



July 29, 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 Chairman Stein:

PRWC received the proposed D&M Plan from the Certificate Holder on July 17, 2015 and has reviewed the Updated Water Supply/Management Plan. PRWC understood that the D&M Plan, specifically the Updated Water Supply/Management Plan (“Plan”), would properly address water resource matters identified within the Findings of Fact. Unfortunately, PRWC finds the Certificate Holder’s proposed Plan to be essentially unresponsive to water supply planning needs and to those items identified in the Findings of Fact.

PRWC therefore requests that the Siting Council not approve the D&M Plan as submitted and not permit commencement of facility construction until such time as the water supply/resources issues are fully resolved. As presented the proposed Plan jeopardizes the health and safety of the public water consumer within our region and the protection of the Pomperaug River /Aquifer water resources.

PRWC’s position on the proposed Plan is the result of our active and constructive participation in the Council’s proceedings on this Docket, our independent discussions on water supply and management matters with CPV Towantic, Heritage Village Water Company (“HVWC”) and the Connecticut Water Company (“CWC”), and over fifteen years of stewardship of the Pomperaug River Watershed.

Specifically we ask that you direct your attention to the following:

1. Water Supply Interconnect - As a condition to serve, HVWC stipulated the need for continuation of the existing interconnect with the CWC or the ability for HVWC to secure additional supplies. The Findings of Fact state that the permits for the supply interconnect will expire in 2017 and 2020 and underscore CT Department of Health (“DPH”) concerns about margin of safety for water supplies within the region. The Plan is devoid of any confirmation that these conditions have been met or how they will be satisfied. Furthermore, the Plan should provide affirmation that HVWC and the Certificate Holder have an executed agreement to provide water service for the facility. Lastly, the requirement that the availability of water be reviewed annually until a “HVWC Advanced Refundable Contract” is not addressed.
2. Monitoring and Reporting – The Plan lacks any accountability relevant to actual water usage. This is a critical component to insure that stated water consumption by the Certificate Holder is adhered to and that the annual, seasonal and operational water demands put forth in the proceeding record are not exceeded.
3. Drought Management – The Plan does not include a detailed drought management work plan should water restrictions be implemented within the region. This too is a critical Plan component in respect to impact on water supply to existing customers, to river flows and to environmental damage. The Plan should contain very specific action items at drought level stations and align with State and local drought planning efforts. Prolonged (multiple season) droughts pose a very real threat in that the facility’s varied seasonal water demands may further burden documented existing critical low river flows.
4. Science and Research – As documented in the Findings of Fact, PRWC submitted two studies on water flows in the Pomperaug River. As noted: “These studies provide a more current, scientifically-informed context than was available in 1999 for evaluating the relationship between withdrawals from the Pomperaug River and streamflows within the Pomperaug River.” The Plan does not provide any indication that the Certificate Holder, working in collaboration with CT Department of Energy and Environmental Protection (“DEEP”), DPH, HVWC, PRWC and others will use this information to prevent any further detrimental impact to the river.
5. Stakeholder Outreach – The Plan briefly calls out that the Certificate Holder “... commits to proactively engaging with key local water related stakeholders...” for the purpose of addressing water restrictions and drought, new water supply sources and out-of-basin transfers and coordination with PRWC to facilitate the understanding of the dynamic nature of the Project’s water demands. PRWC would argue that the Certificate Holder has had significant time since the 1999 Decision to address those issues and has not done so. In its May 14, 2015 Decision, the Siting Council again provided time to the Certificate Holder to plan for, and deliver a comprehensive water supply plan. The Plan presented to the Siting Council does not address these critical matters but rather leaves planning that should be in place today for a future, undisclosed time.

6. Stream Flow Measurement – The record of the proceedings reflect the Certificate Holder’s willingness to continue to fund two stream flow gages. However, the Plan lacks any commitment to that funding for the duration of the project’s operating life and there is no mention as to how that data will be used for managing water demands and protecting stream flows.

In closing, PRWC again wishes to thank the Siting Council for the opportunity provided to us to participate in the subject Docket. We would encourage that the Siting Council meet with representatives from DEEP and DPH along with HVWC, CWC and the Certificate Holder in an attempt to resolve these matters and construct a “comprehensive, measurable and enforceable” water management plan. The Siting Council may also wish to require that the Certificate Holder fund a third party independent water resources consultant selected by the Council to develop the Plan. PRWC would welcome the opportunity to assist others with needed planning.

Until the D&M Plan and the Updated Water Supply/Management Plan address the aforementioned items, PRWC once again requests that the Certificate Holder’s submission be denied and that the facility not be approved for construction.

Sincerely,



Len DeJong
Executive Director

c. Service List