HAYWARD SOLAR LLC

MINNESOTA PUBLIC UTILITIES COMMISSION

MPUC DOCKET NOS. IP-7053/CN-21-112, GS-21-113
OAH DOCKET NOS. 5-2500-37666, 37667

DIRECT TESTIMONY OF JOSEPH FINOCCHIARO

MARCH 22, 2022

I. INTRODUCTION AND QUALIFICATIONS

Q. Please state your name, employer, and business address.

A. Joseph Finocchiaro and I am employed by Tenaska, Inc. ("**Tenaska**"). My business address is 14302 FNB Parkway, Omaha, NE, 68154-5212.

Q. What is your position with Tenaska?

A. I am a Director of Environmental Programs.

Q. For whom are you testifying?

A. I am testifying on behalf of Hayward Solar LLC ("**Hayward Solar**"), the applicant in this proceeding.

Q. Please summarize your educational background and professional experience.

A. I have a Bachelor of Science in Mechanical Engineering and in Business Administration from the University of Kansas – Lawrence. I have worked on environmental and permitting issues related to new and existing energy facilities for the past twenty-one years. My resume is attached as **Schedule A**.

II. OVERVIEW

Q. What is the purpose of your Direct Testimony?

A. The purpose of my testimony is to provide responses to agency comments about the Hayward Solar Project ("**Project**") that were submitted during a public meeting and public comment period regarding the scope of the Environmental Assessment ("**EA**") being prepared by the Minnesota Department of Commerce, Energy Environmental Review and Analysis ("**DOC-EERA**"). The information I reference regarding the Project is primarily described in the Hayward Solar's Certificate of Need Application ("**CN Application**") and Site Permit Application ("**SP Application**") submitted on May 5, 2021 (together, the "**Applications**"), and

Hayward Solar's October 15, 2021 Certificate of Need Application and Site Permit Application Amendment ("**Application Amendment**").

Q. What schedules are attached to your Direct Testimony?

A. The following schedules are attached to my Direct Testimony:

- **Schedule A**: Resume of Joseph Finocchiaro

Q. What sections of the Applications and Application Amendment are you sponsoring?

A. I am sponsoring the Section 10 of the CN Application, Section 4 of the SP Application, and Tables 2 and 3 of the Application Amendment.

III. RESPONSE TO AGENCY COMMENTS

Q. Have you reviewed the comments submitted by the Minnesota Department of Natural Resources ("MDNR") on August 18, 2021?

A. Yes, and I have several responses to the MDNR's comments.

Q. Please describe the existing soils within the Project Area.

A. The soils within the Project Area are typically drained muck or loamy muck soils or silt loam soils suited for the existing agricultural production when drained. Large areas of hydric soils are present across the Project Area where historic wetlands were present prior to drainage (e.g., installation of drain tiles and county judicial drainage ditches) or where wetlands are presently located. Few remaining surface water features exist as the area now has numerous drain tiles and judicial drainage ditches to remove water from agricultural fields. Most of the land in the Project Area is being actively farmed.

Q. Are there areas of historic wetland soils in the Project Area?

A. Yes. As noted above, there are areas in the Project Area where historic wetlands were likely present, but those areas have been drained (e.g., by installation of drain tiles and judicial drainage ditches).

Q. Have wetland delineations been conducted in the Project Area?

A. Yes. Desktop and field delineations of wetlands have been conducted for the Project. (*See* Application Amendment at 7 and Amended Figure 15; SP Application at 76-78 and Appendix K.) As noted above, there are areas in the Project Area where historic wetlands were likely present, but those areas have been drained (e.g., by installation of drain tiles and judicial drainage ditches).

Q. Has Hayward Solar considered existing soil conditions, wetlands, and drainage systems in the Project layout design and construction?

A. Yes. The Project is sited on well drained lands. As noted above, the historic wetlands in the Project Area have been drained (e.g., by installation of drain tiles and judicial drainage ditches). All field delineated wetlands have been identified and accounted for in the design through avoidance of placing Project infrastructure in the delineated wetlands to the greatest extent practicable. (*See* Amended Figure 15). Additionally, as noted in the Agricultural Impact Mitigation Plan ("**AIMP**") prepared for the Project (*see* Appendix D to the SP Application and Appendix C to the EA), while a majority of the site is mapped with hydric soils, historical aerial photography and the field wetland delineation indicates that these areas are successfully cropped year after year indicating the presence of subsurface drainage and limited existing wetlands. (AIMP at 18.) Further, based on the mapping, existing Freeborn County agriculture field drain tile is located in the northernmost section of the Project Area and a network of ditches exists throughout the site. (AIMP at 18.) Additionally, judicial drainage ditches are located along 190th and 200th Streets, County Highway 102, and 840th Avenue. (AIMP at 18.) In addition to county drain tile information from Freeborn County, Hayward Solar has obtained maps of private drain tile within farm fields located within most of the Project Area from participating landowners. (AIMP at 18.) Review of these maps indicate a number of private drain tiles are located throughout the Project Area which appear to be connected to the surrounding County drain tile/judicial drainage ditch systems. (AIMP at 18.) Hayward Solar will

further evaluate drain tile locations and take this into account as final design/engineering is completed for the Project. Hayward Solar will restore, replace, or repair the existing drain tile across the Project site and avoid impacts to judicial drainage ditches to the greatest extent practicable. (Section 4.5.3 of the SP.)

Q. Can you address MDNR's comments regarding constructing a solar project within farmed wetlands and/or historically wet areas?

A. Yes. First, as noted in the EA, the Project layout avoids wetlands to the greatest extent practicable, including all farmed wetlands. (EA at 66.) Second, as discussed above, the Project Area is well drained through existing drainage systems such as drain tile and judicial drainage ditch systems. As stated above, Hayward Solar will restore, replace, or repair the existing subsurface and surface drainage systems to the greatest extent practicable in the Project Area during Project construction and operation. Further, the Project's AIMP specifically addresses construction in the type of soil conditions present in the Project Area. Hayward Solar will follow the best management practices ("**BMPs**") set forth in the AIMP during construction and operation, including erosion and sediment control measures. Further, as part of the required construction stormwater permit that will be obtained for the Project, a National Pollutant Discharge Elimination System ("**NPDES**") construction stormwater permit and associated Stormwater Pollution Prevention Plan ("**SWPPP**") will be developed prior to construction and implemented during construction that will include BMPs such as silt fencing (or other erosion control devices), revegetation plans, and management of exposed soils to prevent erosion. The SWPPP will also include a discussion on topsoil and compaction management. As specified in the SWPPP, the Project's Vegetation Management Plan ("**VMP**") (*see* Appendix E to the SP Application and Appendix D to the EA), and AIMP, and as outlined in the EA, during the operating life of the Project, erosion control will be further accomplished by establishment of a perennial, primarily native vegetative cover under the solar arrays and installation of gravel roads with culverts (as necessary) to redirect concentrated surface water.

These actions will preserve the soils in place and will likely result in less soil erosion than is typical with row crop agricultural activities. Additionally, as outlined in the EA, Hayward Solar will take several steps during the 2022 growing season to ensure proper seed mixes for the site, including: collecting and analyzing soil samples, interviewing landowners and farmers who are familiar with the Project Area, re-evaluating the VMP to determine if any changes are needed, reviewing the availability of seed mixes for the 2023 growing season (the anticipated construction timeframe), and coordinating with MDNR staff. (*See* EA at 61.)

Additionally, Hayward Solar has preliminarily designed 10 drainage basins throughout the Preliminary Development Area that range in size from approximately 0.25 to 3.5 acre to manage stormwater runoff from the Project during operation. (*See* Appendix B to the SP Application.) These basins are located in existing low areas that also contain hydric soils and for which the preliminary design for solar facilities has avoided. These areas will be vegetated with a wet seed mix that will help stabilize soils after rain events.

IV. CONCLUSION

Q. Does this conclude your Direct Testimony?

A. Yes.

JOSEPH FINOCCHIARO
DIRECTOR, ENVIRONMENTAL PROGRAMS

SPECIALTY AREAS/ EXPERTISE

As Director of Tenaska's Environmental Programs, Joe Finocchiaro leads environmental assessment, compliance, permitting and due diligence efforts for Tenaska development projects, acquisitions and for its existing power generation fleet. In this role, his responsibilities include process water and storm water management, water supply, biological and wildlife assessment, cultural and archaeological resource assessment, real property environmental issues and other special projects.

Mr. Finocchiaro has been involved in several of Tenaska's solar, wind and natural-gas electric generation projects throughout the U.S.

PROFESSIONAL EXPERIENCE

Tenaska
Omaha, Nebraska; 2001–Present

Director

- Lead coordinator of biological, wetland and wildlife resource assessment efforts for numerous projects.
- Frequent consultation and successful coordination with numerous state and federal environmental compliance agencies.
- Successfully secured new authorization and National Pollutant Discharge Permits for numerous electric generation projects under development.
- Successfully secured numerous authorizations from the US Army Corps of Engineers related to protection of wetland/waters of the U.S.
- Lead coordinator of cultural, archaeological and historic resource assessment efforts for developing projects.
- Successfully renewed several facility effluent discharge and storm water discharge permits.
- Oversight and review of environmental submittals in successful compliance with water and wastewater permit conditions.
- Implementation of environmental compliance manuals and practices.
- Led negotiations for purchase of solar equipment used to qualify up to 6,000 MW of renewable generation for federal investment tax credits.
- Managed procurement of land for a 325 MW utility-scale solar generation project presently under construction in the Upper Midwest.

PROFESSIONAL EXPERIENCE

Previous Tenaska Positions
Environmental Program Manager
Senior Environmental Engineer

Project Engineer

- Real estate environmental due diligence in support of numerous land acquisition transactions.
- Engaged with oversight of compliance with erosion & sediment control, storm water management requirements and wildlife resource protection measures during project construction phases.
- Boundary survey, title review and land use due diligence related to numerous land purchase and use transactions.
- Project environmental, cultural resources and land acquisition lead for a 200+ mile natural gas gathering pipeline project.
- Prosecuted due diligence of environmental, wildlife resource, cultural resource and real estate elements related to numerous potential acquisition assessment efforts.

Union Pacific Railroad
Omaha, Nebraska; 1985–2001

Business Manager, International Intermodal Marketing

- Headed marketing team responsible to major Asian ocean carrier intermodal rail transportation and logistics contracts amounting to nearly $300 million annually.
- More than doubled business revenues and profitability over a seven-year period.

Product Manager, International Automotive Marketing

- Led marketing responsibilities for key automotive import accounts and rail transportation contracts worth more than $33 million annually.
- Recipient of Nissan "Carrier of the Year Award."

Commodity Damage Prevention Engineer

- Responsible for identification of rail customer transportation damage problem causes and deployment of company resources to resolve them.
- Extensive involvement with quality-conscious import and domestic automotive customers.
- Recipient of Chrysler "Pentastar Award" for quality.

EDUCATION

University of Kansas-Lawrence
Bachelor of Science in Mechanical Engineering and Business Administration

PROFESSIONAL ORGANIZATIONS

Energy and Wildlife Action Coalition
Member