

April 24, 2015

Mr. Robert Stein, Chairman
Connecticut Siting Council
Ten
New Britain, CT 06051

Franklin

Square

Re: DOCKET 192B – Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181 a(b) for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut- Naugatuck River Revival Groups Comments on the April 10, 2015 Draft Findings of Facts

Dear Chairman Stein:

The following is the Naugatuck River Revival Group (NRRG) comments on the April 10, 2015 Draft I Findings of Fact (FoF) issued by the Connecticut Siting Council (Council) in the above referenced docket.

General Comments

We request that the Council ask the Applicant to place Air Quality (AQ) monitoring stations outside the direction of the Connecticut Department of Energy and Environmental Protection (DEEP) and placed within the Naugatuck State Forest IBA, Naugatuck River Greenway and several surrounding communities/schools before the Facility is built so to establish local baseline AQ data to show that the Applicants submitted modeling is accurate in the years following the plants operation. In the event that the Applicant is not required to fund (or volunteers to fund) AQ monitors the NRRG is prepared to seek and obtain funding for these monitors.

We would like the Council to recognize that the Applicant, USF&WS and DEEP remain unaware of existing wildlife, including but not limited to the location of Bald Eagle, Osprey and Peregrine nests within the possible impact area of the Facility because of outdated and/or lack of information/studies, including but not limited to, the local IBA (CPV 1, EOSPCC, p.38 and Tab F, Letter from USF&WS; 2/19/15 Hearing transcript pp. 438-441; NVAS Pre-Filed Test. 2/3/15).

The Applicant has not done due diligence in discovering the local wildlife in preparing its final proposal by ignoring and/or lack of an attempt to discover what wildlife exists in the vicinity of the Project (2/10/15 Vol.4 Hearing transcript pp. 439&440) and has relied on outdated USF&WS and CT-DEEP records to prove they will do no harm. The applicant acknowledged during testimony that the environmental studies were mostly likely too old, as elicited by Council member Dr.

Klemens and Siting Analyst Mr. Perrone (2/10/15 Hearing transcript, p. 369; 2/24/15 Hearing transcript, p. 677).

The Applicant suggests this Project remains largely unchanged since 1999 (CPV 3, Letter dated Oct. 6, 2014, Mr. Bazinet to Town of Oxford P&Z Commission Exhibit 3, par. 4). However, the NRRG hopes the Council will conclude that much has changed since 1999, including but not limited to, the 2010 IBA Study, the construction of and additional plans to construct the Naugatuck River Greenway, the increase in population in Oxford, removal of Naugatuck River dams resulting in the return of wildlife such as the Bald Eagle to the local environment which did not exist or were not known of in 1999 (NRRG's exhibit 1 and 2), and including, but not limited to, the listing of the endangered Golden-winged Warbler in the 2008-2010 IBA study (NVAS- NSF Bird Checklist 2/3/15).

The FoF Draft 1 suggests that DEEP and the USF&WS migratory bird information within the vicinity of the Project is sufficient; therefore claiming the information from these agencies is enough evidence to what does and does not exist in the surrounding area (CPV 1 EOSPCC, p.38 and Tab F, Letter from USF&WS). DEEP and USF&WS do not have enough information to come to these conclusions.

The Applicant referred to the 3 migratory species in general (the CT threatened Bald Eagle, the Osprey and Peregrine Falcon) as not being on the site therefore concluding Project impact to local nesting activity would have "no relevance on site" and stated that these species both forage great distances yet forage near the nesting site. Thus, confusing the Council by stating a contradiction. The NRRG would like the Council to recognize this testimony placed their nesting territory well within the Project site (CPV 3/26/15 Hearing transcript, page 135; NRRG Bird Exhibit).

The NRRG suggests the council recognize the importance of the local IBA and its close proximity to the Project in the final FoF draft and the Projects potential impact to the flora and fauna in this area (NVAS Pre-Hearing Submission 1/10/15; NVAS Pre-Filed Testimony 2/3/15).

The NRRG believes there was a lack of information within the FoF Draft 1 regarding the protection of water resources within the Pomperaug River Watershed and hopes the Council corrects this oversight and includes the Pomperaug River Watershed Coalition requested additions into the final draft of the FoF.

Proposed Addition to Draft I Findings of Fact

The NRRG proposes the following additional finding to be included in the FoF **Site Ecology 237**:

The USF&WS concludes, "Migratory bird information is not available for your project location." (CPV 1 EOSPCC, 4.2.6, p. 38, 3-4).

Respectfully submitted,

Kevin Zak
President
NRRG

Certification

I, Kevin Zak, hereby certify that a copy of this filing, Docket 192B, Post Hearing Brief from the Naugatuck River Revival Group, has been hand delivered (one original and fifteen copies) to the Connecticut Siting Council (CSC) and electronically sent to all parties and intervenors on the CSC's Service List.

Kevin R. Zak