed & mulch followed by a JO by you once the seed has taken and the site is stabilized....” Exhibit N2S-AB-8 at 2 (case 24-3725NM). On

December 10, 2024, in response to the inquiry, the District Coordinator indicated that to the best of her knowledge, “the same sequence of reclamation construction (eg as used in Brighton, and as described in your email below), with JO to follow, should be A-ok.” Exhibit N2S-AB-8 at 1 (case 24-3725NM).

- a. Does petitioner intend to rely on the District Coordinator’s December 10, 2024 email description of the reclamation procedures and/or apply those procedures for the reclamation of PAS on this project?
 - b. Please describe and explain what is meant by the phrase, “as used in Brighton” in the above-described communication. Exhibit N2S-AB-8 at 1 (case 24-3725 NM).
 - c. Please explain the term “reclamation earthwork” described in Exhibit N2S-AB-8 at 2 in 24-3725-NM and identify any differences between (i) - (iii) in Exhibit N2S-AB-8 in 24-3725-NM and the Agency’s Act 250 reclamation guidelines.
7. Has any waste disposal company agreed to accept, as mentioned in Exhibit N2S-AB-5, Attachment A, the photovoltaic modules described in Exhibit N2S-AB-3 or any photovoltaic module of equivalent design and construction? If yes, please provide the name of each of the companies and the specific waste that it has agreed to receive.

REQUESTS TO PRODUCE

1. Please produce each document that you identified or cited in your responses to these interrogatories.
2. Please produce each document that otherwise supports your responses to these interrogatories.
3. Please produce each additional document that is otherwise responsive to these interrogatories, including any you referred to or relied upon in responding to these interrogatories.
4. Please produce a site drawing for this project (26-0261 PET) that includes the existing PAS stockpiles set aside during the Act 250 project (permit 7R0644) as described in questions 2 and 3_ above.
5. Please produce any documents relating to or explaining the reclamation procedures (if any) referred to in the District Coordinator's December 10, 2024, email referring to "as used in Brighton."
6. Please produce any and all document from the Act 250 land use permit series 7R0644 that requires and/or describes:
 - a. reclamation of topsoil and/or PAS
 - b. sequencing of reclamation activities including related earthwork activities that may coincide with PAS reclamation.

7. Please produce results of tests on any component of the project performed according to the US Environmental Protection Agency's Method 1311: Toxicity Characteristic Leaching Procedure or to a equivalent method.
8. Please produce any and all documents from the waste disposal companies that have agreed to accept, as mentioned in Exhibit N2S-AB5, Attachment A, the photovoltaic modules described in Exhibit N2S-AB-3 or any photovoltaic module of equivalent design and construction.
9. Please produce the document(s) containing the NYSERDA decommissioning solar panel systems method referred to in Exhibit N2S-AB-5.

Dated at Montpelier, Vermont this 3rd day of April, 2026.

STATE OF VERMONT
AGENCY OF AGRICULTURE, FOOD
AND MARKETS

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