

FINDINGS OF FACT



April 24, 2015

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

Subject: 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.

Dear Commissioner Stein:

The Pomperaug River Watershed Coalition (“PRWC”) is a Party to the subject docket and has actively participated in the hearing process. Our goal has been to assist the Siting Council in their further understanding of matters pertaining to water resources including protecting the safety of public water supply and the aquatic health of the Pomperaug River.

I attended the April 16 Siting Council meeting during which the Phase I Findings of Fact (“Findings”) were reviewed. We agree with those who questioned the lack of information within the Draft Findings regarding the protection of water resources. To correct this oversight, PRWC requests the Siting Council incorporate the following additions to its Findings.

Pomperaug River Watershed Coalition Findings of Fact:

WATER USE and ENVIRONMENTAL EFFECTS

1. Water supply for the proposed facility is not guaranteed until conditions of service contained in the letter from the Heritage Village Water Company (“HVWC”) to CPV Towantic are met. The conditions include renewal of the water supply connection with the Connecticut Water Company (“CWC”), currently set to expire in 2017, or the ability for HVWC to secure an alternative water supply. The Connecticut Department of Health (“DPH”) has stated that while the sale of excess water permit issued to CWC will alleviate the short term needs of HVWC, the

maximum month average daily demand margin of safety for CWC will fall below 1.15 sometime soon after 2020 and at some point between 2020 and 2050 will fall below 1.00. DPH recommends that CWC consider locating appropriate sources and obtaining regulatory approvals well in advance of seeking renewal of their permit in 2020. (HVWC letter to CPV; DPH letter to the Siting Council; PRWC testimony and cross exam)

2. DPH recommends that CPV Towantic demonstrates that the proposed facility minimizes the use of potable water and optimizes water conservation opportunities. The facility should be subject to water use restrictions and mandatory conservation measures due to drought triggered by low aquifer and river flows or due to high water demands that are consistent with restrictions placed on other HVWC customers. (DPH letter to the Siting Council; PRWC testimony)

3. If all registered diversions are used during periods of low flows, there is a risk that portions of the river system will experience low flows below tolerable levels or possible dry streambeds. Recognizing the potential impact to the Pomperaug, the Connecticut Department of Energy and Environmental Protection (DEEP) issued a permit to Triangulum Associates (affiliated with HVWC) for river water irrigation withdrawals to be discontinued when the river flows fall below a specified measured rate. (PRWC-filed exhibit from the U.S. Department of the Interior and U.S. Geological Survey; PRWC cross examination)

4. DEEP and the University of Massachusetts, in collaboration with PRWC, completed the Instream Flow Incremental Methodology (“IFIM”) study that was ordered by the Siting Council in the June 23, 1999 “Decision and Order” for Docket No. 192. The study provides new insight into the health of the Pomperaug River. Use of the data has led to numerous findings including that river flows have been below the critical levels during the summer “Rearing and Growth” bio-period for ten months or 22% of the time since the Docket 192 decision. (PRWC-filed exhibit “Northeast Instream Habitat Program”; PRWC testimony and cross examination)

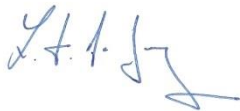
5. CPV Towantic reporting 1.3 % reduction in stream flow in the Pomperaug River (based on average water demands) does not represent a complete and accurate view of the impact of the proposed facility’s water supply demand on river health. The IFIM study supports the need to maintain higher flows during specific winter bio-periods that align with potential oil-fired facility water demands far exceeding the average day demand. (PRWC – filed exhibit “Northeast Instream Habitat Program”; PRWC testimony and cross examination)

6. CPV Towantic has agreed to continue its funding of the two river stream gauging stations as noted within Docket 192 Findings of Fact should the project be approved. (CPV Towantic Cross Examination)

7. Continued safety of the public water supply system and the protection of the Pomperaug River ecosystem for future generations require implementation and enforcement of a comprehensive, measurable and enforceable water management plan for the proposed facility. (PRWC testimony)

We very much appreciate the opportunity afforded PRWC to participate as a Party to these proceedings. We hope that this submission further enables the Siting Council to fully consider the water supply and environmental impacts of this proposed project. Please help us continue to protect the safety of region's water supply and the health of our river ecosystem.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. DeJong", with a stylized flourish at the end.

Len DeJong
Executive Director

c. Service List

I hereby certify that a copy of the foregoing document was electronically mailed and/or sent by U.S. mail to the following service list on April 24, 2015.