



Transcript of the Hearing of

Date: March 24, 2015

Volume:

Case: DOCKET NO.192B - SITING COUNCIL

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 192B
CPV Towantic, 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 Sections
4-181a(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

Continued Council Meeting held at the
Connecticut Siting Council, 10 Franklin
Square, New Britain, Connecticut, Tuesday,
March 24, 2015, beginning at 11:00 a.m.

H e l d B e f o r e :

ROBERT STEIN, Chairperson
SENATOR JOHN J. MURPHY, JR.,
Vice Chairperson

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(1) Appearances:
(2) Council Members:
(3) DR. BARBARA C. BELL
(4) ROBERT HANNON, DEEP Designee
(5) LARRY P. LEVESQUE, ESQ.
(6) PHILIP T. ASHTON
(7) DANIEL P. LYNCH, JR.
(8)
(9) Council Staff:
(10) MELANIE BACHMAN, ESQ.,
(11) Executive Director and
(12) Staff Attorney
(13)
(14) MICHAEL PERRONE,
(15) Siting Analyst
(16)
(17) For CPV TOWANTIC, LLC:
(18) BROWN RUDNICK, LLP
(19) 185 Asylum Street
(20) Hartford, Connecticut 06103
(21) By: PHILIP M. SMALL, ESQ.
(22) FRANCA L. DeROSA, ESQ.
(23)
(24)
(25)

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(1) Appearances:
(2) For the Town of Middlebury:
(3) LAW OFFICE OF STEPHEN L. SAVARESE
(4) 107 South Main Street
(5) Middlebury, Connecticut 06470
(6) By: STEPHEN SAVARESE, ESQ.
(7)
(8) Also present for the Town of Middlebury:
(9) RAYMOND PIETRORAZIO
(10)
(11) For the Westover Hills Subdivision
(12) Homeowners:Homeowners:
(13) CHESTER CORNACCHIA
(14)
(15) For the Borough of Naugatuck and the
(16) Water Pollution Control Authority:
(17) FITZPATRICK, MARIANO, SANTOS, &
(18) SOUSA, P.C.
(19) 203 Church Street
(20) Naugatuck, Connecticut 06770
(21) By: ALICIA K. PERILLO, ESQ.
(22)
(23)
(24)
(25)

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(1) Appearances (Cont'd.):
(2) For Westover School:
(3) ALICE HALLARAN
(4)
(5) For Oxford Flying Club:
(6) BURT STEVENS
(7)
(8) For Naugatuck Valley Audubon Society:
(9) SOPHIE ZYLA
(10) JOSEPH RUHLOFF
(11)
(12) For Naugatuck River Revival Group:
(13) KEVIN ZAK
(14)
(15) For the Naugatuck Land Trust:
(16) DR. W. SCOTT PETERSON
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

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(1) THE CHAIRPERSON: Good
(2) morning, ladies and gentlemen. I'd like to
(3) call order this meeting of the Connecticut
(4) Siting Council, today, Tuesday, March 24,
(5) 2015, approximately 11 a.m.
(6) My name is Robert Stein. I'm
(7) Chairman of Connecticut Siting Council. This
(8) hearing is held pursuant to the provisions of
(9) Title XVI of the Connecticut General
(10) Statutes, and the Uniform Administrative
(11) Procedure Act upon a motion to reopen the
(12) final decision on the Certificate of
(13) Environmental Compatibility and Public Need
(14) held by CPV Towantic, LLC, for the
(15) Construction Maintenance, and Operation of
(16) the 785 Megawatt Dual-Fuel Combined-Cycle
(17) Electric Generating Facility Located North of
(18) Prokop Road and Towantic Hill Road
(19) Intersection in the Town of Oxford,
(20) Connecticut.
(21) On November 13, 2014, the
(22) Council, pursuant to a request filed by CPV
(23) Towantic, LLC, and the provisions of
(24) Connecticut General Statute 4-181a,
(25) Subsection B, reopened the final decision

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March 24, 2015

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(1) rendered in this docket.
(2) One June 23, 1999, the Council
(3) considered and approved grating a certificate
(4) to seek CPV Towantic, LLC's, predecessor for
(5) construction, maintenance and operation of
(6) 512 Megawatt Natural Gas-Fired Combined-Cycle
(7) Facility located at the same location in the
(8) Town of Oxford, Connecticut.
(9) On March 1, 2001, the Council
(10) considered and approved final site plans for
(11) this facility. The certificate of facility
(12) is schedule to expire on June 1, 2016.
(13) A verbatim transcript will be
(14) made of this hearing and deposited with the
(15) Town Clerk's office in Oxford and Middlebury
(16) town hall for the convenience of the public.
(17) We'll proceed in accordance
(18) with the prepared agenda, copies are which
(19) are available near the door. We will proceed
(20) first with the appearance of the Grouped
(21) Intervenor Borough of Naugatuck and Borough
(22) of Naugatuck Water Pollution Control
(23) Authority to swear in their witness and to
(24) verify the exhibits marked as Roman numeral
(25) X, Items B-1 through -3 in the Hearing

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(1) Program.
(2) Would you just identify who
(3) you are and then we'll swear in the --
(4) MS. PERILLO: For the record,
(5) Mr. Chairman, Alicia Perillo, attorney at
(6) Fitzpatrick, Mariano, Santos and Sousa, and
(7) we are counsel for the Borough of Naugatuck
(8) and the Naugatuck Water Pollution Control
(9) Authority.
(10) And to my right, would you
(11) just state your name for the record.
(12) RONALD MERANCY: Ron Merancy,
(13) Chairman, Water Pollution Control Board,
(14) Borough of Naugatuck.
(15) JAMES STEWART: James Stewart,
(16) Director of Public Works, Borough of
(17) Naugatuck.
(18) THE CHAIRPERSON: Okay. And
(19) would please rise and take the oath, please.
(20) RONALD MERANCY,
(21) JAMES STEWART,
(22) called as witnesses, being first duly
(23) sworn by Ms. Bachman, were examined and
(24) testified on their oaths as follows:
(25) MS. BACHMAN: Thank you.

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(1) THE CHAIRPERSON: Attorney
(2) Perillo. Right?
(3) MS. PERILLO: Yes.
(4) THE CHAIRPERSON: Would you
(5) please verify the exhibits that were filed in
(6) the matter and verify them by the appropriate
(7) witnesses.
(8) MS. PERILLO: Yes,
(9) Mr. Chairman.
(10) You are to both state your
(11) name for the record and your occupation, and
(12) there were interrogatory questions served on
(13) the Borough of Naugatuck and WPCA dated
(14) February 24, 2015. The responses to these
(15) interrogatories were submitted to the Siting
(16) Council on March 5, 2015. Were some of these
(17) responses prepared by you and under your
(18) direction?
(19) THE WITNESS (Merancy): Yes.
(20) THE WITNESS (Stewart): Yes.
(21) MS. PERILLO: And do you have
(22) any changes or corrections to any of these
(23) responses?
(24) THE WITNESS (Merancy): No.
(25) THE WITNESS (Stewart): No.

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(1) MS. PERILLO: Are your
(2) responses to these questions true and
(3) accurate to the best of your knowledge and
(4) belief?
(5) THE WITNESS (Merancy): Yes.
(6) THE WITNESS (Stewart): Yes.
(7) MS. PERILLO: And you adopt
(8) those responses as your testimony?
(9) THE WITNESS (Merancy): Yes.
(10) THE WITNESS (Stewart): Yes.
(11) MS. PERILLO: Okay. So with
(12) that being said, Mr. Chairman, I request that
(13) the interrogatories -- or the responses to
(14) the interrogatories and the exhibits marked
(15) X-B through -3 on the hearing program be
(16) admitted as full exhibits.
(17) THE CHAIRPERSON: Okay. Does
(18) any party of Intervenor object to the
(19) admission of these exhibits?
(20) (No response.)
(21) THE CHAIRPERSON: Okay.
(22) Hearing and seeing none, the exhibits are
(23) admitted.
(24) (Exhibits X-B-1 through X-B-3:
(25) Received in evidence - described in index.)

(1) THE CHAIRPERSON: We'll now
(2) begin with cross-examination by staff,
(3) Mr. Perrone.
(4) CROSS-EXAMINATION
(5) MR. PERRONE: Thank you,
(6) Mr. Chairman.
(7) I understand that WPCA's
(8) action on CPV's permit application has been
(9) tabled pending further study. Do you have
(10) any updates on the status of that process at
(11) this time?
(12) THE WITNESS (Stewart): We are
(13) meeting with the Applicants, I believe on
(14) Thursday morning. We're going to discuss
(15) with them additional information that the
(16) Borough is requesting, and then they'll be
(17) put on the next regular board agenda, and the
(18) meeting will be continued from there.
(19) MR. ASHTON: Could you pull
(20) the mic towards you, the small one on your
(21) left. That's it.
(22) THE CHAIRPERSON: Just, you
(23) are aware that the continuation of this
(24) hearing is on the schedule for Thursday
(25) morning. So I don't know how the meeting --

(1) I guess other people will be -- just wanted
(2) to make sure you're aware of that.
(3) THE WITNESS (Merancy): Thank
(4) you.
(5) MR. PERRONE: Having received
(6) CPV's responses to interrogatories, do you
(7) still have any outstanding concerns about the
(8) wastewater treatment facility's ability to
(9) treat the effluent from the facility?
(10) THE WITNESS (Stewart): We
(11) still have -- have many questions about the
(12) content of the wastewater and we still --
(13) what's most concerning to me at this point is
(14) the storm water that's being collected and
(15) potentially distributed to the Borough. We
(16) have a significant storm water problem in the
(17) Borough, very high-peak flows. So generally,
(18) in the past we have not allowed storm water
(19) to be directed to the Borough.
(20) MR. PERRONE: Thank you.
(21) That's all I have.
(22) THE WITNESS (Merancy): Can I
(23) just add to that? The only thing else I'd
(24) like to say for the record is no treatment
(25) plant knowingly permits wastewater --

(1) THE WITNESS (Stewart): Storm
(2) water.
(3) THE WITNESS (Merancy): --
(4) storm water. So I just want to make sure,
(5) throughout the country it's not permitted.
(6) MR. PERRONE: Thank you.
(7) THE CHAIRPERSON: Well, I know
(8) combined systems how they work, but I'd want
(9) to think it out, too, for what it's worth.
(10) We'll now go with
(11) cross-examination by Dr. Bell.
(12) DR. BELL: Thank you,
(13) Mr. Chair. I have no questions for this
(14) panel.
(15) THE CHAIRPERSON: Thank you.
(16) Mr. Ashton.
(17) MR. ASHTON: You make the
(18) point that you have a problem with inflow
(19) during -- for storm water. How significant
(20) is that?
(21) THE WITNESS (Merancy): Well,
(22) our average flow is about -- I'm sorry. Our
(23) average at the plant is about
(24) 5-and-a-half-million gallons a day. We're
(25) designed for 10.3 million gallons a day and

(1) we peak out upwards of 22 million gallons a
(2) day.
(3) MR. ASHTON: So you've got a
(4) really serious problem.
(5) THE WITNESS (Merancy): We do.
(6) And we're -- and we have a new NPDES permit
(7) that's requiring us to treat for -- for
(8) phosphorous, and because our ability to do
(9) that is directly linked on our -- on our peak
(10) flows.
(11) MR. ASHTON: And what is the
(12) peak flow projected from Towantic?
(13) THE WITNESS (Merancy): Well,
(14) that's just it. They've --
(15) MR. ASHTON: CPV.
(16) THE WITNESS (Merancy): --
(17) they've from what I recall, they're
(18) projecting from storm water a gallon a half
(19) per minute which doesn't seem realistic to me
(20) if they're -- if they're connecting to any
(21) significant area, unless they're doing
(22) something --
(23) MR. ASHTON: They're talking
(24) about diverting storm water to the sewage
(25) treatment plant?

(1) THE WITNESS (Merancy): My
(2) understanding is they've got some areas that
(3) are impounding protecting for discharge and
(4) they're going to collect storm water and then
(5) direct through oil/water separators to our --
(6) to our treatment plant.
(7) MR. ASHTON: So a gallon an a
(8) half per minute, is that correct, for storm
(9) water?
(10) THE WITNESS (Merancy): That's
(11) that's what I recall which didn't seem
(12) appropriate to me because it's not enough
(13) volume for any significant area when it's
(14) poring rain.
(15) MR. ASHTON: Well, why would
(16) they divert any storm water to the sewage
(17) treatment plant.
(18) THE WITNESS (Merancy):
(19) Generally, that's -- it's not done.
(20) MR. ASHTON: Are they going to
(21) divert blowdown.
(22) THE WITNESS (Stewart): I
(23) couldn't speak to that.
(24) MR. ASHTON: Have you talked
(25) with CPV?

(1) THE WITNESS (Stewart): Well,
(2) I have. As I said earlier, I have a meeting
(3) with them later this week.
(4) MR. ASHTON: And you've had no
(5) discussion prior to this week?
(6) THE WITNESS (Stewart): Other
(7) than the meetings that they came to, the two
(8) meetings they came to.
(9) MR. ASHTON: I'm sorry.
(10) THE WITNESS (Stewart): The
(11) two water pollution control meetings they
(12) came to.
(13) MR. ASHTON: And what did they
(14) say at that time?
(15) THE WITNESS (Stewart):
(16) Initially, they -- they expressed that
(17) their -- that their flow was significantly
(18) reduced from their original application. And
(19) from what I recall, they had bathrooms and
(20) showers, and some floor drains in the
(21) building.
(22) MR. ASHTON: Uh-huh.
(23) THE WITNESS (Stewart): At the
(24) second meeting, we -- we, through the
(25) interrogatories, we learned that there would

(1) be storm water associated with that as well.
(2) MR. ASHTON: And when roughly
(3) was that meeting?
(4) THE WITNESS (Merancy): The
(5) most recent meeting was --
(6) MS. PERILLO: Last Thursday.
(7) THE WITNESS (Merancy): --
(8) last Thursday.
(9) MR. ASHTON: Last Thursday was
(10) the first time they had any contact with you?
(11) MS. PERILLO: No. The first
(12) meeting was August 21, 2014.
(13) MR. ASHTON: And that was when
(14) they told you about blowdown and showers and
(15) floor drains and the like?
(16) THE WITNESS (Merancy): Yes.
(17) MR. ASHTON: And you never
(18) went -- did you go back to them and say
(19) anything else? I mean, that was seven months
(20) ago, eight months ago -- seven months ago. I
(21) amazed there's been no dialogue on this
(22) thing. I would think the plant would be, and
(23) the Borough would be extremely concerned
(24) about it.
(25) You're not a witness, ma'am.

(1) I'm sorry.
(2) THE WITNESS (Merancy): Well,
(3) initially there wasn't -- there wasn't
(4) concern, because we were -- we were told that
(5) there was bathrooms and some floor drains in
(6) the building, and then it became evident that
(7) there was some other issues that we
(8) weren't -- or we felt that we may not have
(9) been fully informed on.
(10) MR. ASHTON: How did it become
(11) evident and when did it become evident?
(12) THE WITNESS (Merancy): It
(13) became evident when -- I'm sorry. Our
(14) attorney came and said there's -- there's
(15) concerns about this. There's -- there's
(16) maybe additional flows there, additional --
(17) the first application was a significantly
(18) higher flow of hundreds of thousands of
(19) gallons a day, so that wasn't made completely
(20) clear to us.
(21) MR. ASHTON: Who was that that
(22) presented that information?
(23) THE WITNESS (Merancy):
(24) Attorney Perillo.
(25) MR. ASHTON: I'm sorry. I

(1) couldn't hear you.
(2) THE WITNESS (Merancy): Our --
(3) our attorney.
(4) MR. ASHTON: Your attorney.
(5) And when was this?
(6) THE WITNESS (Merancy):
(7) Following the first meeting.
(8) MR. ASHTON: Following it by a
(9) week, a month, three months?
(10) THE WITNESS (Merancy): I
(11) would say at least a month.
(12) MR. ASHTON: Okay. So now
(13) we're at September. And what has progressed
(14) since September?
(15) THE WITNESS (Merancy): These
(16) hearings for my understanding.
(17) MR. ASHTON: I'm amazed that
(18) the Borough didn't pursue this more
(19) aggressively. What's the biggest customer on
(20) your system?
(21) THE WITNESS (Merancy):
(22) Currently, the Borough does not have a
(23) sewer-use fee. So we don't collect water
(24) usage data, so we don't know particular
(25) customers which are the largest users.

(1) MR. ASHTON: You have no idea
(2) what your customers are putting into your
(3) system?
(4) THE WITNESS (Merancy):
(5) Unfortunately --
(6) MR. ASHTON: Is that a yes or
(7) no?
(8) THE WITNESS (Merancy): Well,
(9) I wouldn't say no idea, but -- but basically,
(10) yes.
(11) THE CHAIRPERSON: Yes, you
(12) have no idea, or no, you --
(13) THE WITNESS (Merancy): I
(14) don't like saying that I have no idea. I
(15) have an idea of what's going in. I could
(16) find out through -- through significant
(17) research what's going in, but I can't -- I
(18) can't point to a -- to a table say this user
(19) is discharging this much flow to us because
(20) we don't track it.
(21) MR. ASHTON: Do you -- I'm
(22) sorry. Do you meter your water consumption?
(23) THE WITNESS (Merancy): It's
(24) not our -- well, the Connecticut Water
(25) Company handles the water and they do the

(1) billing --
(2) MR. ASHTON: Well --
(3) THE WITNESS (Merancy): -- and
(4) in Naugatuck we don't bill people for their
(5) sewage. It's all done through the tax base,
(6) so we don't track specific water discharges
(7) from different businesses.
(8) MR. ASHTON: I didn't quite
(9) catch the start of that. Do you or do you
(10) not bill for water consumption?
(11) THE WITNESS (Merancy): We --
(12) the Borough of Naugatuck doesn't own the
(13) water company. The Connecticut Water Company
(14) runs it so --
(15) MR. ASHTON: Okay.
(16) THE WITNESS (Merancy): -- we
(17) don't bill for sewers by water consumption,
(18) no.
(19) MR. ASHTON: Have you talked
(20) with the Applicant, CPV, about the content of
(21) the waste discharge at all?
(22) THE WITNESS (Merancy):
(23) During -- during the meeting, we requested
(24) that information.
(25) MR. ASHTON: This is the

(1) meeting in August?
(2) THE WITNESS (Merancy): The
(3) meeting last Thursday and the meeting in
(4) August.
(5) MR. ASHTON: And has that --
(6) have they provided any such information?
(7) THE WITNESS (Merancy): Not to
(8) my knowledge in detail form.
(9) MR. ASHTON: I'm sorry. I
(10) missed the last bit.
(11) THE WITNESS (Merancy): In
(12) detail form. They haven't given us any --
(13) any reports or to my knowledge.
(14) MR. ASHTON: They don't tell
(15) you how much metal content or organic content
(16) or anything like that?
(17) THE WITNESS (Merancy): Not
(18) specifically.
(19) MR. ASHTON: Did you ask
(20) explicitly those questions?
(21) THE WITNESS (Merancy): Yes.
(22) MR. ASHTON: Have you asked
(23) more than once?
(24) THE WITNESS (Stewart): No, I
(25) think most clearly the last meeting we had.

(1) MR. ASHTON: No -- no further
(2) questions. Thank you.
(3) THE CHAIRPERSON: Thank you.
(4) Mr. Levesque.
(5) MR. LEVESQUE: When you said
(6) that normally districts don't require
(7) separation of storm water -- or that they do,
(8) you meant from their permits. Correct?
(9) THE WITNESS (Stewart): No.
(10) What I meant was no water treatment plant
(11) knowingly permits rainwater.
(12) MR. LEVESQUE: Well, I think
(13) when the -- when the commissions are saying
(14) that there are some storm combined, but
(15) you're talking about for new projects?
(16) THE WITNESS (Merancy):
(17) Correct. Just like Waterbury used to be,
(18) they're no longer.
(19) THE CHAIRPERSON: Let me just
(20) follow up so I can get it clear. The system
(21) in your Borough that you -- is that a
(22) combined?
(23) THE WITNESS (Merancy): No.
(24) There's no -- there's no combined sections
(25) that we know of. I mean, it would be

(1) facility.
(2) THE CHAIRPERSON: Okay. Thank
(3) you.
(4) Mr. Levesque, why don't you
(5) continue that.
(6) MR. LEVESQUE: That's all.
(7) Thank you, Chairman.
(8) THE CHAIRPERSON: Oh, okay.
(9) Mr. Hannon.
(10) MR. HANNON: Thank you,
(11) Mr. Chairman.
(12) And I do have a number of
(13) questions. A lot of them sort of focus on
(14) some of the details and the process of the
(15) town.
(16) Back in August 12, 2014, you
(17) had the discussion with Towantic Energy
(18) project that there were changes, and you were
(19) informed that the sewer discharge rates due
(20) to the changed conditions would probably be
(21) between 7500 and 38,000 gallons per day and
(22) these were explained at the meeting. Do you
(23) recall these events? I think you had
(24) mentioned earlier that you had the dialogue
(25) back in August when --

(1) inaccurate to say we don't have inflow
(2) infiltration coming into our system, because
(3) we have significant amounts. I'm sure
(4) there's certain catch basins that we don't
(5) know particularly that are connected, and --
(6) and I'm sure there's certain roof leaders
(7) throughout town and businesses that may have
(8) piping for storm water that bleed to our
(9) system, but when we find out about it we
(10) do -- we tend to remove it, and we certainly
(11) don't permit it unless there's -- and the
(12) only one that I can recall where there's
(13) any -- anything that we permitted two
(14) locations, and I'm not sure we permitted it.
(15) One is the Chemtura site next to -- next to
(16) the plant where drains were directed to the
(17) plant, those have been since removed.
(18) Another one is in front of the Public Works
(19) garage, we have a truck washing facility
(20) which is smaller than this area here, where
(21) we wash trucks and the water and it's not
(22) covered so potentially when there's rain, we
(23) collect a 12-by-20 area of rainwater, and
(24) that was done on a temporary basis until such
(25) time as the Town could get a washing

(1) THE WITNESS (Merancy): Yes.
(2) MR. HANNON: -- the
(3) applications were originally approved.
(4) One of the questions I have,
(5) is as part of the condition of approval
(6) you're requiring that the water be metered,
(7) the discharge water be metered. Why?
(8) THE WITNESS (Merancy): We
(9) asked it to be measured and metered, correct.
(10) MR. HANNON: right. And I'm
(11) asking why you need the metering?
(12) THE WITNESS (Merancy):
(13) Because there's a certain amount -- we don't
(14) want them -- there's -- each town has an
(15) allotment. Oxford has an allotment,
(16) Middlebury has an allotment. We want to make
(17) sure they don't exceed their capacity.
(18) MR. HANNON: Okay. So this is
(19) just to sort of cumulatively identify the
(20) water coming from the town not necessarily
(21) the individual facilities?
(22) THE WITNESS (Merancy):
(23) Correct.
(24) MR. HANNON: Okay. Also at
(25) that meeting, the motion was to have Mr. --

(1) is it Batorski?
(2) THE WITNESS (Stewart):
(3) Batorski.
(4) MR. HANNON: -- review and
(5) approve the discharge permit application.
(6) Was that done?
(7) THE WITNESS (Merancy): Not to
(8) my knowledge.
(9) MR. HANNON: So back on
(10) August 12th from then until this point in
(11) time, you're not aware of him having reviewed
(12) it and approved it or denied it?
(13) THE WITNESS (Merancy): I'm
(14) not -- I'm not aware of that happening.
(15) MR. HANNON: Who would know?
(16) THE WITNESS (Stewart): I'm
(17) assuming he would know.
(18) MR. HANNON: And the reason I
(19) ask is because in one of the interrogatories
(20) that you responded to where the Borough was
(21) asked about information on the -- let me get
(22) the right one -- talking about how many
(23) wastewater discharges to the treatment plant,
(24) the ten largest dischargers, but you also
(25) said that when it was asked, how many had

(1) been -- how many applications have been
(2) approved, the response was it's in the
(3) minutes. And they had to go back and look
(4) through the minutes.
(5) So I'm just trying to find out
(6) if you made an approval to have a third-party
(7) actually review and approve, wouldn't there
(8) be some record somewhere of what was going
(9) on?
(10) THE WITNESS (Merancy): My --
(11) my experience with this is Mr. Batorski runs
(12) the treatment plant, ultimately he knows what
(13) -- I should say he can -- he can inform the
(14) board what the treatment plant can handle as
(15) far as -- as far as chemicals and metals and
(16) such. We didn't have that information
(17) provided to us at that original meeting --
(18) MR. HANNON: Okay.
(19) THE WITNESS (Stewart): -- so
(20) I believe that the board was concerned with
(21) the information we had got, and I think that
(22) the -- the feeling of 7,000 gallons was --
(23) was -- the plant was capable of handling that
(24) volume, but they were still concerned with --
(25) with what was in the wastewater at that time.

(1) So generally, in my experience
(2) when companies get an industrial discharge
(3) permit from -- from DEEP, there's an actually
(4) form that gets signed by someone. And in the
(5) past John Batorski has been the one that
(6) signs that form, and -- and to this date if
(7) John was provided that form and he signed it,
(8) I don't know.
(9) MR. HANNON: Okay. So I guess
(10) then, my question would be when the
(11) interrogatory came in about identifying some
(12) of the most recently approved applications,
(13) if an independent third-party is making those
(14) decisions -- and again, I don't know if this
(15) was your standard operating procedure for the
(16) Water Pollution Control Authority to have the
(17) person sort of operating the plant make that
(18) decision. I just want to make sure that
(19) somewhere that information would have been
(20) picked up so it would have been part of the
(21) record.
(22) THE WITNESS (Stewart): No.
(23) Every time we get an approval it goes to the
(24) board, and then board will -- will decide --
(25) decide about it. If it's a residential use

(1) or a business use, they make approval. If
(2) it's a commercial use that -- that -- or
(3) industrial use where that form needs to be
(4) signed by the -- by the plant manager, then
(5) -- then John Batorski makes that final
(6) approval after the board gives him the right
(7) to.
(8) MR. HANNON: Okay. Thank you.
(9) And then you go on -- I'm sort
(10) of jumping forward a little bit. I was
(11) looking at the minutes of the February 6,
(12) 2014 meeting and there was an issue that was
(13) debated about Middlebury's sewer billing
(14) invoices. I'm assuming that's related to the
(15) cumulative amount of wastewater discharge?
(16) THE WITNESS (Merancy): Yes.
(17) Our current.
(18) MR. HANNON: Okay.
(19) THE WITNESS (Merancy): --
(20) agreement with Middlebury, they're charged by
(21) the total flow that they discharge as a
(22) percentage of the -- of the Borough's flow.
(23) MR. HANNON: Okay. I'm
(24) looking at the November 20, 2014, agenda Item
(25) 6-J, and it talks about correspondence dating

(1) November 14th, from the State of Connecticut
(2) Siting Council regarding Docket 192B and
(3) Towantic and it's a -- this said it's part of
(4) correspondence, so there some information
(5) that came in. So in November is when you
(6) were really aware of the fact they applied
(7) for reopening the old application to deal
(8) with their changed circumstances. Correct?
(9) THE WITNESS (Stewart): Yes.
(10) MR. HANNON: Okay. I want to
(11) move to the January 22, 2015 meeting because
(12) I do have a number of questions on that. The
(13) August meeting was a regular meeting. The
(14) January 22, 2015 meeting was a special
(15) meeting. What do you interpret is the
(16) difference between the two meetings?
(17) THE WITNESS (Merancy): It
(18) didn't occur on the -- on the third Thursday
(19) of the month for scheduling reasons.
(20) MR. HANNON: But it was still
(21) posted as a special meeting.
(22) THE WITNESS (Merancy): By --
(23) by definition.
(24) MR. HANNON: Right. The
(25) notice came out on January 20th, the meeting

(1) considering taking any type of action? I
(2) mean, even when you go back to the August 12,
(3) 2014, meeting, there you identify it, and
(4) that's at a regular meeting for possible
(5) decisions. So I'm just kind of curious as to
(6) why, if there was a decision being made it
(7) wasn't part of the agenda.
(8) THE WITNESS (Merancy): I
(9) can't -- I can't say. It probably -- in
(10) retrospect probably should have been clearer.
(11) MR. HANNON: Then following up
(12) on that, immediately after the decision was
(13) made to receive the approval, Kevin Zak, who
(14) is an intervenor in this process was allowed
(15) to speak before the Board. He's not on the
(16) agenda. So why was he allowed to speak?
(17) THE WITNESS (Merancy): That
(18) was that meeting?
(19) MR. HANNON: That was at the
(20) special meeting based on your minutes.
(21) THE WITNESS (Stewart): You
(22) want to speak to that, I --
(23) THE WITNESS (Merancy): I
(24) don't recall why he was allowed to speak.
(25) MR. HANNON: I mean, it just

(1) was on the 22nd, so what is the different --
(2) what do you consider to be the difference
(3) between a special meeting and a regular
(4) meeting?
(5) THE WITNESS (Stewart): Just
(6) the fact that it didn't occur on the normal
(7) day.
(8) MR. HANNON: Okay. Well, the
(9) special meeting, the agenda that's posted,
(10) isn't that something that you can't waiver
(11) from?
(12) THE WITNESS (Merancy): Yes.
(13) MR. HANNON: Okay. So the
(14) agenda that was actually published for that
(15) meeting is what you have to abide by.
(16) Correct?
(17) THE WITNESS (Merancy): Yes,
(18) you're not allowed to add -- add items.
(19) MR. HANNON: Okay. Under old
(20) business on that agenda, you identified
(21) commission discussion updates regarding CPV
(22) Towantic Energy Power Plant with the attorney
(23) that's here. There was no mention of any
(24) type of action being taken, so how would the
(25) applicant have known that you were possibly

(1) seems a little ironic that he spoke
(2) immediately after the vote to rescind and he
(3) was not on the agenda, because I've got a
(4) copy of the agenda here. So I'm just asking
(5) why he was allowed to speak when he was not
(6) on the agenda?
(7) THE WITNESS (Merancy): I
(8) don't -- I can't recall anything specific
(9) other than it was out of courtesy.
(10) MR. HANNON: In some of -- in
(11) the request that was made to become an
(12) Intervenor in this process there were a
(13) number of items stated, Item Number 6 in
(14) particular, and this came in from the law
(15) firm, and it's an important objective of the
(16) Borough is that it develops general municipal
(17) policies that encourage conservation and
(18) proactively address environmental issues and
(19) improve and protect air, water and natural
(20) resources above current levels. In an effort
(21) to meet that objective, the Borough
(22) discourages, objects, actively resists effort
(23) by development, industry and other body to
(24) cause pollutants to be expelled into the air
(25) or in its water resources that may being

(1) harmful to the environment and the general
(2) health and quality of life of its residents.
(3) I guess part of the question I
(4) have on that is, was there any active
(5) opposition to the development of the Village
(6) at Oxford Greens? Because again, there,
(7) you've got a number of people, you've got
(8) heating systems, you've got automobiles, that
(9) creates some potential impacts if not the
(10) water at least on the air quality.
(11) THE WITNESS (Merancy): The --
(12) the way the agreement with the Middlebury and
(13) Oxford -- or Oxford is written with
(14) Naugatuck, we do not have the authority to
(15) review every discharge. We only have the
(16) authority to review discharge the DEEP --
(17) MR. ASHTON: Could you speak
(18) up, please. I'm having trouble hearing you.
(19) THE WITNESS (Merancy): I'm
(20) sorry. The way the agreement with Oxford and
(21) Naugatuck is written, we don't have the
(22) ability to review every discharge that --
(23) that's accepted in Oxford, residential,
(24) commercial discharges, and my understanding
(25) that they can approve themselves, and -- and

(1) we don't ever know about. So Oxford Greens
(2) would be one that we -- I -- I -- from what I
(3) recall, we did not see.
(4) This -- this application, it's
(5) an industrial discharge, so therefore, DEEP
(6) required us to sign off on it, therefore,
(7) we -- we reviewed it.
(8) MR. HANNON: What was the
(9) Borough's position with the Spectra
(10) Compressor Station? I mean, there was other
(11) material submitted by another Intervenor
(12) which basically was stating that because of
(13) the potential methane leaks and things of
(14) that nature, that can create a significant
(15) adverse environmental impact. So I'm just
(16) curious with the position that the Borough
(17) has in trying to maintain air --
(18) THE WITNESS (Merancy): How
(19) long ago was that?
(20) MR. HANNON: I don't know.
(21) THE WITNESS (Stewart): Well,
(22) I do not recall them coming to the Board, and
(23) I've been there 15 years.
(24) MR. HANNON: Okay. I've got
(25) just a couple more questions and some of it

(1) deals with the information provided in the
(2) responses from Towantic.
(3) In their January 8th response
(4) to Question Number 3, they identify three
(5) distinct water sources for discharge. One
(6) was the storm water, which you identified
(7) that you've got questions about the storm
(8) water. If the storm water were removed from
(9) the wastewater discharge would that satisfy
(10) the Borough's concerns about that particular
(11) issue?
(12) THE WITNESS (Merancy): If
(13) they're not discharging storm water then,
(14) yes.
(15) MR. HANNON: Okay. Is there
(16) an issue with the domestic use?
(17) THE WITNESS (Merancy):
(18) Generally, in the past, the Commission has no
(19) issue with domestic uses --
(20) MR. HANNON: Okay.
(21) THE WITNESS (Merancy): --
(22) that are -- that are -- that the system
(23) accept the volume of, and the pipes can
(24) transmit. So I don't -- I don't expect that
(25) there would be an issue.

(1) MR. HANNON: Okay. And then
(2) the third was the turbine building floor
(3) drains, equipment drains from the steam cycle
(4) and fire protection. So is there an issue
(5) with those wastewaters?
(6) THE WITNESS (Merancy): I
(7) believe the commission asked for additional
(8) information as far as what's in that
(9) wastewater, some sample analysis of similar
(10) facilities.
(11) MR. HANNON: Has anybody from
(12) the Borough talked to Steve Edwards at the
(13) Department of Energy and Environmental
(14) Protection who's the lead engineer on the
(15) wastewater discharge permit?
(16) THE WITNESS (Merancy): I have
(17) not spoken to him.
(18) MR. HANNON: I did. And his
(19) concern about the wastewater from that third
(20) category is that it might almost be too
(21) clean.
(22) So, I guess, at least from my
(23) perspective, where I would say the issue that
(24) you're referring to is more the storm water,
(25) because again, I think based on what I'm

(1) hearing from folks is that the wastewater
(2) that's being proposed at least for B and C,
(3) which is the domestic and the service use,
(4) that's pretty much standard with, you know,
(5) most of the industries that you're going to
(6) find and the information that was provided to
(7) the Department of Energy and Environmental
(8) Protection really didn't seem to create any
(9) problems whatsoever.
(10) I mean, when I hear something
(11) like they're saying the water may be too
(12) clean to go in the sewer system, so I'm just
(13) kind of curious as to why, you know, we have
(14) some of the issues that we do.
(15) It sounds like there's --
(16) there hasn't been a whole lot of
(17) communication on this, and maybe that's the
(18) underlying problem.
(19) With that, I have no further
(20) questions.
(21) THE CHAIRPERSON: Can I just
(22) for information, the capacity of your sewage
(23) treatment plant is?
(24) THE WITNESS (Stewart): 10.3
(25) million gallons a day.

(1) THE CHAIRPERSON: And, I don't
(2) know, average and peak flow?
(3) THE WITNESS (Merancy):
(4) Average of about five and half, I believe,
(5) five and a half, six now. And peaks of 20,
(6) 22, 23 million gallons a day.
(7) THE CHAIRPERSON: And what do
(8) you do with the excess 12 to 13 when you have
(9) a peak --
(10) THE WITNESS (Merancy): The
(11) plant is I believe designed to -- to pump
(12) about 18 or 19 million gallons a day. They,
(13) I think, can pass about 20 million gallons a
(14) day upwards beyond that they will -- they
(15) will bypass.
(16) THE CHAIRPERSON: And it goes
(17) where?
(18) THE WITNESS (Merancy): The
(19) Naugatuck River.
(20) THE CHAIRPERSON: Okay. Any
(21) -- any plans to upgrade and increase your
(22) capacity?
(23) THE WITNESS (Merancy): No
(24) plans to upgrade the capacity plants to try
(25) to find infiltration and inflow and reduce

(1) the peaks.
(2) THE CHAIRPERSON: And you
(3) haven't talked about a moratorium on
(4) accepting any new significant users, just --
(5) THE WITNESS (Merancy): No.
(6) THE CHAIRPERSON: No. Do you
(7) have an active program regarding reduction of
(8) infiltration and inflow?
(9) THE WITNESS (Merancy): We're
(10) in -- in the process of doing a facility's
(11) plan, and a SSES study of the storm sewer,
(12) sanitary sewer evaluation survey to locate
(13) inflow and II and begin the process of
(14) separating it -- or excuse me, removing it.
(15) THE CHAIRPERSON: All right.
(16) Thank you.
(17) Mr. Ashton has one or two
(18) more.
(19) MR. ASHTON: Are you under
(20) orders from the DEEP on connections or RNI
(21) studies or EPA?
(22) THE WITNESS (Merancy):
(23) Currently, no. We have in our permit our
(24) current NPDES permit requirement to a
(25) facilities plan.

(1) MR. ASHTON: A requirement to
(2) do it by when?
(3) THE WITNESS (Merancy): I
(4) believe it's in the next couple years because
(5) we have to our plant upgraded as far as
(6) treatment within five years permit.
(7) MR. ASHTON: The Chairman
(8) asked you some questions about bypassing the
(9) plant, what do you do with the excess
(10) capacity. At 10.3 million GPD capacity.
(11) When you get above that, you pump it. But I
(12) don't quite understand what you do with it.
(13) THE WITNESS (Merancy): Well,
(14) the plant is designed to handle that on an
(15) average day continuously, 10.3 million
(16) gallons. So we can take that and we can --
(17) we can pump it through the plant, we can
(18) fully treat it and we'll meet all our -- our
(19) permits.
(20) MR. ASHTON: Okay.
(21) THE WITNESS (Merancy): Above
(22) that, hydraulically the plant is designed to
(23) -- to -- the pumps are large enough, the
(24) tanks are large enough to actually to get
(25) this water to -- to go through the plant

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(1) without any -- any overflows into the river.
(2) MR. ASHTON: So it's a partial
(3) treatment then?
(4) THE WITNESS (Merancy): Well,
(5) yes. I mean, it works, you don't -- you
(6) don't expel your biomass into the river,
(7) everything -- everything continues to
(8) function so when the flows get back down, you
(9) can continue to function well.
(10) MR. ASHTON: But does the BOD
(11) increase on your discharge?
(12) THE WITNESS (Merancy): You
(13) know that would be a question for the -- for
(14) the plant manager. He could -- he could
(15) speak more because --
(16) MR. ASHTON: You guys are
(17) representing it.
(18) THE WITNESS (Merancy): -- you
(19) should meet permit during that -- during that
(20) period, but, you know, exactly what happens,
(21) that would -- that's beyond my level of
(22) expertise. And then at a certain point, the
(23) pumps that push the water the plant can't put
(24) anymore water in, even though it's coming
(25) down the pipes, and the system backs up, and

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(1) in our case, overflows a manhole into river.
(2) MR. ASHTON: Okay. You
(3) mention that you have a peak day of about 21
(4) million MGD. Is that correct?
(5) THE WITNESS (Merancy): Yes.
(6) MR. ASHTON: How many times a
(7) year do you hit that number or go beyond it?
(8) THE WITNESS (Merancy): Maybe
(9) a half dozen.
(10) MR. ASHTON: Holy Christ.
(11) Okay. And as I did hear, I think you said
(12) that if the storm water is removed from the
(13) Towantic plant discharge, you have no concern
(14) about it. Is that correct?
(15) THE WITNESS (Merancy): I have
(16) real concern about the storm water,
(17) certainly. We still are requesting --
(18) MR. ASHTON: Do you have any
(19) concern about connecting the power plant
(20) proposed to the Naugatuck treatment facility?
(21) THE WITNESS (Merancy):
(22) Ultimately that's going to be a question that
(23) the Board's going to have to decide, but --
(24) MR. ASHTON: I understand
(25) that.

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(1) THE WITNESS (Merancy): -- but
(2) I don't have a problem with the power plant
(3) being connected if -- if that's your
(4) question.
(5) MR. ASHTON: It's the storm
(6) water that's driving your issue, is that --
(7) THE WITNESS (Merancy): It's
(8) the storm water and the question of -- of the
(9) wash water, what's really in that, and if
(10) they can provide -- if they can provide that
(11) little bit of information, more detailed,
(12) then we're rinsing some -- some equipment,
(13) and there's going to be little dust and a
(14) little bit of oil drippings, then I think
(15) that it'll be okay.
(16) MR. ASHTON: No further
(17) questions. No further questions.
(18) THE CHAIRPERSON: Okay. All
(19) right. We're going to go now on
(20) cross-examination by the certificate holder,
(21) Attorney Small.
(22) And just for the stenographer,
(23) identify yourselves, please.
(24) MR. SMALL: Sure. For the
(25) record, Philip Small and Franca DeRosa,

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(1) representing the certificate holder CPV
(2) Towantic, LLC.
(3) Good morning, Ms. Perillo and
(4) gentlemen.
(5) MS. PERILLO: Good morning.
(6) MR. SMALL: Let me just start
(7) with some numbers. I think you said the
(8) average discharge is approximately 5.1
(9) million a day. Correct?
(10) THE WITNESS (Merancy): 5.5,
(11) 6 --
(12) MR. SMALL: Five five.
(13) THE WITNESS (Merancy): --
(14) six, somewhere in there, yes.
(15) MR. SMALL: And your peak was
(16) somewhere around 20 million. Correct?
(17) THE WITNESS (Merancy): Yes.
(18) MR. SMALL: And what's --
(19) what's the differential composed of?
(20) THE WITNESS (Merancy): Storm
(21) water and infiltration groundwater.
(22) MR. SMALL: Right. Okay. And
(23) as compared -- and the approximate -- the
(24) maximum daily discharge of CPV Towantic would
(25) be approximately how many gallons per day?

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(1) THE WITNESS (Merancy): Well,
(2) what they told us it's around 6,000 gallons a
(3) day.
(4) MR. SMALL: Right. Right.
(5) Does 6,480 sound right to you?
(6) THE WITNESS (Merancy): Yes.
(7) MR. SMALL: Okay. And just --
(8) you agree it's a very small percentage of
(9) your average daily --
(10) THE WITNESS (Merancy): Yes.
(11) MR. SMALL: -- discharge?
(12) And an even smaller percentage
(13) of your maximum discharge?
(14) THE WITNESS (Merancy): Yes.
(15) MR. SMALL: Okay. And are you
(16) aware of what -- what portion of the site,
(17) Towantic site, will have storm water that
(18) would be directed to the Naugatuck Wastewater
(19) Treatment facility?
(20) THE WITNESS (Merancy): I'm
(21) not aware. We requested that information, it
(22) hasn't been provided.
(23) MR. SMALL: Okay. And let me
(24) give you a hypothetical. Let's -- now just
(25) assume it's one-half acre of the much larger

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(1) site, would storm water from one-half acre
(2) cause you concern?
(3) THE WITNESS (Merancy): Yes.
(4) MR. SMALL: Why?
(5) THE WITNESS (Merancy): Well,
(6) because it would be significantly more
(7) than -- than 6,000 gallons a day.
(8) MR. SMALL: I think -- am I
(9) correct that CPV has informed you that the
(10) maximum discharge at any time to the sewer
(11) system would be 6,480 gallons per day.
(12) Correct?
(13) THE WITNESS (Merancy): Yes.
(14) MR. SMALL: Okay. So let's --
(15) let's assume that that's true. So if storm
(16) water was a portion of the maximum 6,480
(17) gallons per day, so the most you'd ever get
(18) on any day from CPV Towantic would be 6,480
(19) gallons, would you still have a concern about
(20) storm water?
(21) THE WITNESS (Merancy): If
(22) they could -- personally, if that storm water
(23) cannot be removed and there's some reason why
(24) it cannot be removed, obviously, you don't
(25) want to take storm water if it can easily be

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(1) directed somewhere else, and they could show
(2) -- show to me how it's going to be -- that
(3) that flow is going to be reduced to 6,000
(4) gallons a day because I do not necessarily
(5) believe that they can have an acre without
(6) extensive controls and reduce the flow from
(7) -- from what it would be to -- to the 1.5
(8) gallons per minute garden hose size flow that
(9) they -- that they've expressed.
(10) Not that it couldn't be done,
(11) but I -- I have a difficult time knowing --
(12) knowing what I know about businesses that
(13) they create an impoundment around the
(14) one-acre or half-an-acre area, that they'd
(15) have a valve after the storm, they'd go out
(16) there and they crack it open just a little
(17) bit and say let the water dribble out of
(18) there. I have a difficult time believing
(19) that. Not that it couldn't happen.
(20) MR. SMALL: Do you have any
(21) understanding -- well, strike that.
(22) Do you know where on the site
(23) the storm water is coming from, what areas,
(24) what functions?
(25) MS. PERILLO: I'm going to

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(1) object to that question, Mr. Chairman. This
(2) witness is here to answer questions that he
(3) knows about the wastewater treatment facility
(4) and the Water Pollution Control Authority.
(5) He's not an expert on where the applicant is
(6) proposing to have certain layouts and --
(7) MR. SMALL: I'll rephrase the
(8) question.
(9) To your knowledge, has the
(10) board or you been informed as to what area of
(11) the site and what functions on the site would
(12) result in storm water being discharged to
(13) your facility, as opposed to storm water
(14) that's going to run off the site?
(15) THE WITNESS (Merancy): From
(16) what I recall, they expressed that there was
(17) going to be some electrical equipment,
(18) transformers and such, and I believe they
(19) also talked about a containment around the
(20) tanks.
(21) MR. SMALL: Right. And so
(22) that, am I correct, that what you were told
(23) is that the storm water that might accumulate
(24) in the secondary containment around the oil
(25) tanks would be proposed to be discharged to

(1) your facility?
(2) THE WITNESS (Merancy): That's
(3) what I understand.
(4) MR. SMALL: Okay. And you
(5) understand that those are fairly limited
(6) areas of the site. Correct?
(7) THE WITNESS (Merancy): I
(8) don't know. I haven't been provided that
(9) information.
(10) MR. SMALL: Okay. Okay. Let
(11) me turn to another issue. I think you -- you
(12) had a discussion, I believe, starting with
(13) Mr. Ashton but also with the Chairman and
(14) with Mr. Hannon, about the interactions
(15) between CPV Towantic, and I'll proudly call
(16) it the Authority. And you mentioned the
(17) meeting on August 21st, and you mentioned the
(18) meeting last week. Correct?
(19) THE WITNESS (Merancy): Yes.
(20) MR. SMALL: Okay. And also, I
(21) -- Mr. Hannon, you mentioned, you discussed a
(22) meeting on January 22nd. Are you aware of
(23) any information that CPV provided to the
(24) Authority after the August 21st meeting?
(25) THE WITNESS (Merancy): After

(1) until today?
(2) MR. SMALL: After the August
(3) 21st meeting. August 21, 2014 meeting?
(4) THE WITNESS (Merancy): Until
(5) today?
(6) MR. SMALL: Let's say between
(7) the August 21, 2014 meeting and the
(8) January 22, 2015 meeting?
(9) THE WITNESS (Merancy): Did we
(10) get additional information? Not that I'm
(11) aware of.
(12) MR. SMALL: So you're not
(13) aware of an e-mail from Mr. Bazinet to
(14) Mr. Batorski. Let me stop there. Mr.
(15) Batorski again is who?
(16) THE WITNESS (Merancy): The
(17) plant manager.
(18) MR. SMALL: Okay. And he was
(19) the person to who the board on August 21st
(20) delegated authority to approve the permit.
(21) Correct?
(22) THE WITNESS (Merancy): Yes.
(23) MR. SMALL: Okay. So you're
(24) not aware of an e-mail from Mr. Bazinet to
(25) Mr. Batorski dated August 27, 2014?

(1) THE WITNESS (Merancy): I
(2) don't recall it, no.
(3) MR. SMALL: And so you also,
(4) you're also not aware of that item, sir?
(5) THE WITNESS (Stewart): No,
(6) I'm not.
(7) MR. SMALL: Okay.
(8) Mr. Chairman, I'm not quite
(9) sure how to deal with this. There's a -- I'm
(10) going to make an offer of proof and then ask
(11) you how you want us to deal with that. The
(12) e-mail I'm talking about contained
(13) significant -- yeah, several attachments,
(14) significant detail on the discharge and the
(15) facility and it was provided, as I said, to
(16) Mr. Batorski who runs the wastewater
(17) treatment plant. We -- I'd hate to offer an
(18) exhibit at this point but these witnesses
(19) know nothing about it and it's -- it is
(20) material to their testimony with respect to
(21) the fact that essentially CPV has not
(22) provided them with any information about the
(23) discharge of the plant.
(24) So, would you -- would it be
(25) acceptable to you to provide this as a

(1) late-filed exhibit tomorrow?
(2) THE CHAIRPERSON: But has that
(3) material at all been submitted in some other
(4) form as part of this process?
(5) MR. SMALL: No, sir. It was
(6) submitted to the Wastewater Treatment
(7) Authority on August 27th of last year --
(8) August 27th of last year, but it clarifies or
(9) enhance -- is material to the testimony these
(10) witnesses are providing today, I think.
(11) THE CHAIRPERSON: Okay. Who's
(12) the author of it?
(13) MR. SMALL: It's from
(14) Mr. Bazinet, and it's Mr. Batorski that has
(15) five detailed attachments regarding providing
(16) additional information that was discussed at
(17) the August 21st meeting.
(18) MS. PERILLO: Neither of these
(19) witnesses were recipients of that e-mail.
(20) THE CHAIRPERSON: No, we
(21) understand that. We've been told that.
(22) MR. SMALL: But they are
(23) testifying as witnesses for the Authority
(24) and --
(25) THE CHAIRPERSON: You know, I

(1) guess -- although as I hesitate at this late
(2) date, but since we do have one more hearing
(3) scheduled, we could have it submitted and
(4) then it would be really up to -- I mean, the
(5) only cross-examination would be of the
(6) author. Right? We're not going --
(7) MR. SMALL: The author is --
(8) the author is Mr. Bazinet who is on our
(9) panel.
(10) THE CHAIRPERSON: Yes, we
(11) obviously can't cross. There's no point in
(12) cross-examining the two --
(13) MR. SMALL: Right.
(14) THE CHAIRPERSON: -- gentlemen
(15) who are here, and impanel the person who may
(16) or may not have received it is not going to
(17) be a witness, so we won't have that choice.
(18) MR. SMALL: And we will
(19) provide that as an exhibit tomorrow, and then
(20) Mr. Bazinet can be cross-examined on it.
(21) THE CHAIRPERSON: Mr. Hannon
(22) has a --
(23) MR. HANNON: Was there any
(24) type of acknowledgment of having received
(25) that e-mail?

(1) MR. SMALL: You took my
(2) question.
(3) MS. PERILLO: Can you restate
(4) the question, please?
(5) MR. SMALL: Oh, are you asking
(6) us?
(7) MR. HANNON: Yes, I am.
(8) MR. SMALL: Mr. Bazinet is a
(9) sworn witness, so he could answer that.
(10) MR. BAZINET: After attending
(11) that the August 21st meeting, we were
(12) directed to send that information attached to
(13) the e-mail reference by Phil, Mr. Small, to
(14) John Batorski, the plant manager. The plant
(15) manager received that information. We had a
(16) phone call, unfortunately that's not
(17) documented. In that phone call he basically
(18) said, you know, this is not a big issue and
(19) subsequent to that, they sent a letter which
(20) documented their approval or their direction
(21) to Mr. Batorski to review and approve the
(22) information and that they voted unanimously
(23) to take that action.
(24) Other than that, we have no
(25) other acknowledgment. Basically, that --

(1) that letter was received from the Borough on
(2) their letterhead on September 19th.
(3) MR. SMALL: And as in the
(4) record.
(5) THE CHAIRPERSON: Very strange
(6) that neither of these witnesses have any
(7) recollection of this.
(8) MS. PERILLO: I --
(9) THE CHAIRPERSON: But so we're
(10) going to accept that.
(11) Mr. Levesque.
(12) MR. LEVESQUE: I had a
(13) question. And it was said that Borough of
(14) Naugatuck not the Water Pollution Authority.
(15) Do you -- do your guidelines rules allow for
(16) electronic filing in lieu of written
(17) documents and plans?
(18) THE WITNESS (Merancy): You
(19) mean if people -- if people have to submit us
(20) information for the commission can they
(21) e-mail to us? Yes.
(22) MR. LEVESQUE: So you don't
(23) require written documents to review?
(24) THE WITNESS (Merancy): Yeah,
(25) I mean, no. Generally -- generally if it's a

(1) small enough submittal we'll print it out.
(2) MR. LEVESQUE: Okay.
(3) MR. SMALL: Just to clarify,
(4) the September 19, 2014 letter, which is in
(5) the record that Mr. Bazinet discussed was
(6) from the Borough of Naugatuck, Water
(7) Pollution Control and it was -- it's all
(8) there.
(9) THE CHAIRPERSON: And who
(10) signed that letter?
(11) MR. SMALL: It's a letter,
(12) it's on official correspondence but it's not
(13) -- there's no actual signature. It has
(14) letterhead but no actual signature, and we
(15) can get you a reference where it's in the
(16) record because I know it is.
(17) MS. PERILLO: I'm just unsure
(18) what the substance of the September 19th
(19) letter is that you're taking about. Could
(20) you just summarize that? If it's in the
(21) record, I have no problem with it being
(22) summarized.
(23) MR. SMALL: It's to
(24) Mr. Bazinet, as I've said, it says:
(25) "Please not the following is

(1) recording in the minutes of the regular
(2) meeting" --
(3) MS. PERILLO: Oh.
(4) MR. SMALL: -- "of the Water
(5) Pollution Control Authority held on
(6) August 21, 2014."
(7) MS. PERILLO: Okay. I know
(8) what you're talking about now. Thank you.
(9) MR. SMALL: Okay. Thank you.
(10) THE CHAIRPERSON: All right.
(11) So we're going to -- the e-mail we're going
(12) to accept as a late-filing. There will be
(13) opportunity to cross-examine the author of
(14) the e-mail on Thursday, and I guess we'll
(15) leave it at that, unless the two witnesses
(16) between now and then have their memories get
(17) jogged but we'll see. Okay.
(18) MR. SMALL: Thank you,
(19) Mr. Chairman.
(20) And just, I don't know if you
(21) know the answer to this question, but that --
(22) was that information ever provided to the
(23) board?
(24) THE WITNESS (Merancy): No.
(25) MR. SMALL: And I'm going to

(1) sure it does.
(2) MR. SMALL: Okay. And I
(3) noticed in those same minutes that they
(4) were -- there was -- DEEP was adding a
(5) requirement that they test for certain
(6) additional metals including arsenic and
(7) selenium. Are you familiar with that?
(8) THE WITNESS (Merancy):
(9) Uh-huh. Yes.
(10) MR. SMALL: Okay. So at this
(11) point you're accepting their discharge even
(12) if it includes arsenic, selenium, other
(13) metals?
(14) THE WITNESS (Merancy): I
(15) believe we are, yes.
(16) MR. SMALL: Okay. Do you --
(17) THE WITNESS (Merancy): With
(18) their -- with their DEEP permit.
(19) MR. SMALL: Okay. Do you
(20) recall any of the other metals that are in
(21) their discharge?
(22) THE WITNESS (Merancy): No, I
(23) do not.
(24) MR. SMALL: Okay. No problem.
(25) MR. ASHTON: How about moving

(1) now follow up on a question Mr. Hannon asked,
(2) he asked about the January 20, 2015, notice
(3) of the special meeting on January 22, 2015.
(4) Was that notice provided to CPV Towantic?
(5) THE WITNESS (Merancy): I
(6) don't know if it was or not.
(7) MR. SMALL: Okay. I want to
(8) get some perspective, if I can from you
(9) gentlemen, on CPV's discharge versus other
(10) discharges. And again, I know several
(11) council members asked you about that. Are
(12) you aware of a discharger named Unimetal?
(13) THE WITNESS (Merancy): Yes.
(14) MR. SMALL: Okay. And they're
(15) based on the minutes of the board meeting
(16) from September 18, 2014, they have a natural
(17) discharge of 300,000 gallons per day?
(18) THE WITNESS (Merancy): Yes.
(19) MR. SMALL: Okay. And what
(20) kind of company are they?
(21) THE WITNESS (Merancy): I
(22) believe they're a metal finisher.
(23) MR. SMALL: Okay. and so does
(24) their discharge include metals?
(25) THE WITNESS (Merancy): I'm

(1) that up towards that mic.
(2) THE CHAIRPERSON: Or you can
(3) move the mic closer to you or else set it.
(4) MR. SMALL: And another
(5) discharge, are you --
(6) THE WITNESS (Merancy): Can I
(7) speak to that UniMetal --
(8) MR. SMALL: Absolutely. Sure.
(9) THE WITNESS (Merancy): --
(10) application?
(11) MR. SMALL: Sure.
(12) THE WITNESS (Merancy): From
(13) what I recall, they take a pond on-site and
(14) they utilize the -- the pond, the lake for
(15) water for the site. Their application was to
(16) expand their use significantly. The
(17) commissioner requested additional information
(18) on -- on what they were doing to recycle
(19) water to limit their discharge, and the
(20) conclusion that company, after requesting
(21) that information, ever returned. So the
(22) problem with -- with their application is
(23) they do not obviously pay for this water
(24) they're extracting from the pond, and they
(25) don't pay for the discharge to the Borough,

(1) so there was no requirement or -- or effort
(2) to limit discharge.
(3) MR. SMALL: But am I reading
(4) your minutes correctly that they are in fact
(5) authorized to discharge up to 300,000 gallons
(6) per day?
(7) THE WITNESS (Merancy): By the
(8) -- by the DEEP.
(9) MR. SMALL: And by -- and
(10) you're required to accept it or you do accept
(11) it?
(12) THE WITNESS (Merancy): We do
(13) accept it currently.
(14) MR. SMALL: And you must have
(15) approved it at some point, right, because you
(16) said that industrial dischargers have to
(17) their permits approved the Authority?
(18) THE WITNESS (Merancy): Prior
(19) -- prior to me being here, yes, I believe so.
(20) MR. SMALL: Okay. So you're
(21) saying it was approved by the Authority prior
(22) to your tenure?
(23) THE WITNESS (Merancy): I
(24) assume so.
(25) MR. SMALL: Okay. Thank you.

(1) And another large discharger
(2) found in your minutes Naugatuck Glass
(3) Company. Are you familiar with them?
(4) THE WITNESS (Merancy): Yes.
(5) MR. SMALL: Okay. And
(6) according to the minutes of March 19, 2009,
(7) they have a discharge of up to 60,000 gallons
(8) per day.
(9) THE WITNESS (Merancy): Okay.
(10) MR. SMALL: And what -- just
(11) generally, we're not going to this with many
(12) other discharges, just what's their process?
(13) What do they do?
(14) THE WITNESS (Merancy): From
(15) what I understand they -- they make mirror
(16) for solar panels.
(17) MR. SMALL: And their
(18) discharge is typical industrial wastewater?
(19) THE WITNESS (Merancy): Specif
(20) ically, I couldn't tell you.
(21) MR. SMALL: May I have one
(22) minute?
(23) (Pause.)
(24) MR. PERRONE: Thank you. No
(25) further questions.

(1) THE CHAIRPERSON: Thank you.
(2) We'll continue to see if we
(3) have other Intervenors who wish to
(4) cross-exam.
(5) Mr. Halpern.
(6) (No response.)
(7) THE CHAIRPERSON: I guess we
(8) have the group parties Town of Middlebury,
(9) Mr. Pietrorazio, and the Middlebury Land
(10) Trust. Anybody from that group wishes to.
(11) MR. SAVARESE: Attorney
(12) Savarese for the record for the Town of
(13) Middlebury. Gentlemen.
(14) MS. PERILLO: And Lady.
(15) MR. SAVARESE: And Lady.
(16) Attorney.
(17) The Borough of Naugatuck
(18) issued a set of interrogatories that were
(19) responded to by the Applicant, the witness
(20) was Mr. Bazinet.
(21) MR. ASHTON: Mr. Savarese,
(22) pick your voice up, please.
(23) MR. SAVARESE: Yes. I'm
(24) referring to question to Naugatuck Number 3,
(25) describe in detail the chemical composition,

(1) quality kind, quality nature, temperature of
(2) the effluent gray water proposed to be
(3) discharged to Naugatuck Wastewater Treatment
(4) when operating a natural-gas at full
(5) performance on ULSD.
(6) We just heard that Mr. Bazinet
(7) had provided an answer to your manager, did
(8) he add that to his Interrogatory response?
(9) THE WITNESS (Merancy): The
(10) fact that we don't what that e-mail says and
(11) that there was a bunch of attachments with
(12) the couple paragraphs here, I would have to
(13) say no.
(14) MR. SAVARESE: So as to the
(15) level of communication, if Mr. Bazinet had,
(16) in fact, bothered to include his response
(17) with the interrogatory might we have had the
(18) detail. We're now being told it was
(19) available to the Borough all the way back in
(20) September.
(21) THE WITNESS (Stewart): Yes.
(22) Or copied us on the information.
(23) Mr. Batorski is not -- he is
(24) not a Borough employee. He's an employee of
(25) Viola who we contract to run the treatment

(1) plant.
(2) MR. SAVARESE: It would appear
(3) from the proffer that the e-mail is exactly
(4) what we're asking from the applicant.
(5) Describe the chemical composition, quality
(6) kind, quantity, nature and temperature of the
(7) effluent grey water. And they did not
(8) include that. That's where we got the fact
(9) that it's storm water, domestic use, and
(10) service from the floor drains which is why it
(11) was an inadequate response to your -- is that
(12) correct?
(13) THE WITNESS (Merancy):
(14) Correct.
(15) THE CHAIRPERSON: We have a
(16) follow up questions from --
(17) MR. HANNON: I'm kind of
(18) curious as to where this question is going
(19) because in that interrogatory, it says the
(20) facility will not be using gray water. So
(21) I'm just trying to figure out where the
(22) questioning is going?
(23) MR. SAVARESE: And then he
(24) goes onto describe what it was using an
(25) alternate term of wastewater. So we're

(1) questions.
(2) THE CHAIRPERSON: Okay.
(3) Sorry, I'm going a little too fast.
(4) Naugatuck River Revival Group.
(5) MR. ZAK: Kevin Zak. No
(6) questions.
(7) THE CHAIRPERSON: Lake
(8) Quassapaug Association? Middlebury Bridle
(9) Land Association. Dennis Koycia, if I
(10) pronounced it.
(11) (No response.)
(12) THE CHAIRPERSON: Naugatuck
(13) Valley Audubon Society.
(14) A VOICE: No questions,
(15) Mr. Chair.
(16) THE CHAIRPERSON: Town of
(17) Southbury. GE Energy Financial Services.
(18) Mr. McCormack.
(19) (No response.)
(20) THE CHAIRPERSON: Westover
(21) School.
(22) MS. HALLARAN: Alice Hallaran,
(23) no questions.
(24) THE CHAIRPERSON: Westover
(25) Hills Subdivision Homeowners.

(1) playing semantics now, but the detail which
(2) they're offering had been out there since
(3) September was not, in fact, given as part of
(4) the sworn by the exact same author
(5) Mr. Bazinet. And now we have a --
(6) THE CHAIRPERSON: Is that a
(7) question or a statement?
(8) I think we have the answer to
(9) the question. You've already -- so I --
(10) MR. SAVARESE: I have the
(11) answer the question. I have no further
(12) questions.
(13) THE CHAIRPERSON: Thank you.
(14) Anybody from CL&P?
(15) (No response.)
(16) THE CHAIRPERSON: Town of
(17) Oxford.
(18) (No response.)
(19) THE CHAIRPERSON: Oh, boy.
(20) Group Party starting with Naugatuck Valley
(21) Chapter Trout Unlimited, Pomeraug River
(22) Watershed Coalition, Naugatuck River Revival
(23) Group --
(24) MR. DeJONG: Len DeJong,
(25) Pomeraug River Watershed Coalition. No

(1) MR. CORNACCHIA: Chester
(2) Cornacchia, no questions.
(3) THE CHAIRPERSON: Marian
(4) Larkin and Greenfields.
(5) MS. LARKIN: Marian Larkin, no
(6) questions.
(7) THE CHAIRPERSON: Quassy
(8) Amusement Park.
(9) (No response.)
(10) THE CHAIRPERSON: And Oxford
(11) Flying Club.
(12) MR. STEVENS: Mr. Chairman,
(13) Burt Stevens for the Oxford Flying Club. No
(14) questions.
(15) THE CHAIRPERSON: Okay. Thank
(16) you.
(17) Okay. And the next appearance
(18) for cross-examination is Westover School.
(19) May I have your name again.
(20) MS. HALLARAN: My name is
(21) Alice Hallaran.
(22) THE CHAIRPERSON: Hallaran.
(23) Okay. I just go through a
(24) process, the first thing I so is swear you
(25) in, if you would please rise.

(1) ALICE HALLARAN,
(2) called as a witness, being first duly
(3) sworn by Ms. Bachman, was examined and
(4) and testified on her oath as follows:
(5) THE CHAIRPERSON: And you have
(6) offered exhibits listed Roman numeral XII-B-1
(7) through -2 for identification purposes. Is
(8) that correct?
(9) THE WITNESS (Hallaran): If
(10) you say so, yes. I don't remember the
(11) numbers.
(12) THE CHAIRPERSON: Request for
(13) Intervenor status and Westover School
(14) Statement of Position?
(15) THE WITNESS (Hallaran): Yes.
(16) THE CHAIRPERSON: Okay. And I
(17) just have to go through on those two items.
(18) Did you prepare or assist in the preparation?
(19) THE WITNESS (Hallaran): Yes.
(20) THE CHAIRPERSON: Okay. Do
(21) you have any additions, clarifications,
(22) deletions, or notifications to make at this
(23) time?
(24) THE WITNESS (Hallaran): No.
(25) May I ask a question here.

(1) Great.
(2) THE CHAIRPERSON: -- you know,
(3) answers and not complete statements. Okay.
(4) So anyway, do you have any, at
(5) this time, any additions? Okay. Are these
(6) exhibits true and accurate to the best of
(7) your knowledge?
(8) THE WITNESS (Hallaran): Yes.
(9) THE CHAIRPERSON: Do you offer
(10) these exhibits as your testimony today?
(11) THE WITNESS (Hallaran): Yes.
(12) THE CHAIRPERSON: And do you
(13) offer them as full exhibits?
(14) THE WITNESS (Hallaran): No.
(15) Oh, what did you say?
(16) THE CHAIRPERSON: Well,
(17) they're full exhibits based on --
(18) THE WITNESS (Hallaran):
(19) They're numbered, so, but yes.
(20) THE CHAIRPERSON: Yes, okay.
(21) Are there any objections to
(22) the admission of these exhibits?
(23) (No response.)
(24) THE CHAIRPERSON: Hearing and
(25) seeing none, they will be Exhibited.

(1) THE CHAIRPERSON: You can ask
(2) a question, yes.
(3) THE WITNESS (Hallaran): So
(4) since this was written back at the end of
(5) January, I have done additional readings. I
(6) do not have any expert witnesses, and I don't
(7) know if now is the time or -- or, you know,
(8) too late to say that. In other words, what
(9) I've written here, were the concerns that we
(10) had the time, and since that time I'm better
(11) educated. What do I do with that?
(12) THE CHAIRPERSON: Right now,
(13) we're asking you specifically on what you
(14) submitted --
(15) THE WITNESS (Hallaran): About
(16) that testimony.
(17) THE CHAIRPERSON: -- since you
(18) haven't submitted any additional, however, if
(19) any of the questions raised on
(20) cross-examination you can --
(21) THE WITNESS (Hallaran): I can
(22) use that information.
(23) THE CHAIRPERSON: -- use that
(24) as long as it's not --
(25) THE WITNESS (Hallaran): Okay.

(1) (Exhibit XII-B-1 and
(2) Exhibit XII-B-2: Received in evidence -
(3) described in index.)
(4) THE CHAIRPERSON: And now
(5) cross-examination starting with staff.
(6) MR. PERRONE: I have no
(7) questions, Mr. Chairman.
(8) SENATOR MURPHY: I have no
(9) questions, Mr. Chairman.
(10) THE CHAIRPERSON: Dr. Bell.
(11) DR. BELL: No questions,
(12) Mr. Chair.
(13) THE CHAIRPERSON: Mr. Ashton.
(14) MR. ASHTON: No questions that
(15) I can find.
(16) THE CHAIRPERSON: You do not
(17) get a chance to late-file just so you know.
(18) Mr. Levesque.
(19) MR. LEVESQUE: No questions.
(20) THE CHAIRPERSON: Mr. Hannon.
(21) MR. HANNON: I have no
(22) questions, Mr. Chairman.
(23) THE CHAIRPERSON: Mr. Lynch.
(24) MR. LYNCH: No questions,
(25) Mr. Chairman.

(1) THE CHAIRPERSON: I just want
(2) to thank you for the thoroughness in
(3) expressing yours and your School's concern.
(4) I guess that's my question. And now we'll
(5) ask for -- go on with the certificate holder.
(6) MR. SMALL: I would echo the
(7) thank you the witness' statements, it's very
(8) helpful, but no questions.
(9) THE CHAIRPERSON: Mr. Halpern.
(10) (No response.)
(11) THE CHAIRPERSON: The group
(12) party starting with the town of Middlebury.
(13) MR. SAVARESE: Attorney
(14) Savarese for the record with the Town of
(15) Middlebury. Good morning or good afternoon
(16) we're ten minutes into it.
(17) You mentioned that you've been
(18) doing some further reading, are you -- is
(19) Westover School still concerned about the
(20) possibility of the plant being built at its
(21) current site?
(22) THE WITNESS (Hallaran): I
(23) mean, I think I have liberty to speak for
(24) them even though really Kate and I are the
(25) ones that are doing the research at this

(1) time. I think the number one concern that we
(2) still have is the air quality issues in terms
(3) of students health. And although, and again,
(4) this brings up more recent information.
(5) The applicant answered our --
(6) our concerns were answered at some level by
(7) the questions Westover asked about will there
(8) be a health effects on the students, and the
(9) response was detailed in terms of why, in
(10) terms of the NAAQS standards, why there will
(11) be no health effects on our students. It was
(12) really interesting that -- let me just
(13) explain my thinking.
(14) Though, we have these
(15) standards that are NAAQS, that are regional
(16) standards, and we have a plant that is here,
(17) and I think that was one of the things that
(18) I've come to realize is that the NAAQS
(19) standards are regulatory standards, to some
(20) degree they relate to health, and if you look
(21) at the EPA site, they certainly have to do
(22) with health, but on a regional basis, they do
(23) not take into -- really into concern, I don't
(24) think, local health concerns. Right?
(25) So I question, I think the

(1) determination that there are no possible
(2) health concerns, and I spoke to June Creto
(3) from the EPA yesterday, and he probably
(4) wouldn't want to be quoted, I don't know.
(5) But I explained your response to no health
(6) concerns in our student body, and people who
(7) live within we're about -- we're less than
(8) three miles from the plant. And he said,
(9) Well, you know, they probably should have
(10) said, No, significant health concerns.
(11) Well, I'm not exactly sure
(12) what that's getting to, but I thought that
(13) was really really interesting.
(14) THE CHAIRPERSON: We have a --
(15) THE WITNESS (Hallaran):
(16) Another thing that I want to mention is
(17) modeling. Right? So the modeling that was
(18) done -- the modeling that is done for the
(19) plant, for PM 2.5, which is a particular
(20) concern of ours because 10 percent of our
(21) students are asthmatic, that may be mild
(22) asthma, it may be more severe. And the state
(23) average is 14 percent. The Waterbury for
(24) asthma in students in 19 percent. If we're
(25) looking at PM 2.5, and really, I know that

(1) it's relatively clean. I know that the
(2) PM 2.5 from this plant is much less than if
(3) we were looking at a coal plant or anything
(4) else.
(5) However, the modeling that is
(6) done is done on a 24-hour period. And what
(7) that does is, as a result of 24 hours, you're
(8) getting then a certain wind speed, let's say
(9) 6 or 7 miles per hour. If we looked at
(10) PM 2.5 on an hourly basis which should be
(11) done, you would see some fluctuations based
(12) on differences in air speeds. And -- and
(13) having looking at Danbury and Oxford air
(14) speeds, I would say about a quarter to a
(15) third of the time, the wind speeds are less
(16) than 6 or 7 miles per hour.
(17) Consequently, you've got less
(18) dilution of PM 2.5, and as a result of that
(19) you'd still would probably have drift, so
(20) that cloud of less dispersed PM 2.5 could end
(21) up in various locations. I -- I doubt very
(22) much it's going to end right at the fence
(23) line.
(24) THE CHAIRPERSON: Well, we
(25) have a follow up question.

(1) MR. HANNON: It's just a
(2) clarification. I believe you said you spoke
(3) with James Grillo. Is it from EPA or from
(4) the Department of Energy and Environmental
(5) Protection? So state or federal?
(6) THE WITNESS (Hallaran):
(7) State. Sorry.
(8) MR. HANNON: Okay.
(9) THE WITNESS (Hallaran): I'm
(10) sorry.
(11) MR. HANNON: Thank you.
(12) THE WITNESS (Hallaran): I
(13) should have listed him. Thanks.
(14) THE CHAIRPERSON: Okay. Well,
(15) I think you've stated --
(16) THE WITNESS (Hallaran): So I
(17) guess what I'm concerned about if I had more
(18) data where you could -- where you could
(19) actually monitor or model, I mean, on the
(20) hour with those differing wind speeds, I
(21) would feel better that you're not going to
(22) get spike in PM 2.5 over the course of an
(23) hour or two in a day.
(24) And here's the problem. It
(25) isn't long-term exposure of PM 2.5 that's the

(1) That's during fall and spring more, but there
(2) still are some activity in the wintertime as
(3) well.
(4) THE CHAIRPERSON: Is your
(5) school open in the summertime?
(6) THE WITNESS (Hallaran): We
(7) have summer camp programs that do involve
(8) being outdoors.
(9) THE CHAIRPERSON: Okay.
(10) THE WITNESS (Hallaran): But
(11) that's only for say, five or six weeks in the
(12) summer. And it's open to -- to -- it sounds
(13) funny --
(14) THE CHAIRPERSON: Okay. You
(15) answered it.
(16) THE WITNESS (Hallaran): -- it
(17) sounds funny but it's open -- well, if PM 2.5
(18) is an indoor factor we're open to about 200
(19) ballerinas from all over the states.
(20) THE CHAIRPERSON: Okay.
(21) THE WITNESS (Hallaran): And
(22) they're breathing a lot because they're doing
(23) aerobic exercise.
(24) MR. SAVARESE: No further
(25) questions.

(1) problem in terms of health. It's short-term
(2) exposure for an hour or two, so we have
(3) students running themselves free, getting
(4) within two miles to the plant who actually
(5) then could have asthma, their asthma
(6) exacerbated. All right.
(7) THE CHAIRPERSON: Okay. I
(8) think you've --
(9) THE WITNESS (Hallaran): I've
(10) made my point.
(11) THE CHAIRPERSON: But do you
(12) have any another question? I think you've
(13) made your point, yes.
(14) MR. HANNON: What percentage
(15) of the time do your students are purged to be
(16) outdoors?
(17) THE WITNESS (Hallaran): Our
(18) athletes who are on team sports, I think I've
(19) said that in my letter, probably -- I don't
(20) remember what percentage, but more than half.
(21) We're only 200 students, but more than half
(22) are out for two hours of an afternoon.
(23) MR. SAVARESE: And would that
(24) be during the entire school year?
(25) THE WITNESS (Hallaran):

(1) THE CHAIRPERSON: Thank you.
(2) Mr. Lynch.
(3) MR. LYNCH: Do any of your
(4) students walk to school?
(5) THE WITNESS (Hallaran): Oh,
(6) don't I wish. I probably couldn't count them
(7) on one hand.
(8) MR. LYNCH: That's what I
(9) thought. Thank you.
(10) THE WITNESS (Hallaran): We do
(11) have day students, but...
(12) THE CHAIRPERSON: Okay. Thank
(13) you.
(14) We next go to, again, go down
(15) the list. CL&P, Town of Oxford. The Group
(16) Party starting with Naugatuck Valley Trout
(17) Unlimited, and the Watershed Group Revival,
(18) Lake Quassapaug Association, Middlebury
(19) Bridle, all the way down to Naugatuck Valley
(20) Audubon, any of those?
(21) MR. ZAK: Naugatuck River
(22) Revival, no questions.
(23) THE CHAIRPERSON: And unless I
(24) hear a yes, I'm just assuming that no, but
(25) thank you, sir.

(1) Town of Southbury?
(2) (No response.)
(3) THE CHAIRPERSON: The Borough
(4) of Naugatuck and the Water Pollution Control
(5) Authority.
(6) MS. PERILLO: No questions.
(7) THE CHAIRPERSON: Thank you.
(8) Mr. McCormack.
(9) (No response.)
(10) THE CHAIRPERSON: Westover
(11) Hills Subdivision.
(12) MR. CORNACCHIA: No questions.
(13) THE CHAIRPERSON: Marian
(14) Larkin.
(15) MS. LARKIN: Marian Larkin
(16) Middlebury, for the record.
(17) Alice, you said you had
(18) learned some things that are recent --
(19) THE CHAIRPERSON: Please speak
(20) up.
(21) MS. LARKIN: I said Alice, you
(22) you've learned some recent from your readings
(23) and people you've spoken to, you just
(24) mentioned that. Can you tell you us anything
(25) you've learned about concentrations maybe

(1) like within a half mile of the plant if
(2) things like the particulate matter?
(3) THE CHAIRPERSON: I thought
(4) she had answered that question, in her
(5) previous answer.
(6) MS. LARKIN: Half a mile.
(7) Okay. Okay. So did -- there are how many
(8) schools are in the area that would be
(9) affected by this?
(10) THE WITNESS (Hallaran): Okay.
(11) What I looked at, and not in a terribly,
(12) terribly thorough way, but I did look up
(13) within about a five-mile area there are 10
(14) public schools in Naugatuck, six schools in
(15) Middlebury, three schools in Oxford, that's
(16) about 20 schools in just those three towns.
(17) MS. LARKIN: And do you know,
(18) are the elderly affected by the -- the kids
(19) are affected. Right? But are the elderly
(20) affected?
(21) THE WITNESS (Hallaran): Yeah,
(22) I think the two groups that are most
(23) sensitive -- well, maybe three if you count
(24) pregnant women but certainly children and
(25) then the seniors. And we have in Middlebury

(1) alone about, I think we have three senior
(2) housing either convalescent homes or senior
(3) housing within a five-mile limit. And the
(4) reason they're affected is because their
(5) lungs may have been compromised at some other
(6) time, but they also -- it's not just
(7) pulmonary problems, it's also cardiac
(8) problems that are really, really important in
(9) that scenario.
(10) MS. LARKIN: Well, do you
(11) think this is dangerous -- well, another
(12) question. Do you think it would be helpful
(13) to have the applicant do a study and tell how
(14) many -- how much, you know, PM 2.5's are
(15) affecting certain places?
(16) THE WITNESS (Hallaran): Yeah,
(17) two -- I think really it would be -- it would
(18) be great to have modeling of PM 2.5 at
(19) varying distances from the plant, and then we
(20) can get a better idea of how many people
(21) might be affected.
(22) MS. LARKIN: Good idea.
(23) THE WITNESS (Hallaran): And I
(24) don't, you know, that -- that would be great.
(25) THE CHAIRPERSON: I believe

(1) that's been provided.
(2) THE WITNESS (Hallaran):
(3) Pardon.
(4) THE CHAIRPERSON: I believe
(5) that's been provided.
(6) THE WITNESS (Hallaran): Okay.
(7) MS. LARKIN: Okay. And do you
(8) think it would be a benefit of this plant
(9) knowing what you know about PM's and all
(10) these things is greater than the -- is
(11) greater than the risks, the health risks?
(12) THE WITNESS (Hallaran): Oh my
(13) gosh. Marian, where do we go with that?
(14) Okay. So, in terms of -- I
(15) would say in terms of Connecticut benefit, in
(16) terms of our local benefit, no.
(17) MS. LARKIN: And what's local
(18) to you?
(19) THE WITNESS (Hallaran): Local
(20) means the area around the plant will be
(21) affected, so you know, five, ten miles maybe.
(22) I really worry about it. And -- and many
(23) reasons.
(24) MS. LARKIN: And do you think
(25) the -- that the people who live locally

(1) should be forewarned about something like
(2) this?
(3) THE WITNESS (Hallaran): They
(4) should certainly know. They should certainly
(5) be educated. I don't have about forewarned.
(6) MS. LARKIN: Oh, well.
(7) THE WITNESS (Hallaran): I
(8) think they should be educated.
(9) THE CHAIRPERSON: Let me if I
(10) could follow up, how long have you, I don't
(11) know been involved with the school or in this
(12) area?
(13) THE WITNESS (Hallaran): I
(14) have -- I never thought I'd live in
(15) Connecticut. I was born up in Granby,
(16) Connecticut whose asthma rates are like 20
(17) percent, what is that? Anyway totally aside.
(18) THE CHAIRPERSON: Try to
(19) answer the question, please.
(20) MR. HANNON: It's the airport.
(21) THE CHAIRPERSON: Let me --
(22) let me rephrase it. Were you here in 1999 in
(23) that period?
(24) THE WITNESS (Hallaran):
(25) Absolutely. I have been here since -- my

(1) MS. LARKIN: So, would you --
(2) who would be right body to inform the people
(3) of the studies and so forth -- that's not a
(4) question. I'm sorry.
(5) There's something David Brown,
(6) have you spoken to him, he's a toxicologist.
(7) He's a Connecticut toxicologist. Do you know
(8) that? You've heard of him?
(9) THE WITNESS (Hallaran):
(10) Uh-huh.
(11) MS. LARKIN: Okay. Have you
(12) spoken with him?
(13) THE WITNESS (Hallaran):
(14) Uh-huh.
(15) MS. LARKIN: Okay. And what
(16) is his specialty?
(17) THE WITNESS (Hallaran): The
(18) person that Marian is talking about is David
(19) Brown who was the chief epidemiologist --
(20) THE CHAIRPERSON: You know,
(21) unless he's here for direct testimony, this
(22) is all hearsay. I'm not going to --
(23) MS. LARKIN: Okay.
(24) THE CHAIRPERSON: -- continue
(25) this.

(1) husband and I have taught at Westover for
(2) over 40 years.
(3) THE CHAIRPERSON: Okay. The
(4) only reason I ask it is because there was
(5) plant proposed, approved, litigated, starting
(6) in 1999. You're aware of that, right, at
(7) this site?
(8) THE WITNESS (Hallaran): Oh,
(9) yeah.
(10) THE CHAIRPERSON: Okay. Thank
(11) you.
(12) THE WITNESS (Hallaran): Yeah.
(13) MS. LARKIN: So the benefits
(14) outweigh the risks? Do the benefits of the
(15) plant outweigh the risk in your mind, and
(16) from what you've learned about health risks
(17) to the local area?
(18) THE WITNESS (Hallaran): No.
(19) MS. LARKIN: The benefits --
(20) okay. Do you --
(21) THE WITNESS (Hallaran): If --
(22) Marian, let me just say, if it could be
(23) guaranteed that coal plants would go offline,
(24) I might have to rethink that. But there's no
(25) guarantee of that.

(1) MS. LARKIN: Did you not hear
(2) that he could come possibly on April 2nd if
(3) there was an extension?
(4) THE CHAIRPERSON: Excuse me.
(5) What? We have to hear also what you're
(6) saying.
(7) MS. LARKIN: Oh, I said, did
(8) you hear that possibly he could to a hearing
(9) if there was another hearing available to
(10) him --
(11) THE CHAIRPERSON: There's --
(12) you know the rules.
(13) MS. LARKIN: I don't know when
(14) you're going to get finished. That's what I
(15) don't know.
(16) THE CHAIRPERSON: Well, I know
(17) you're trying to make sure we don't but...
(18) MS. LARKIN: We don't try and
(19) think, well, except to try to win.
(20) THE CHAIRPERSON: We have
(21) another -- there's been ample time for people
(22) to provide expert witnesses if they had so
(23) chosen. So with all due respect, since I
(24) think I'll take the words out of your mouth,
(25) this has been extended numerous times. We

(1) will end this when we have received all the
(2) testimony and the Council will make that
(3) decision. So suggesting that someone bring
(4) somebody at some future date, right now, we
(5) don't need that discussion.
(6) MS. LARKIN: Could we -- could
(7) we possibly put in as a late-file --
(8) THE CHAIRPERSON: No. No.
(9) We've received all the -- and we've been
(10) very, very considerate and given people
(11) additional time. So please, if you have a
(12) specific question, anymore questions,
(13) specifically to the --
(14) MS. LARKIN: That's okay. I
(15) can -- with all due respect, you know, we've
(16) become experts. We didn't start out as
(17) experts, so we're getting there. We're still
(18) not --
(19) THE CHAIRPERSON: And we're
(20) getting there too, so thank you very much.
(21) MS. LARKIN: We're not quite
(22) there yet. We could use some more time to
(23) get really good. Okay.
(24) All right. Just ask you
(25) further, what does it mean when regulations

(1) are -- are health-based versus
(2) regulation-based? Can you define that a
(3) little more clearly, health-based versus --
(4) THE WITNESS (Hallaran): As
(5) part of my ponderings, Marian as well, the
(6) EPA puts out the NAAQS and it really is in
(7) their -- it really is to be health-based.
(8) One of the problems is that it's regional
(9) rather than local, so it becomes more a
(10) regulatory standard in a way. All right.
(11) And that -- it really depends on, I think,
(12) which air pollutant you're looking at, which
(13) criteria you're looking -- which criteria
(14) pollutant you're looking at whether or not it
(15) really applies as closely to health standards
(16) as it should.
(17) And the other thing I want to
(18) say is I think it's fantastic that we have
(19) now PM 2.5 in that NAAQS regulation because
(20) 15 years ago we didn't even have it. So the
(21) EPA is trying to keep up to date, it's just
(22) that new studies are happening all the time,
(23) and there's a delay factor in terms of how
(24) well something can be controlled.
(25) MS. LARKIN: So if I read you

(1) correctly, you're saying that health-based
(2) study, which is more of a local study, should
(3) be really really looked at in terms of risk,
(4) in terms of benefit, in terms of people's
(5) health?
(6) THE WITNESS (Hallaran):
(7) Uh-huh. Uh-huh.
(8) MS. LARKIN: In terms of
(9) dying?
(10) THE WITNESS (Hallaran): I
(11) would agree. I would agree.
(12) MS. LARKIN: Okay. That's all
(13) I have. Thank you.
(14) THE WITNESS (Hallaran):
(15) Great.
(16) THE CHAIRPERSON: Thank you.
(17) The Quassy Amusement Park?
(18) (No response.)
(19) THE CHAIRPERSON: The Oxford
(20) Flying Club.
(21) MR. STEVENS: Mr. Chairman, no
(22) questions.
(23) THE CHAIRPERSON: Thank you.
(24) I thank you. You're --
(25) THE WITNESS (Hallaran): Thank

(1) you.
(2) THE CHAIRPERSON: Appreciate
(3) your testimony.
(4) Ms. Larkin, you can come back
(5) here and you can just, if you don't mind
(6) sitting at the other table.
(7) MR. PETERSON: Mr. Chairman,
(8) my name is Dr. Scott Peterson. I'm the
(9) representative for the Middlebury Land Trust.
(10) My time is somewhat limited and I was told I
(11) was grouped with this early group. Is it be
(12) possible before 1 or 2 o'clock I could be
(13) questioned if there are any questions. It
(14) doesn't have to be this moment.
(15) THE CHAIRPERSON: It's up to
(16) Ms. Larkin if she's willing to allow you to,
(17) and then you can -- is that a yes?
(18) MS. LARKIN: Yes, I cede my
(19) position. No problem. Thank you.
(20) THE CHAIRPERSON: Okay. Sir,
(21) will you please come up.
(22) MR. PETERSON: Thank you very
(23) much.
(24) THE CHAIRPERSON: Okay.
(25) Dr. Peterson, you have to be sworn in, please

(1) stand, please.
(2) W. SCOTT PETERSON,
(3) called as a witness, being first duly
(4) sworn by Ms. Bachman, was examined and
(5) testified on his oath as follows:
(6) THE CHAIRPERSON: You've
(7) offered, Dr. Peterson, Exhibits Roman numeral
(8) IV-B-2 through -5 for identification
(9) purposes. Is that correct?
(10) THE WITNESS (Peterson): I'm
(11) sorry.
(12) THE CHAIRPERSON: You've
(13) offered exhibits?
(14) THE WITNESS (Peterson): Yes.
(15) Is this working? Can you hear me?
(16) THE CHAIRPERSON: Listed under
(17) Roman numeral IV-B -- and I'll read them --
(18) the request for Intervenor status, and the
(19) prehearing submission of Middlebury Land
(20) Trust, those items?
(21) THE WITNESS (Peterson): I'm
(22) not sure what your question is? I did submit
(23) a three-page letter.
(24) THE CHAIRPERSON: We're going
(25) to our best because going to be asking -- all

(1) THE CHAIRPERSON: Somewhat
(2) significant.
(3) Is this exhibit, with that
(4) exception, true and accurate to the best of
(5) your knowledge?
(6) THE WITNESS (Peterson): It
(7) is.
(8) THE CHAIRPERSON: And do you
(9) offer this Exhibit as your testimony today?
(10) THE WITNESS (Peterson): I
(11) do.
(12) THE CHAIRPERSON: And it's
(13) your full exhibit?
(14) THE WITNESS (Peterson): Yes.
(15) THE CHAIRPERSON: Okay. Is
(16) there any objection from any of the parties,
(17) Interveners?
(18) (No response.)
(19) THE CHAIRPERSON: Okay. These
(20) exhibits are admitted.
(21) (Exhibit IV-B-2 and IV-B-5:
(22) Received in evidence - described in index.)
(23) THE CHAIRPERSON: We will now
(24) start cross-examination. Staff.
(25) THE WITNESS (Peterson): May

(1) right. Based on your letter which I assume
(2) included --
(3) THE WITNESS (Peterson):
(4) Well, no my -- are you asking if this is
(5) mine? Yes, it is. I don't understand your
(6) question.
(7) THE CHAIRPERSON: Will you
(8) let me please go through my -- I'm asking
(9) one, is it yours?
(10) THE WITNESS (Peterson): Yes.
(11) THE CHAIRPERSON: And did you
(12) prepare it?
(13) THE WITNESS (Peterson): Yes.
(14) THE CHAIRPERSON: Okay. Do
(15) you have any additions, clarifications,
(16) deletions or modifications to make?
(17) THE WITNESS (Peterson): Yes.
(18) THE CHAIRPERSON: Okay. would
(19) you please tell us what they are?
(20) THE WITNESS (Peterson): Yes.
(21) In the second paragraph,
(22) there's an important typographical error
(23) where I state that the Middlebury Land Trust
(24) owns a certain number of acres, and I have
(25) 1.219 acres. That should be 1,219 acres.

(1) I introduce myself.
(2) THE CHAIRPERSON: Well, we
(3) know who you are Dr. Peterson.
(4) THE WITNESS (Peterson): I
(5) don't think you know my credentials. I would
(6) like to offer my credentials as an expert in
(7) two areas.
(8) THE CHAIRPERSON: Okay. I
(9) thought you had already done it as part of
(10) your presubmission, but if you haven't, go
(11) ahead and --
(12) THE WITNESS (Peterson):
(13) Well, just because you don't know me and I
(14) don't know you, I would like to just
(15) introduce myself.
(16) My name is Dr. Walter Scott
(17) Peterson, and I'm a resident of Middlebury,
(18) Connecticut, at 317 Tranquility Road. I am
(19) the president of the Middlebury Land Trust
(20) which is an all-volunteer land trust, and we
(21) manage 1865 acres in and around Middlebury.
(22) We do this for passive recreational enjoyment
(23) of the Connecticut Public and other
(24) conservations purposes.
(25) I brought a map of our

(1) holdings which if any -- I also included in
(2) my written testimony as an exhibit, and if
(3) there are any questions I can -- I can
(4) provide that map. In fact, if someone would
(5) put it here, it would be helpful, possibly.
(6) I'd also like to -- like you
(7) to know that I am a medical doctor licensed
(8) in Connecticut. And I am a Board Certified
(9) ophthalmologist which is the medical
(10) specialty that deals with diseases and
(11) surgery of the eye. And in that capacity, I
(12) have practiced general ophthalmology for 40
(13) year in the area. I am the medical director
(14) of Opti-Care which is the largest eye care
(15) provider in Connecticut with a total of 18
(16) offices in the state most in this region.
(17) I am an examiner for the
(18) American Board of Ophthalmology which is the
(19) entity that certifies Ophthalmologists and I
(20) am also on the board of the international eye
(21) foundation in Washington.
(22) For many years, I was also on
(23) the ophthalmology teaching staff at Yale, and
(24) just because there's often confusion in the
(25) matter, I want to comment please, that an

(1) Ophthalmologist is a fully-trained medical
(2) doctor first, who then specializes for three
(3) to five additional year sin Ophthalmology, so
(4) I have knowledge of both general medical
(5) matters and ophthalmic matters.
(6) So, I do have, at some point,
(7) I think five questions for the applicant. I
(8) don't know when I'm allowed to ask those
(9) questions, but I'll -- I'll be happy to
(10) answer any questions that are asked of me.
(11) THE CHAIRPERSON: Okay. Well,
(12) right now, you're the one being -- others are
(13) going to be asking the questions, though. so
(14) we'll start questioning by our staff,
(15) Mr. Perrone.
(16) MR. PERRONE: I have no
(17) questions, Mr. Chairman.
(18) THE CHAIRPERSON: Okay.
(19) Senator Murphy.
(20) SENATOR MURPHY: I have no
(21) questions, Mr. Chairman.
(22) THE CHAIRPERSON: Dr. Bell.
(23) DR. BELL: Thank you,
(24) Mr. Chair. I have no questions.
(25) THE CHAIRPERSON: Mr. Ashton.

(1) MR. ASHTON: I have one
(2) question, at the bottom of page 1 you are
(3) expressing, quote, concern about, quote,
(4) sound pollution from multiple turbines
(5) interfering with various things. Do you find
(6) that the airport creates any noise that
(7) interferes with things?
(8) THE WITNESS (Peterson): Yes.
(9) MR. ASHTON: Question one.
(10) THE WITNESS (Peterson): Yes.
(11) Of course.
(12) MR. ASHTON: I'm sorry.
(13) THE WITNESS (Peterson): Yes.
(14) MR. ASHTON: And what makes
(15) you think that the power plant will provide
(16) noise pollution that would interfere with --
(17) that would interfere with the birding and
(18) peaceful meditation as far away as Middlebury
(19) and your land trust properties.
(20) THE WITNESS (Peterson):
(21) Well, I've been told, and I don't have direct
(22) knowledge of this, but I've told that there's
(23) some kind of -- of devices that clang shut
(24) frequently. I believe that's been brought
(25) out by some of the Bridle Trail people. And

(1) I've been told and I think this goes back
(2) even to the original hearing 10 or 15 years
(3) ago when this -- when the Towantic matter was
(4) before the Council there was I believe
(5) testimony at that time that it was that some
(6) of the turbines were like jet engines during
(7) the time when a jet on a runway is reversing
(8) their engines to slow down.
(9) My assumption is that things
(10) are better now, but that there is still some
(11) noise. And you have to understand that when
(12) one is walking in a land trust preserve any,
(13) any kind of interference like that disrupts
(14) the tranquility and the beauty of that.
(15) Our land trust has spent
(16) hundreds of thousands of hours trying to
(17) preserve these areas and anything that
(18) degrades them is something that we're
(19) actually, by law, required to protest.
(20) MR. ASHTON: You are operating
(21) on what people have told you? Did you read
(22) any of the application about what noise
(23) levels are --
(24) THE WITNESS (Peterson): Yes,
(25) I did.

(1) MR. ASHTON: And how do those
(2) noise levels compare with every day
(3) activities?
(4) THE WITNESS (Peterson):
(5) Well, it's interesting because the decibel
(6) level that's often given I think is 50
(7) decibels, which is the level of a
(8) conversation. But it's a pretty -- it's a
(9) pretty significant decibel. I don't have --
(10) I didn't bring the data with me because I
(11) didn't -- not data -- but my calculations
(12) with me, because I didn't think I would be
(13) asked about this, but as everyone knows the
(14) sound, the sound attenuates by the square of
(15) the distance, and so the further you are away
(16) of course the less the sound is.
(17) But I believe that there was
(18) some testimony at some point that at the --
(19) at the property line the decibel level would
(20) be 50. I think what's interesting is that
(21) the decibel -- the decibel scale is not
(22) linear.
(23) So if you say something is 60
(24) decibels, well, that's just a little bit more
(25) than 50, well, no, it isn't. It's a great

(1) deal louder. It's algorithmic scale. And so
(2) when I did study these things, I -- it
(3) appeared to me that -- that a sound level of
(4) 50 decibels at the property line, even though
(5) it drops off by the square of the distance
(6) would still be disturbing to anyone sitting
(7) quietly fishing in one our ponds, or hiking
(8) on one of our preserves. Particularly, the
(9) -- the -- the Fodder's Folly Preserve known
(10) as Larkin Pond which is the -- our closest --
(11) our closest property to the plant. That's
(12) 3500 feet or so from the plant line and, you
(13) know, directly -- that will be directly
(14) affected. It's one of our two properties
(15) that allow fishing, so it's a place where
(16) grandparents often bring kids to catch their
(17) first fish. It's a place where people walk
(18) and -- and the word that I use when you cited
(19) me, saying commune with nature. That's
(20) exactly what people do on our preserves.
(21) That's one of our prime functions of our
(22) organization, and that's why we get donations
(23) worth millions of dollars of land for the
(24) general public to use.
(25) So, yes. The answer to

(1) question, I do think that the sound will play
(2) a role. I don't think any one factor is
(3) going -- is enough to say, well, this is
(4) terrible. But in the -- in the aggregate it
(5) is -- it will degrade our -- our preserves
(6) and it will make it more difficult to raise
(7) money in the future to save new preserves
(8) because why should someone give a preserve in
(9) an area that's -- that's befouled in any way.
(10) MR. ASHTON: Do you have any
(11) guesstimate as to what a 50 db level at the
(12) power plant property would amount to 3500
(13) feet away?
(14) THE WITNESS (Peterson): Yes,
(15) I calculated that.
(16) MR. ASHTON: And what was your
(17) calculation?
(18) THE WITNESS (Peterson):
(19) Well, the property line -- the 50 decibels at
(20) the property line is not 3500 feet from the
(21) Fodder's Folly. Fodder's Folly is 3500 from
(22) the center of the power plant, so you have to
(23) subtract the difference from the center of
(24) the power plant to the property line. It's
(25) much louder at the -- at the plant. Once you

(1) get to the property line, it's down to 50
(2) which is about what I'm speaking right now.
(3) Significant. And then, it drops off more
(4) from there.
(5) I'm guessing that it might be
(6) another 1500 square feet, so it might go down
(7) to, I'm guessing again, it might go down to
(8) 35 or 40 decibels which is approximately half
(9) the sound, I believe. I think it's every six
(10) decibels is -- is half.
(11) In my calculation and I'm no
(12) acoustical engineer, but I did take physics
(13) and I --
(14) MR. ASHTON: No further
(15) questions. Thank you.
(16) THE WITNESS (Peterson): -- I
(17) did find that that was a significant noise at
(18) that level.
(19) THE CHAIRPERSON: Thank you.
(20) Mr. Levesque.
(21) MR. LEVESQUE: No questions
(22) for the Doctor.
(23) THE CHAIRPERSON: Mr. Hannon.
(24) MR. HANNON: Thank you,
(25) Mr. Chairman.

(1) Yes, I did have some
(2) questions, more just for clarification for
(3) some of the language that you may have used
(4) in the letter.
(5) On the first page -- this is
(6) last sentence in the third paragraph, you say
(7) the degradation of our preserve open space
(8) areas would be permanent and ongoing,
(9) permanent and ongoing. I -- I guess the
(10) question I have on that is my understanding
(11) based on other material that has been
(12) submitted, I believe the prevailing winds are
(13) from the northwest. So, the vast majority of
(14) time the winds are coming from the northwest.
(15) And with this plant being located south of, I
(16) think you said it's Larkin Pond? Larkin Pond
(17) is the closest site that you have? If I
(18) just --
(19) THE WITNESS (Peterson):
(20) Okay. So your power plant, here's the
(21) airport, the power plant is about here.
(22) MR. HANNON: Right.
(23) THE WITNESS (Peterson): And
(24) this is Larkin Pond right here.
(25) MR. HANNON: Right. So it is

(1) south. So for the majority of time, it seems
(2) to me that the air quality issues that would
(3) be at Larkin Pond might be more from
(4) Interstate 84 than what would be from the
(5) power plant.
(6) And also relating to the
(7) noise, with trucks and traffic going 24/7,
(8) I'm just wondering if that might not be a
(9) bigger area that -- that may have an adverse
(10) impact on some of the land trust property.
(11) THE WITNESS (Peterson): And
(12) what is the question?
(13) MR. HANNON: My question is
(14) when you're saying "permanent and ongoing,"
(15) what is the permanent adverse impact on the
(16) -- all of the properties actually?
(17) THE WITNESS (Peterson):
(18) Well, that sentence was not specifically
(19) about sound, although, I'll get to that in a
(20) minute. That sentence was in reference to
(21) primarily to the particulate and the -- the
(22) other -- other pollutants that will be
(23) emitted from the power plant and will fall on
(24) -- on a wide area. It's certainly going to
(25) be much more than the two miles that they

(1) drew a circle. And that, regardless of what
(2) the rate is of those depositions, the rate is
(3) really, to me, irrelevant, because from a
(4) land trust perspective, I look at perpetuity
(5) not tomorrow. And from that perspective, no
(6) matter how low the rate of pollution is, it
(7) keeps falling and it keeps adding up, there's
(8) a film that will lie on the surface of the
(9) water that will be absorbed, nitrogen
(10) compounds will be absorbed and those will
(11) cause chemical changes into the -- in the
(12) water and in the soil, and that will
(13) inevitably affect wildlife, plant life and
(14) other things. And so there's a cumulative
(15) problem which will, or the word I used is
(16) permanent, because these substances don't go
(17) away. They may go away in 500 years. I
(18) don't know how long they last, but they're
(19) not going away any time soon, and they're
(20) also ongoing because it's a continual thing.
(21) To answer your question about
(22) the sound, specifically. I'm not sure where
(23) the data comes for the wind direction. My
(24) understanding is that some of this modeling
(25) was done in Danbury. And our winds are quite

(1) different. I actually live on a hillside --
(2) actually I'll show you where I live because
(3) it's significant. I live here. This is --
(4) there's no topographic here, but I'm on a
(5) hill, and I look across Lake Quassapaug,
(6) across Woodbury to the distant hills of
(7) Woodbury and Bethlehem, Danbury is somewhere
(8) over here. I can -- I can see probably 35 to
(9) 45 miles from my house. And it's very
(10) interesting when you listen to the
(11) newscasters telling about storms particularly
(12) in the summer, they're coming from the west
(13) or the southwest actually. They come toward
(14) Middlebury, and they then veer to the north.
(15) They typically don't touch Lake Quassapaug
(16) they move up to the north, and the reason
(17) they do that the only physical explanation is
(18) that the southern winds are pushing the air
(19) mass to the north.
(20) In fact, all I have to do is
(21) go out in my yard, many times during the
(22) summer and the fall and the winds are
(23) definitely not coming from the north. The
(24) Nor'Easters are in the winter. In the summer
(25) the winds are from the south. So I would -- I

(1) would take that -- take issue with your
(2) assumption that the prevailing winds are
(3) always in the north. They're not. They're
(4) actually from the south in the summer.
(5) In addition to that, it's sort
(6) of -- I think it's important actually if
(7) you're going to accept modeling of the -- of
(8) the air currents, I think it really should
(9) use for Middlebury. Those of us who sail on
(10) Lake Quassapaug, this goes back to the Alcott
(11) Company that invented the Sunfish. It was
(12) invented there. And the regattas that were
(13) held on Lake Quassapaug were known for the
(14) fickleness and the variability of the winds.
(15) My point is that the winds and
(16) the air currents in our neck of the woods are
(17) not the winds and the air currents in Danbury
(18) or Newington or wherever else they're local.
(19) And I think -- I think it would be very
(20) important to model exactly what is going to
(21) the effluent from these stacks in Middlebury.
(22) And, you know, we know that they're -- that
(23) Oxford -- I mean, it's on the edge of Oxford.
(24) Middlebury is a few hundred yards from where
(25) the power plant is and I think modeling that

(1) based on actual air currents would be
(2) critical.
(3) Now as far as your component
(4) about Route 84, Route 84 is a bane for people
(5) that live in our area particularly on wet
(6) days because the car tires make more noise
(7) and sometimes -- I don't know the physics of
(8) it -- but the sound rises and you do hear it
(9) and it's very annoying.
(10) So I can't get rid of that but
(11) I can fight for not making it worse. And
(12) that's -- that's my job as the President the
(13) Middlebury Land Trust to -- to stand up and
(14) support the hundreds of people that our will
(15) give 400 families, so that's about 1200, 1500
(16) people in Middlebury. But many, many others
(17) use our properties and they will be, you
(18) know, in perpetuity, because all of our lands
(19) have been donated forever. They'll be --
(20) they'll be preserved forests, and fields and
(21) streams and so forth forever.
(22) And actually, Middlebury, if
(23) you should know this perhaps, Middlebury is
(24) unique in Connecticut, in that our land trust
(25) started a long time ago. We're almost 50

(1) years. And we have some of the most
(2) important geolog -- no geologic --
(3) enviromental spots in Connecticut that we
(4) have been able to preserve unlike a lot of
(5) other towns, so you know, we really don't
(6) want to see these harmed in any way. We
(7) fight when somebody --
(8) THE CHAIRPERSON: We normally
(9) break for lunch --
(10) THE WITNESS (Peterson): I'm
(11) sorry.
(12) THE CHAIRPERSON: We normally
(13) break for lunch at one.
(14) THE WITNESS (Peterson):
(15) Uh-huh.
(16) THE CHAIRPERSON: And then we
(17) come back.
(18) THE WITNESS (Peterson): And
(19) I'm available to talk after lunch.
(20) THE CHAIRPERSON: You are
(21) available.
(22) THE WITNESS (Peterson): Of
(23) course.
(24) THE CHAIRPERSON: Okay.
(25) THE WITNESS (Peterson): As

(1) long as there are questions.
(2) MR. HANNON: I have no other
(3) questions, thank you.
(4) THE CHAIRPERSON: Mr. Lynch.
(5) MR. LYNCH: No questions,
(6) Mr. Chairman.
(7) THE CHAIRPERSON: Okay.
(8) Certificate holder.
(9) MR. SMALL: No questions,
(10) Mr. Chairman.
(11) THE CHAIRPERSON: Mr. Halpern.
(12) CL&P. Town of Oxford. Group Parties,
(13) starting with the Naugatuck Valley Trout
(14) Unlimited, Pomperaug Water -- River Watershed
(15) Coalition, the Naugatuck River Revival -- if
(16) the answer is, okay.
(17) Are you standing to come up
(18) here, or are you just standing?
(19) A VOICE: Well, actually I
(20) wasn't called, but in his group, not the
(21) explicit call, but I'm in his group.
(22) SENATOR MURPHY: Town of
(23) Middlebury.
(24) THE CHAIRPERSON: Lake
(25) Quassapaug Association; Middlebury Bridle

(1) Land Association; Dennis Koycia; and
(2) Naugatuck Bridle Audubon.
(3) (No response.)
(4) THE CHAIRPERSON: Nobody from
(5) there. Town of Southbury, GE Energy
(6) Financial.
(7) (No response.)
(8) THE CHAIRPERSON: Borough of
(9) Naugatuck and Water Pollution Control.
(10) MS. PERILLO: Alicia Perillo,
(11) no questions.
(12) THE CHAIRPERSON: Okay.
(13) Mr. McCormack.
(14) (No response.)
(15) THE CHAIRPERSON: Westover
(16) School.
(17) MS. HALLARAN: Yes, I'll have
(18) some questions.
(19) Could you explain or describe
(20) the -- the largest property that the
(21) Middlebury Land Trust owns.
(22) THE WITNESS (Peterson): I'm
(23) sorry.
(24) MS. HALLARAN: Could you
(25) explain, could you describe the largest land

(1) in Woodbury, it's the Whittemore Sanctuary,
(2) it's a very large tract, it's actually taken
(3) care of by the Flanders Nature Center, it's
(4) -- I'll tell you how many acres it is. It's
(5) 67 acres and it is here, the power plant,
(6) again, would be here.
(7) THE CHAIRPERSON: Could you
(8) then approximately how far in distance?
(9) THE WITNESS (Peterson): Yes,
(10) I think it was about 2.2 or 2.3 miles. It
(11) was just beyond, a little beyond the --
(12) actually, no, it's more than that. That's
(13) not correct.
(14) MS. HALLARAN: I think it's
(15) about five, Scott.
(16) THE WITNESS (Peterson): I
(17) think it's -- yeah, I think it was maybe 4.3
(18) when I did it, I'm sorry. Not 2.3. It's
(19) here. I believe it's -- I believe it's
(20) 4.3 --
(21) THE CHAIRPERSON: Okay. Let's
(22) -- I got the gist of it.
(23) THE WITNESS (Peterson):
(24) Yeah, okay.
(25) So it is very important. It

(1) that was -- that Middlebury -- actually has
(2) an easement over and why is so special.
(3) THE WITNESS (Peterson):
(4) Well, we --
(5) MS. HALLARAN: Whittemore
(6) Sanctuary.
(7) THE WITNESS (Peterson): Yeah.
(8) THE CHAIRPERSON: Could you
(9) just rather than -- it's indirect. Could you
(10) just tell us what property you're talking
(11) about.
(12) MS. HALLARAN: Well, it's the
(13) Whittemore Sanctuary that is actually owned
(14) by Flander's Nature Center. And we have an
(15) easement over it, and I think it's important
(16) for Scott to speak out.
(17) THE CHAIRPERSON: Okay. No, I
(18) just wanted to know what you were talking
(19) about.
(20) MS. HALLARAN: Yeah. Yeah, I
(21) didn't really mean to quiz him.
(22) THE CHAIRPERSON: Yeah, right.
(23) THE WITNESS (Peterson): Right.
(24) t. I could not read your mind. I'm sorry.
(25) All right. So, this area is

(1) has -- it has something called a bog in it,
(2) and so until I got involved in land trust
(3) work, I thought a bog was a bad place where
(4) you got muddy, but in fact, bogs are
(5) extremely -- and I won't bore you with the
(6) details -- but they're extremely important
(7) natural places where things happen with
(8) plants and animals that don't happen anywhere
(9) else and they're very important in terms of
(10) the ecological cycle that affects all of us,
(11) including humans at some point. There are
(12) many steps in the process, but the end result
(13) is that they're important not just to
(14) polliwogs but to people.
(15) And there aren't many bogs any
(16) more. The bogs are -- they've been developed
(17) or filled in or drained. It was a hundred
(18) years ago they drained all the bogs. Anyway
(19) the ones that are left, and there's one of
(20) the most important in the country is in that
(21) sanctuary. There is another in our
(22) preserve -- I think, I call it the Sperry
(23) Preserve because it was given by the Sperry
(24) family. I think it's called Juniper Hill, up
(25) -- up here. Another large area. These bogs

(1) are critical and that they -- there's a very
(2) delicate balance ecologically to the wildlife
(3) in those bogs, and there is a concern that
(4) over time, again, cumulatively, not because
(5) of any -- any particular level of emission
(6) but that over time the -- the material will
(7) settle on the bogs, it gets absorbed and
(8) settles into the water and then chemical
(9) reactions will take place.
(10) We all know that -- that CO2
(11) combines with water to make acid, and we know
(12) about Nitrogen problems -- products, they
(13) make bad things for animals in the water,
(14) aquatic animals. This plant doesn't have a
(15) great deal of sulphur but all of these things
(16) in the aggregate do -- do degrade the ponds
(17) and so it doesn't kind of matter how much is
(18) coming down. We already have whatever comes
(19) from Pennsylvania, New York, all the
(20) particulate matter that from Industrial
(21) America. But this will just add to it, and
(22) because it's in a -- in a central source,
(23) it's going to be -- be a lot more, and it's
(24) going to be raining down right here. So
(25) again, it's the cumulative area.

(1) So, and Middlebury Land Trust
(2) does not own that. We have the -- we are
(3) charged with enforcing the conservation
(4) easement over that property, therefore, it's
(5) part of my actual official duties and my job
(6) as volunteer president to -- to fight for
(7) those bogs.
(8) THE CHAIRPERSON: Okay. Thank
(9) you.
(10) MS. HALLARAN: Can I ask one
(11) more question, I don't know how or if this is
(12) helpful or not, but in, say, your expertise
(13) is in optics, is there a way that -- does the
(14) plant concern you in terms of eye health in
(15) the area which is a very different question?
(16) THE WITNESS (Peterson):
(17) Well, it does. And I consider myself useful
(18) to the Commission in two areas. One, as
(19) my -- in my role as president of the Land
(20) Trust which is a role that you're familiar
(21) with I'm sure from dozens of hearings. I --
(22) I hope I can also be useful to you in terms
(23) of my expertise as an -- as an
(24) ophthalmologist and I actually have something
(25) that I might have brought with me. I think I

(1) have it here. Yeah.
(2) When health experts talk about
(3) the effects of pollution, we hear a great
(4) deal about asthma and heart disease, maybe
(5) birth defects, maybe cancer -- in fact,
(6) probably cancer, and a lot of other things.
(7) What's not often spoken about are the ocular
(8) effects of pollution, and the reason for this
(9) is that there have not been really good
(10) studies until the last few years. In fact,
(11) the sentinel study in this area was completed
(12) and published in 2012, and it was very large
(13) and very compelling study. But the bottom
(14) line was that it showed that that pollution
(15) is a major problem for eye concerns.
(16) Here's what it does. It makes
(17) -- it makes any kind of conjunctivitis worse.
(18) It's horrible for dry eyes. Horrible. And
(19) that's very common. Half of the patients I
(20) see have dry eyes if they're over 40. And if
(21) it's -- if it's a female patient, the list is
(22) probably 80 percent. Very high. Women more
(23) than men. So dry eyes, conjunctivitis,
(24) certainly ocular allergies, and -- and then
(25) for young people, contact lens wear.

(1) When I'm in my office on a bad
(2) air day, not a bad hair day. It's actually a
(3) bad hair day for me because I'm deluge with
(4) emergencies with people with eye trouble. I
(5) will get four or five emergencies on a bad
(6) air day that I have to deal with. And I'm
(7) not the only one. All the ophthalmologists,
(8) all the optometrists have the same thing.
(9) It's a -- it's a very big deal. And it's an
(10) expensive deal. If you think about the cost
(11) of an office visit, nowadays with insurance
(12) and so on, it might be in the neighborhood of
(13) 80 to 120 dollars, say \$100. If -- if every
(14) doctor in our region, just the area around
(15) the power plant, there's about a hundred of
(16) us, maybe more, maybe 150, but if there's a
(17) hundred of them, and if they were a hundred
(18) dollars an exam, the burden of one extra
(19) patient on a bad air day is \$10,000. Now,
(20) not every day is a bad air day. But it's
(21) going to be worse with the power plant. I
(22) don't know how much worse, but it doesn't
(23) matter. It's going to be incrementally
(24) worse, so the rate will go up at some level,
(25) unknown.

(1) If you calculate that out,
(2) because some days are better, some days are
(3) going to be worse, and the thing is the
(4) patients that have these problems often need
(5) more than one visit. They don't come once
(6) and then go home. They may need multiple
(7) visits. These are not life-threatening
(8) problems, but they're significant.
(9) I calculated that at just one
(10) patient per doctor in our immediate area,
(11) that the economic burden is \$5 million plus
(12) or minus which is astounding and nobody ever
(13) thinks about that.
(14) Now there's other health
(15) burdens, asthma and all the rest, but this is
(16) in my area, and it's really -- it's really
(17) big problem.
(18) THE CHAIRPERSON: I -- I think
(19) we have gist of what you've said --
(20) THE WITNESS (Peterson): Well
(21) , it's not -- it's -- excuse me. But it's
(22) not the gist that I want to convey. I want
(23) to convey --
(24) THE CHAIRPERSON: I'm sorry
(25) used that. The relevant --

(1) THE WITNESS (Peterson): I
(2) want to convey to you the details that you
(3) need to know without going and over the other
(4) details. And I know people want lunch, I do
(5) too. But this is why I'm testifying. I'm
(6) trying to give you the minimum that you need
(7) to credibly put this into your thinking. And
(8) I'm sorry if you feel it's going overboard.
(9) But that's just the way I do. I apologize.
(10) THE CHAIRPERSON: I haven't
(11) even opened my mouth, sir. So, the question
(12) was specifically about the health effects,
(13) you've gone into the monetary which I think
(14) we, to the extent we understand. The concern
(15) was the health effects. So I thank you for
(16) answering that question.
(17) THE WITNESS (Peterson): Okay.
(18) THE CHAIRPERSON: Okay. Are
(19) there any other questions?
(20) MS. HALLARAN: No thanks.
(21) THE CHAIRPERSON: Okay.
(22) Westover Hill Subdivision, Mr. Cornacchia.
(23) MR. CORNACCHIA: Chester
(24) Cornacchia, no questions.
(25) THE CHAIRPERSON: Again,

(1) Marian Larkin.
(2) MS. LARKIN: Scott, would you
(3) characterize Middlebury being far away from
(4) the power plant site?
(5) THE WITNESS (Peterson): I'm
(6) not sure what that --
(7) THE CHAIRPERSON: Excuse me.
(8) Clarify. Can you be more specific in your
(9) question because far away could be --
(10) MS. LARKIN: Okay. How many
(11) feet away is the power plant site from
(12) Middlebury boundary. Do you know?
(13) THE WITNESS (Peterson): I
(14) don't know. I know that from the center of
(15) the power plant building to the border or the
(16) center of the pond, the pond I talked about
(17) earlier, was 3500 feet. So I guess the power
(18) plant is closer than that, maybe 2000 feet,
(19) or 1500 feet or maybe less to the border.
(20) But I haven't been concerned about that
(21) particularly.
(22) MS. LARKIN: Right.
(23) THE WITNESS (Peterson): It
(24) was -- it is certainly very close.
(25) THE CHAIRPERSON: And please

(1) note, remember that Dr. Peterson is
(2) representing the Land Trust, and he's doing a
(3) superb job, but also please don't ask
(4) questions that, you know, are beyond.
(5) MS. LARKIN: Well, someone
(6) said that Middlebury was far away on the
(7) Council, so I wanted to make sure it was
(8) understood that Middlebury is not far away.
(9) And that was said earlier from up there.
(10) Okay. So -- so could you tell
(11) me whether Route 84 is a constant noise or a
(12) noise that comes and goes or as opposed to a
(13) power plant?
(14) THE WITNESS (Peterson):
(15) Well, I can't comment on what this power
(16) plant is going to sound like, because it's my
(17) understanding that there are only a few of
(18) these of this newer type in the world, and
(19) they haven't been around that long. But --
(20) and I -- anything I know about other kinds of
(21) power plants wouldn't apply. So I can't
(22) answer the comparison, but I can tell you
(23) that for me, at least, when I listen that
(24) Route 84 is an and off sort of thing. Some
(25) days I don't hear it all and some days, as I

(1) mentioned earlier, like rainy days, I hear it
(2) more.
(3) MS. LARKIN: Okay.
(4) THE WITNESS (Peterson): Many
(5) days you don't hear it at all.
(6) MS. LARKIN: And it depends on
(7) the wind? Would you say? No?
(8) THE WITNESS (Peterson): I
(9) think that's a big factor, yes.
(10) MS. LARKIN: Okay. Thank you.
(11) And would you -- would you say that if
(12) there's a predominant wind, like everybody is
(13) saying northeast northwest coming down
(14) therefore driving everything away from
(15) Middlebury, would that be the time of year
(16) that people are outside or would they be
(17) inside, in the house?
(18) THE WITNESS (Peterson):
(19) Outside.
(20) MS. LARKIN: From a northwest
(21) wind?
(22) THE WITNESS (Peterson): No,
(23) no. From the -- in the summer when the wind
(24) is coming from the south, people are
(25) obviously outside.

(1) MS. LARKIN: There you go.
(2) And would that be -- how many months are
(3) people outside?
(4) THE WITNESS (Peterson): In
(5) Middlebury?
(6) MS. LARKIN: Yeah.
(7) THE WITNESS (Peterson):
(8) Probably from April until November. That's
(9) eight months.
(10) MS. LARKIN: Okay. So -- so
(11) would that further reinforce what you're
(12) saying about modeling from the airport for
(13) Middlebury's -- from not Middlebury --
(14) Oxford, Waterbury/Oxford airport instead of
(15) Danbury?
(16) THE WITNESS (Peterson):
(17) Well, I think that's crucial, I do.
(18) MS. LARKIN: Yeah, okay.
(19) Because summer is summer.
(20) THE WITNESS (Peterson): Summ
(21) er is different than winter --
(22) MS. LARKIN: Spring and fall.
(23) THE WITNESS (Peterson):
(24) Yeah.
(25) MS. LARKIN: Okay. So --

(1) THE WITNESS (Peterson): In
(2) fact -- well, never mind. That's not
(3) relevant.
(4) MS. LARKIN: Okay. All right.
(5) So -- so just a question from the health
(6) perspective, do -- I don't know if there's
(7) ever been a person like this on the Siting
(8) Council, but would you as a doctor recommend
(9) that there would be a member of the Siting
(10) Council who represented the health of the
(11) public on the Council?
(12) THE CHAIRPERSON: Would you
(13) please explain the relevancy of that
(14) question?
(15) MS. LARKIN: What?
(16) THE CHAIRPERSON: Would you
(17) please explain the relevancy of that
(18) question?
(19) MS. LARKIN: The health and
(20) welfare of the local population and others in
(21) the State of Connecticut.
(22) THE CHAIRPERSON: If you want
(23) to give a short answer to that question, that
(24) would be fine.
(25) THE WITNESS (Peterson):

(1) Well, that's certainly not in my professional
(2) expertise, but as a citizen I would say that
(3) if the Siting Council is charged with doing
(4) what's best for the residents of Connecticut,
(5) since the health is a very important aspect
(6) for every single resident, that would be a
(7) useful addition. But I have no knowledge of
(8) your organized or -- or anything about it, so
(9) I would not presume to tell you how to
(10) organize your Council.
(11) MS. LARKIN: That's all.
(12) Thank you.
(13) THE WITNESS (Peterson): And
(14) I'm not available for the job.
(15) THE CHAIRPERSON: Okay.
(16) Quassy Amusement Park.
(17) (No response.)
(18) THE CHAIRPERSON: Oxford
(19) Flying Club.
(20) MR. STEVENS: Mr. Chairman,
(21) Burt Stevens, no questions.
(22) THE CHAIRPERSON: Okay. Thank
(23) you. We will now break for lunch for
(24) approximately 45 minutes. Actually, you're
(25) excused, sir.

(1) THE WITNESS (Peterson):
(2) Thank you. Thank you very much. And I
(3) apologize for going five minutes over but...
(4) MR. PIETRORAZIO:
(5) Mr. Chairman, my name was not called.
(6) THE CHAIRPERSON: Because
(7) you're part of the group. You're grouped.
(8) MR. PIETRORAZIO: Right. But
(9) I wasn't -- my name was not called as --
(10) THE CHAIRPERSON: No, because
(11) you're part of his group. You're an
(12) Intervenor, you don't have an opportunity now
(13) to -- to ask this particular witness who's
(14) part of your own group. That's the way --
(15) that's the whole purpose of the grouping.
(16) MR. PIETRORAZIO: But
(17) Ms. Larkin just asked some questions.
(18) THE CHAIRPERSON: She's not
(19) part of that group. I mean you should -- and
(20) you've had -- never mind. Thank you. Thank
(21) you, Dr. Peterson. We'll be back here in
(22) about 10 of 2 we'll resume.
(23) (Whereupon, the witness was
(24) excused, and a recess for lunch was taken at
(25) 1:09 p.m.)

(1) AFTERNOON SESSION
(2) 2:00 P.M.
(3)
(4) THE CHAIRPERSON: Good
(5) afternoon, ladies and gentlemen. We'd like
(6) to reconvene.
(7) Okay. We'll now go back to
(8) the order and have Marian Larkin and
(9) Greenfields, if you'll please come up.
(10) MS. LARKIN: May I defer to
(11) when my expert, Dr. Egan is ill.
(12) THE CHAIRPERSON: I can't hear
(13) a word you're saying.
(14) MS. LARKIN: Dr. Egan is an
(15) expert, and I don't believe he's available
(16) until Thursday and so I think I should wait
(17) until then, because if you're going to ask
(18) about me about that, I'm not -- I don't want
(19) to do that. I'm sorry.
(20) THE CHAIRPERSON: It would
(21) have been really helpful to know this in
(22) advance because we -- you know, we have a
(23) schedule and we made a lot of exceptions for
(24) people and --
(25) MS. LARKIN: I'm sorry. I

(1) thought that was clear.
(2) THE CHAIRPERSON: Okay. Is he
(3) going to be available on Thursday?
(4) MS. LARKIN: Right.
(5) THE CHAIRPERSON: Right. That
(6) --
(7) MS. LARKIN: He's available.
(8) It's a little tricky because he's available
(9) by phone.
(10) THE CHAIRPERSON: Well --
(11) MS. LARKIN: And he has to be
(12) available by phone for health reasons, we're
(13) talking very important health reasons.
(14) THE CHAIRPERSON: I'm sorry to
(15) hear that, but we don't have any provision
(16) for that. He has to be here in person. He
(17) can't take an oath -- you can't take an oath
(18) by phone. I'm sorry.
(19) MS. LARKIN: Oh. How about a
(20) video phone?
(21) THE CHAIRPERSON: No.
(22) MS. LARKIN: Skype? No. I
(23) would like to consult with our attorney about
(24) that for Middlebury.
(25) THE CHAIRPERSON: Could you

(1) come up so we can hear you, please.
(2) MS. LARKIN: Dr. Egan is ill,
(3) and he really is not -- it's not a good idea
(4) for him travel and won't travel because of
(5) it. I'm sorry.
(6) THE CHAIRPERSON: And I'll ask
(7) -- I'll ask, we have our executive
(8) director/staff attorney and I'll ask if
(9) there's any way. I believe the answer, is
(10) unfortunately, no.
(11) MS. BACHMAN: Thank you,
(12) Mr. Chairman.
(13) Unfortunately, no, we don't
(14) have witnesses by phone or video phone.
(15) Offerors of documents and exhibits are
(16) required to be here in person to take an oath
(17) and be cross-examined by all the other
(18) parties and Intervenor and we ask --
(19) MS. LARKIN: Oh, he's happy to
(20) be cross-examined and happy to do all that,
(21) but just from north of Boston.
(22) MS. BACHMAN: Well, again, it
(23) doesn't comport with the procedure.
(24) Certainly, if you're available today,
(25) Ms. Larkin for cross-examination on your

(1) case, subject to any objection from any other
(2) parties or Intervenor, that's how we will
(3) proceed with the appearance of your case and
(4) everyone will be able to cross-examine you on
(5) your exhibit.
(6) MS. LARKIN: I wasn't prepared
(7) to do this until Thursday. So I don't --
(8) that's all I can say to that.
(9) MS. BACHMAN: Well, all of
(10) your exhibits have been in --
(11) MS. LARKIN: Okay.
(12) MS. BACHMAN: -- so certainly,
(13) you are prepared to discuss things you've
(14) already submitted, so....
(15) MS. LARKIN: Okay. Let me get
(16) a piece of paper.
(17) MS. BACHMAN: Okay. If you'd
(18) like to take the table.
(19) MS. LARKIN: So you want me to
(20) sit over there and this, okay. I'll do it.
(21) THE CHAIRPERSON: Okay.
(22) Ms. Larkin, you rise for swearing in, please.
(23)
(24)
(25)

(1) M A R I A N L A R K I N,
(2) called as a witness, being first duly
(3) sworn by Ms. Bachman, was examined and
(4) testified on her oath as follows:
(5) THE CHAIRPERSON: Ms. Larkin,
(6) you've submitted exhibits listed as Roman
(7) numerals XIV-B-1 through -6 which are request
(8) of Intervenor status; a statement of yours; a
(9) revised statement of yours dated January 28;
(10) a bulk filed aerial map; and also prefiled
(11) testimony of yours dated March 5th; and
(12) review of plume rise and meteorological
(13) issues as prepared by Egan Environmental
(14) received on March 3, 2015.
(15) If you could just answer these
(16) questions. Did you prepare and assist in the
(17) preparation of these exhibits?
(18) THE WITNESS (Larkin): Yes.
(19) THE CHAIRPERSON: Do you have
(20) any additions, clarifications, deletions,
(21) modifications, to these documents?
(22) THE WITNESS (Larkin): Not
(23) really. I know that I probably spelled a few
(24) things incorrectly and maybe didn't put the
(25) parenthesis in the right place, but it's more

(1) or less accurate.
(2) THE CHAIRPERSON: Are these
(3) exhibits true and accurate to the best of
(4) your knowledge?
(5) THE WITNESS (Larkin): Yes.
(6) THE CHAIRPERSON: And do you
(7) offer these exhibits as your testimony today?
(8) THE WITNESS (Larkin): Yes.
(9) THE CHAIRPERSON: And do you
(10) offer them as full exhibits?
(11) THE WITNESS (Larkin): Yes.
(12) There's probably some additions, but yes.
(13) THE CHAIRPERSON: Again, we
(14) prefer a yes-or-no answer, but I'll take that
(15) as a yes.
(16) THE WITNESS (Larkin): Okay.
(17) THE CHAIRPERSON: And are
(18) there objection to the items?
(19) MR. SMALL: Just one. I
(20) wouldn't call it an objection, just a
(21) clarification, Mr. Chairman.
(22) Item 6 is Dr. Egan's report
(23) which you've discussed before, so I have no
(24) objection obviously to 1 to 5 being admitted.
(25) I don't think you were intending to have 6

(1) admitted as a full exhibit at this point. So
(2) we would object to 6 as a full exhibit
(3) subject to Dr. Egan's appearance in which
(4) case then it could be adopted as a full
(5) exhibit.
(6) THE CHAIRPERSON: We're going
(7) to allow it for what it's worth at this
(8) point.
(9) (Exhibit XIV-B-1 through
(10) Exhibit XIV-B-6: Received in evidence -
(11) described in index.)
(12) MR. SMALL: Could I ask in
(13) that case, that when our panel is back up
(14) here, Mr. Sellars can -- in lieu of
(15) cross-examination of Dr. Egan that
(16) Mr. Sellars could respond to Dr. Egan's
(17) testimony?
(18) THE CHAIRPERSON: Yes.
(19) MR. SMALL: Okay. Thank you.
(20) THE CHAIRPERSON: We're going
(21) to now start with cross-examination --
(22) THE WITNESS (Larkin): Would
(23) there -- excuse me. Would there be a way to
(24) question Dr. Sellars after that, after he --
(25) or how does that work?

(1) THE CHAIRPERSON: No.
(2) THE WITNESS (Larkin): No.
(3) THE CHAIRPERSON: Well, you'll
(4) have an -- you'll have ample opportunity for
(5) cross-examination.
(6) THE WITNESS (Larkin): It'll
(7) go around. It'll go around. Okay. Got it.
(8) Thank you.
(9) THE CHAIRPERSON: Not sure how
(10) the order is going to work out, at some
(11) point.
(12) THE WITNESS (Larkin): Okay.
(13) THE CHAIRPERSON: We will now
(14) go to Mr. Perrone, staff.
(15) CROSS-EXAMINATION
(16) MR. PERRONE: Thank you,
(17) Mr. Chairman.
(18) I had asked the Middlebury
(19) Bridle Land Association this same question,
(20) but I'd like to get your input as well. When
(21) is the Bridle Trail in your experience most
(22) active with horseback riders on weekends,
(23) Sundays, the summer?
(24) THE WITNESS (Larkin): It's --
(25) it's unpredictable. Totally unpredictable.

(1) There are people who just arrive out the
(2) blue, just when they feel like using it, they
(3) step out of their houses, or drive a car and
(4) park somewhere. They'll be on a horse.
(5) They'll be walking. Sometimes they're on
(6) ATV's which is not legal. And sometimes
(7) they'll be on dirt bikes, and certainly what
(8) our called cross-country bikes, those kinds
(9) of things. But there's all media -- all
(10) medium of travel and use of that Bridle
(11) trail. And because it's so long and so
(12) extensive, it goes through, what is it? Four
(13) towns, Naugatuck, Middlebury, Oxford,
(14) Southbury, that you have a lot of people who
(15) -- that's a huge resource for them. People
(16) walk their dogs, ride their horses. It's --
(17) it's a real boon.
(18) MR. LYNCH: Ms. Larkin, could
(19) you keep your voice up.
(20) THE WITNESS (Larkin): I'm
(21) sorry.
(22) THE CHAIRPERSON: Could you
(23) please move the microphone a little closer.
(24) THE WITNESS (Larkin): Is this
(25) it, is this it or both? Yeah, this one?

(1) MR. PERRONE: Thank you.
(2) And one question on Dr. Egan's
(3) report and I don't know if you know the
(4) answer to this, when it mentions the plume
(5) elevation above the stack base, so the stack
(6) base is basically ground level is that zero
(7) or is that the 830?
(8) THE WITNESS (Larkin): That
(9) would be the 830.
(10) MR. PERRONE: All right. Thank
(11) you. That's all I have.
(12) THE WITNESS (Larkin): Well,
(13) excuse me. Let me just take that back a
(14) minute. When you say "ground level" you
(15) don't mean ground level, you mean ground
(16) level on a hill. Right? On that hill?
(17) MR. PERRONE: Right.
(18) THE WITNESS (Larkin): Oh.
(19) You know what, I don't know whether he's did
(20) it at 831 because I remember that CPV said
(21) that they were reducing it all to a level
(22) ground at 830, and I really don't know what
(23) kind of influence that -- how that changes
(24) things when they go down one more foot. They
(25) said they did it for just evening out the

(1) terrain. I -- I cannot address whether
(2) that's accurate or not.
(3) MR. PERRONE: Thank you.
(4) THE WITNESS (Larkin): Yeah.
(5) THE CHAIRPERSON: Thank you.
(6) Senator Murphy.
(7) SENATOR MURPHY: I have one
(8) question. A kind of follow-up to the
(9) activity on the Bridle Trail.
(10) THE WITNESS (Larkin): Yes.
(11) SENATOR MURPHY: How is the
(12) activity on the Bridle Trail today or this
(13) time of --
(14) THE WITNESS (Larkin): If
(15) there's --
(16) SENATOR MURPHY: -- let's say
(17) -- I'm not done yet.
(18) THE WITNESS (Larkin): I'm
(19) sorry.
(20) SENATOR MURPHY: How does the
(21) activity on the Bridle Trail say in 2015
(22) compare to the activity in 1999?
(23) THE WITNESS (Larkin): The
(24) Bridle Trail use increases all the time. A
(25) lot of people didn't even know about it.

(1) People come from farther away than have ever
(2) come before. They'll actually bring their
(3) ATVs, because they're mad at the State of
(4) Connecticut for not providing them a place to
(5) do this. So they come there. And they said,
(6) we're not hurting anything. We're just using
(7) the trail because we have no place to go, so
(8) and it's unpredictable. They've got time
(9) off. It was during the week. I saw these
(10) guys, I talked with them. But it's used more
(11) and more every year.
(12) SENATOR MURPHY: More every
(13) year?
(14) THE WITNESS (Larkin): It's
(15) getting more and more popular.
(16) SENATOR MURPHY: Okay. Was
(17) there significant use of it in 1999?
(18) THE WITNESS (Larkin): Oh,
(19) it's been used since -- since, well, '43, I
(20) guess, my grandfather donated it.
(21) SENATOR MURPHY: Okay.
(22) THE WITNESS (Larkin): So it's
(23) been used. As the population increases the
(24) pressure on land increases and there's a very
(25) large horse population in Connecticut and

(1) it's a great place to gallop a horse.
(2) SENATOR MURPHY: I have no
(3) further questions, Mr. Chairman.
(4) THE CHAIRPERSON: Thank you.
(5) Dr. Bell.
(6) DR. BELL: Thank you,
(7) Mr. Chair.
(8) Ms. Larkin, you've -- in your
(9) various submissions you have a number of
(10) significant concerns about the project, do
(11) you have any way of prioritizing those or do
(12) you see them all as a bundle?
(13) THE WITNESS (Larkin): No,
(14) I -- my priority, I'm the daughter of a
(15) surgeon, so we talked medical talk all the
(16) time while he was alive at the dinner --
(17) dinner table, I'd call myself a dinner table
(18) doctor. So health is number one. And I
(19) don't think that anyone knew what PM 2.5 was
(20) at that point in time, and that would not
(21) have come up, but you know, if he were alive
(22) today, this would be a major thing and he
(23) would be stomping around Waterbury,
(24) Connecticut, at the two hospitals that he
(25) worked at, and he would saying, come on, you

(1) guys, this is not a good thing. Let's all
(2) write letters. Let's get this out of here to
(3) all of his associates, his medical
(4) associates. And he did heart surgery, so he
(5) developed heart valves, he worked with Denton
(6) Cooley in Texas. So he was -- you know,
(7) heart attacks, are as you know, related to
(8) PM 2.5.
(9) DR. BELL: Thank you.
(10) THE WITNESS (Larkin): You're
(11) very welcome.
(12) DR. BELL: Thank you,
(13) Mr. Chair.
(14) THE CHAIRPERSON: Mr. Ashton.
(15) MR. ASHTON: Thank you.
(16) On page -- Number 9 and 4 on
(17) page 2 of the March 4th document you wrote,
(18) gets into the Larkin State Bridle Trail and
(19) the actual horses. And you made the
(20) statement that I thought was very interesting
(21) that, current -- more and more use is being
(22) made of the trail as time passes, at the same
(23) time more and more use is being made of the
(24) Oxford Airport with its noise. How does that
(25) reconcile?

(1) THE WITNESS (Larkin): The
(2) airport is at the far end. I mean, it's used
(3) and it's probably more used by the Oxford
(4) people, I really have no clue. But that
(5) airport is sporadic and the noise is
(6) sporadic, and yes, it's intense when a -- if
(7) a jet takes off. It's not intense when you
(8) have Cessna or Piper cover, something
(9) smaller, but what they do is they generally
(10) land coming in from the north and they -- let
(11) me see -- oh, excuse me, I've got that
(12) reversed. And we have -- there's an expert
(13) here who can attest to this, but they'll go
(14) in one way and out another, and that is --
(15) it's not like -- you're not overwhelmed by
(16) that noise. It's sporadic. We can hear it
(17) from our houses. It's -- it's sporadic.
(18) It's not constant.
(19) MR. ASHTON: Okay. And being
(20) sporadic, it depends what they're doing,
(21) doesn't it? If a plane is taking off at full
(22) power, it's likely to be a little bit more
(23) noisy than if it's gliding in for a landing,
(24) isn't that true?
(25) THE WITNESS (Larkin): It

(1) depends on what kind of plane it is.
(2) Actually, the biggest --
(3) MR. ASHTON: Well, isn't that
(4) true generally of planes?
(5) THE WITNESS (Larkin):
(6) Generally, but you really have to be specific
(7) and --
(8) MR. ASHTON: Okay.
(9) THE WITNESS (Larkin): -- I
(10) want to be specific because the largest jet
(11) is on the property is actually one of the
(12) least noisy of all the planes, is the
(13) largest. It's a Global something Explorer,
(14) Global something.
(15) MR. ASHTON: Are you aware of
(16) the sound level the Applicant has indicated
(17) will exist at the property line?
(18) THE WITNESS (Larkin): Right.
(19) MR. ASHTON: And what are
(20) they?
(21) THE WITNESS (Larkin): Fifty.
(22) MR. ASHTON: Fifty db.
(23) THE WITNESS (Larkin): Fifty
(24) decibels. I've read that. I read it.
(25) MR. ASHTON: Okay. And what

(1) does --
(2) THE WITNESS (Larkin): True or
(3) not, I don't know.
(4) MR. ASHTON: Do you know what
(5) 50 db means?
(6) THE WITNESS (Larkin): I heard
(7) it was talking level.
(8) MR. ASHTON: Right. So, if
(9) we're talking at the property line and it's
(10) further reduced as you get close to the
(11) trail, why would a horse be worried about it?
(12) Because you talk on the trail, don't you?
(13) THE WITNESS (Larkin): It --
(14) it -- well, I think it's really the banging
(15) noise that no one knew about until a very
(16) short time ago. That it would actually --
(17) MR. ASHTON: It's a banging
(18) noise?
(19) THE WITNESS (Larkin): The
(20) banging noise which we understand is the
(21) closing of the gas valve when they're not --
(22) when they're not using it.
(23) MR. ASHTON: Oh, okay.
(24) THE WITNESS (Larkin): And
(25) that makes a huge noise and it certainly --

(1) you know, how thousands of feet you can hear
(2) it and that would startle -- definitely
(3) startle a horse.
(4) And yes, when a jet or a plane
(5) would take off, a jet -- I mean a noisy noisy
(6) plane, I know a Cessna would not bother a
(7) horse. And it's -- it's, you know, it's up
(8) the hill and it's and it's over there. It's
(9) not -- it's not --
(10) MR. ASHTON: When they fly,
(11) they fly right over the trail, don't they?
(12) If they're taking off to the south, that goes
(13) right over the trail, doesn't it?
(14) THE WITNESS (Larkin): There's
(15) a lot of planes that don't make very much
(16) noise. There really are. They're just
(17) little buzzes.
(18) MR. ASHTON: When you say
(19) "very much noise," can you put that into a
(20) quantitative figure?
(21) THE WITNESS (Larkin): Well, I
(22) -- no, because I'm not a --
(23) MR. ASHTON: Okay. All right.
(24) So your perception is that the -- it doesn't
(25) make very much noise. I'll accept that.

(1) THE WITNESS (Larkin): It's
(2) not shocking noise, no.
(3) MR. ASHTON: You covered a lot
(4) of territory --
(5) THE WITNESS (Larkin): Well,
(6) that's how disturbed I am. I'm sorry.
(7) MR. ASHTON: Let me ask the
(8) question first.
(9) THE WITNESS (Larkin): So --
(10) MR. ASHTON: You covered a lot
(11) of territory in the two documents, do you
(12) have any special technical background,
(13) training?
(14) THE WITNESS (Larkin): Let me
(15) see, I -- no. I'm not technical at all.
(16) Actually, on the art sides, but I'm --
(17) MR. ASHTON: Okay. All right.
(18) That's fine.
(19) THE WITNESS (Larkin): I
(20) graduated history of art and then I've got a
(21) degree in interior design, I have my real
(22) estate brokers license.
(23) MR. ASHTON: I have nothing
(24) further. Thank you.
(25) THE WITNESS (Larkin): No

(1) pilot's license.
(2) THE CHAIRPERSON: Thank you.
(3) Mr. Levesque.
(4) MR. LEVESQUE: I don't have
(5) any questions on the materials.
(6) THE CHAIRPERSON: Mr. Hannon.
(7) MR. HANNON: Thank you,
(8) Mr. Chairman.
(9) Just a couple of questions for
(10) clarification purposes. On the March 4,
(11) 2015, letter that you submitted Item
(12) Number 2, Connecticut's Air Quality today is
(13) polluted above EPA standards. Can you be a
(14) little more specific on that?
(15) THE WITNESS (Larkin): Well, I
(16) know that it's a nonattainment state and it's
(17) -- but I know that it fluctuates up and down
(18) and I -- I know that -- that one wouldn't
(19) have to buy -- a company would not have to
(20) buy credits elsewhere unless they were going
(21) go beyond a standard that they're not allowed
(22) to go beyond.
(23) MR. HANNON: I guess my
(24) question to you is, is your take here that
(25) the air quality by all measured items that

(1) it's above EPA standards or is it just
(2) certain pollutants?
(3) THE WITNESS (Larkin): I made
(4) a general statement, again, I'm not a
(5) scientist. But I have talked to people who,
(6) for instance, that PM 2.5 particularly
(7) bothers me because that is human health. If
(8) you read the editorial in the Waterbury
(9) Republican, those little birds and bees are
(10) all going to die earlier than we do. So I
(11) mean I'm just saying that there's a very big
(12) health risk involved here.
(13) MR. HANNON: No, I'm just
(14) trying to get -- again, because when you say,
(15) Connecticut air quality, I mean, I just want
(16) to get a little more specific.
(17) Going back to a question about
(18) the Bridle Trail.
(19) THE WITNESS (Larkin): Yes.
(20) MR. HANNON: I went back and
(21) was looking at some material on the Bridle
(22) Trail and of the number of different sites
(23) that I looked at, it looks as though most of
(24) that trail, again, based on the pictures that
(25) were there, it's a pretty rural area. So I'm

(1) not sure how much noise is actually going to
(2) get through that type of an area, because it
(3) almost looks like it's a tree tunnel in a
(4) number of spots.
(5) Now, I will admit it may not
(6) be the whole thing, but just based on what
(7) people are trying to promote the Bridle
(8) Trail, they show these great pictures of
(9) these nice lush trees, and in addition to
(10) that, as you mentioned, you've got people on
(11) mountain bikes, you've got people walking.
(12) So I'm just wondering whether or not
(13) something like that coming around the corner,
(14) may create more of adverse impact for horses
(15) than sort of a steady in the background.
(16) THE WITNESS (Larkin): First
(17) of all, the trees in the area are deciduous,
(18) I don't think there's one pine tree that I've
(19) ever seen there.
(20) MR. HANNON: Uh-huh. And I'm
(21) not disputing that at all.
(22) THE WITNESS (Larkin): Okay.
(23) So trunks don't hold that much noise away,
(24) trunks of trees. So -- and so the noise
(25) factor, it would -- it'd be -- it would

(1) definitely be relevant still. It would
(2) definitely be relevant. And as far as the
(3) use goes, there is these ATVs that are
(4) illegal, those are gas-fired things, they're
(5) not supposed to be there.
(6) MR. HANNON: And I would
(7) wholeheartedly agree with you on that.
(8) THE WITNESS (Larkin): And the
(9) DEEP is supposed to be, and they do, I guess
(10) they monitor it, but not a lot, not all the
(11) time. So there are some moments when it's a
(12) little scary, so that's -- you know, that's
(13) not a good thing. That -- that kind of thing
(14) doesn't mix with horses.
(15) MR. HANNON: I would agree.
(16) And then one other question on
(17) your January 27, 2015 letter, page 5, the
(18) first paragraph under noise, you say this
(19) plant the 800 megawatt will be far noisier
(20) than the previously approved 512 megawatt
(21) power plant. What do you base that on?
(22) THE WITNESS (Larkin): On
(23) size. On size. It's the size of the -- the
(24) stacks are bigger. If it's going to generate
(25) that much more, 805 versus 512, it's got to

(1) be noisier. That, to me, is logic. It's my
(2) logic. It may not be anyone else's but
(3) that's my logic.
(4) MR. HANNON: Okay. I have no
(5) further questions.
(6) THE CHAIRPERSON: Mr. Lynch.
(7) MR. LYNCH: Mr. Chairman, the
(8) only question I had concerned the ATVs but in
(9) answering Mr. Hannon you answered that
(10) question, so I'll stop.
(11) THE WITNESS (Larkin): Okay.
(12) THE CHAIRPERSON: Okay.
(13) We'll now to cross-examination
(14) from the Applicant.
(15) MR. SMALL: No questions,
(16) Mr. Chairman.
(17) THE CHAIRPERSON: Mr. Halpern;
(18) Grouped Parties, starting with the Town of
(19) Middlebury.
(20) MR. PIETRORAZIO: Mr.
(21) Pietrorazio has no questions.
(22) THE CHAIRPERSON: Okay. And
(23) CL&P; Town of Oxford; Group Parties starting
(24) with the Naugatuck Valley Chapter Trout
(25) Unlimited. Don't see you guys, no. And the

(1) is, and I apologize that I don't know the
(2) whole record on this, but are you aware of
(3) any problems that could exist because you
(4) talk about compressed gas lines. Are there
(5) problems that could exist with compressors?
(6) And I know that there was a compressor that's
(7) been permitted on the site. Are there any
(8) problems that you know of with gas
(9) compressors?
(10) THE WITNESS (Larkin): Yes.
(11) They are -- they actually leak out methane,
(12) the pipes do. And probably at that
(13) processing area there the compressor station
(14) that's there, which is going to be, I
(15) understand, enlarged to accommodate -- the
(16) pressure will be enlarged to accommodate the
(17) power plant, is what I've heard. And they
(18) have two pipelines there, from what I gather,
(19) and I did go to their meeting not long ago,
(20) and they didn't allude -- they may have
(21) pretended they knew nothing about the power
(22) plant, but I find that kind of -- would be
(23) quite unusual. And I said, well, what are
(24) you -- what are you doing? Well, we're
(25) actually -- I didn't hear anything. When I

(1) Pomperaug Watershed Coalition; Naugatuck
(2) Revival -- River Revival; Lake Quassapaug
(3) Association; Middlebury Bridle Land
(4) Association; Dennis Kocyla; and the Naugatuck
(5) Valley Audubon; Town of Southbury; Borough of
(6) Naugatuck and the Water Pollution Authority;
(7) Mr. McCormack.
(8) (No response.)
(9) THE CHAIRPERSON: Westover
(10) School.
(11) MS. HALLARAN: And I have this
(12) and you don't.
(13) But Marian, I have a question
(14) about, this is from your January 27th letter
(15) that you wrote, and in it you listed a number
(16) of safety concerns you had about -- you
(17) listed a number of accidents.
(18) THE WITNESS (Larkin): Uh-huh.
(19) Horseback riding accidents.
(20) MS. HALLARAN: Well, these
(21) weren't horseback. This had to do with --
(22) THE WITNESS (Larkin): Oh, gas
(23) exploding incidents.
(24) MS. HALLARAN: -- various, I
(25) think, explosions. But my question to you

(1) went there they didn't tell me about the
(2) compressor station being increased. But yes,
(3) gas is a very dangerous thing. Gas is highly
(4) flammable. Gas is very hard to transport
(5) without sometimes there are great crises,
(6) without --well, sometimes there are great
(7) crises, sometimes they're not. So it's a --
(8) it can go back and forth, and there can leaks
(9) in the lines and you don't need much --
(10) MS. HALLARAN: Do you -- do
(11) you have -- one of the things that I have
(12) read about is that there are gas releases
(13) from time to time in those lines. And when
(14) those gas releases -- when those gases are
(15) released, repairing leakages, there are a
(16) certain number of pollutants that are
(17) released. Probably not widely spread because
(18) we're talking --
(19) THE CHAIRPERSON: Is there a
(20) question coming out of this?
(21) MS. HALLARAN: Pardon me?
(22) THE CHAIRPERSON: Are you
(23) going to ask a question?
(24) MS. HALLARAN: Yeah, so my --
(25) my -- well, no. My question is is she aware

(1) of -- are you aware of that gas release and
(2) do you know where the gas -- this is probably
(3) not a question for Marian, but for the CPV,
(4) the Applicant would be where the gas is
(5) coming from that's in the lines.
(6) THE CHAIRPERSON: Well, maybe
(7) you should save it.
(8) MS. HALLARAN: Because that
(9) could make a difference in -- in the leakage,
(10) or in what is leaked when gas is released?
(11) THE WITNESS (Larkin): Well, I
(12) gather -- I am --
(13) MS. HALLARAN: I'm probably
(14) asking the wrong person.
(15) THE CHAIRPERSON: I think you
(16) are.
(17) MS. HALLARAN: Okay. I will
(18) wait on that then.
(19) THE CHAIRPERSON: Okay. Thank
(20) you.
(21) MS. HALLARAN: Thanks. Okay.
(22) Thanks.
(23) THE CHAIRPERSON: Westover
(24) Hills Subdivision Homeowners.
(25) MR. CORNACCHIA: No questions.

(1) THE CHAIRPERSON: Quassy
(2) Amusement Park.
(3) (No response.)
(4) THE CHAIRPERSON: Oxford
(5) Flying Club.
(6) MR. STEVENS: I have a
(7) question or two. For the record, I'm Burt
(8) Stevens from the Oxford Flying Club.
(9) Ms. Larkin, Mr. Ashton asked
(10) you about the noise for -- you indicated a
(11) Global Express --
(12) THE WITNESS (Larkin):
(13) Express, right.
(14) MR. STEVENS: -- which is a
(15) very large almost 100,000 pound business jet.
(16) And would elaborate on the noise that -- that
(17) you, as a rider on the Bridle Path, have
(18) experienced versus what you anticipate the
(19) noise in the proposed power plant?
(20) THE WITNESS (Larkin): Well,
(21) all I know that when you compare it to other
(22) jets for instance or even small aircraft, and
(23) there's much more small aircraft there than
(24) there are jets, that it's -- it kind of has a
(25) nice hum to rather than a blast to it, is all

(1) I can express to you. And it would be coming
(2) in with a steady noise instead of a staccato
(3) noise and that would make -- that's also a
(4) good thing for a horse, so --
(5) MR. STEVENS: I see. Do you
(6) have the rate of climb of that jet?
(7) THE WITNESS (Larkin): No, but
(8) there's a lot of dramatic stuff going on too,
(9) I don't know.
(10) MR. STEVENS: So -- so, in
(11) your experience, again, I'm sure you've seen
(12) these -- these large business jets take off,
(13) are they taking off at a very high rate of
(14) climb or a very low rate of climb?
(15) THE WITNESS (Larkin): I would
(16) say high.
(17) MR. STEVENS: High rate of
(18) climb compared to a small Cessna 172 or
(19) something?
(20) THE WITNESS (Larkin): Yes.
(21) Yes. Yes.
(22) MR. STEVENS: Okay. And --
(23) and is that -- is that difference -- how does
(24) that -- how does that differ from the noise
(25) that you believe this power plant will make?

(1) THE WITNESS (Larkin): Well,
(2) mostly that it's -- let's see, no one knows
(3) what this is going to really sound like from
(4) the 512 we were told it's going to sound like
(5) a dishwasher from when you were quite far
(6) away, constantly like a dishwasher running,
(7) irritating. The difference between the two,
(8) I can't say. I just know that the banging
(9) noise would be very different than a jet
(10) coming in or even a Cessna coming in. I know
(11) that would be really different and very
(12) startling, as a -- that's the difference.
(13) THE CHAIRPERSON: We have a
(14) follow-up question?
(15) MR. LYNCH: If you don't mind,
(16) Mr. Stevens.
(17) MR. STEVENS: Oh sure, surely.
(18) Go ahead.
(19) MR. LEVESQUE: Mr. Stevens
(20) asked you about the planes taking off and the
(21) rate of descent making noise or less noise,
(22) what about when a plane is landing at a lower
(23) level -- probably I should ask you -- but do
(24) you find those, planes coming in, especially
(25) a bigger jet would make more noise for the

(1) Bridle Path?
(2) THE WITNESS (Larkin): To me,
(3) a Cessna or a light plane --
(4) MR. LYNCH: No, I'm asking
(5) about the jets.
(6) THE WITNESS (Larkin): Oh.
(7) Well, they have a certain amount of roar, but
(8) they're -- they're cutting back, you know,
(9) they're not -- taking off is probably a
(10) different matter than landing. And I'm not
(11) an expert in that. I think you really should
(12) defer to Burt when he comes up, but I just
(13) know that the Cessnas sound like lawnmowers
(14) running and the jets sound like -- sound
(15) differently and they're -- a lot of them take
(16) off on weekends, and it's hard to know. It's
(17) just different.
(18) MR. ASHTON: That's enough.
(19) It's probably a question that should go over
(20) to Mr. Stevens anyhow.
(21) THE WITNESS (Larkin): Yeah, I
(22) think Burt knows all these things.
(23) MR. STEVENS: I have no
(24) further questions, Mr. Chairman. Thank you.
(25) THE CHAIRPERSON: Okay. Thank

(1) you.
(2) Oh, we have -- Mr. Ashton has
(3) a question.
(4) MR. ASHTON: You said that the
(5) Cessna sound like a lawnmower, do you have
(6) any idea what db level a lawnmower is
(7) operating at?
(8) THE WITNESS (Larkin): Oh, I'm
(9) pretty -- actually, that's pretty high. So
(10) I'm saying a lawnmower in the distance not a
(11) lawnmower next to you. Not yourself mowing
(12) it. No.
(13) MR. ASHTON: Are you aware
(14) of any -- are the horses bothered by the
(15) airport noise, first of all?
(16) THE WITNESS (Larkin): I think
(17) they are, a little bit, yeah.
(18) MR. ASHTON: A little bit.
(19) THE WITNESS (Larkin): Yeah.
(20) Not -- yeah.
(21) MR. ASHTON: I'm sorry.
(22) THE WITNESS (Larkin): I think
(23) they are. But I -- you know, I -- you should
(24) -- that should be for the Middlebury Bridle
(25) Lands people. You guys didn't ask her

(1) about -- about the jets or anything taking
(2) off and landing. I think you should have
(3) them come back and tell you.
(4) MR. ASHTON: Are you aware of
(5) houses being acquired in Middlebury and
(6) demolished because of noise levels from the
(7) airport?
(8) THE WITNESS (Larkin): Yes, I
(9) know about that. That's -- yeah.
(10) MR. ASHTON: Thank you.
(11) THE WITNESS (Larkin): And
(12) they also have jet fuel coming out at the
(13) same time.
(14) THE CHAIRPERSON: Okay. Thank
(15) you very much.
(16) THE WITNESS (Larkin): Thank
(17) you.
(18) THE CHAIRPERSON: The next
(19) intervenor is Westover Hills Subdivision
(20) Homeowners.
(21) MR. CORNACCHIA: Good
(22) afternoon.
(23) THE CHAIRPERSON: Just state
(24) your name for the record, please.
(25) MR. CORNACCHIA: Chester

(1) Cornacchia, Westover Hills Homeowners.
(2) THE CHAIRPERSON: Okay. Will
(3) you please rise and take the oath.
(4) CHESTER CORNACCHIA,
(5) called as a witness, being first duly
(6) sworn by Ms. Bachman, was examined and
(7) testified on his oath as follows:
(8) THE CHAIRPERSON: Okay. And
(9) you've submitted exhibits marked as Roman
(10) numeral XIII-B-1 and -2?
(11) THE WITNESS (Cornacchia):
(12) Yes.
(13) THE CHAIRPERSON:
(14) Mr. Cornacchia, did you prepare or assist in
(15) the preparation of these exhibits?
(16) THE WITNESS (Cornacchia): I
(17) did.
(18) THE CHAIRPERSON: Do you have
(19) any additions, clarification, deletions or
(20) modifications?
(21) THE WITNESS (Cornacchia): I
(22) do not.
(23) THE CHAIRPERSON: Are these
(24) exhibits true and accurate to the best of
(25) your knowledge?

(1) THE WITNESS (Cornacchia):
(2) They are.
(3) THE CHAIRPERSON: And do you
(4) offer these exhibits as your testimony here
(5) today?
(6) THE WITNESS (Cornacchia): I
(7) do.
(8) THE CHAIRPERSON: Do you offer
(9) them as full exhibits?
(10) THE WITNESS (Cornacchia): I
(11) do.
(12) THE CHAIRPERSON: Okay. Is
(13) there any objection to the admission of these
(14) exhibits?
(15) (No response.)
(16) THE CHAIRPERSON: Hearing and
(17) seeing none, they are admitted.
(18) (Exhibits XIII-B-1 and Exhibit
(19) XIII-B-2: Received in evidence - described
(20) in index.)
(21) THE CHAIRPERSON: We'll now
(22) proceed with cross-examination starting with
(23) staff, Mr. Perrone.
(24) MR. PERRONE: No questions,
(25) Mr. Chairman.

(1) THE CHAIRPERSON: Okay.
(2) Senator Murphy.
(3) SENATOR MURPHY: I have no
(4) questions of Mr. Cornacchia, Mr. Chair.
(5) THE CHAIRPERSON: Dr. Bell.
(6) DR. BELL: No questions,
(7) Mr. Chair. Thank you.
(8) THE CHAIRPERSON: Mr. Ashton.
(9) MR. ASHTON: No, thank you.
(10) THE CHAIRPERSON:
(11) Mr. Levesque.
(12) MR. LEVESQUE: No questions,
(13) Mr. Chairman.
(14) THE CHAIRPERSON: Mr. Hannon.
(15) MR. HANNON: Thank you,
(16) Mr. Chair. I just have one question.
(17) On the, I guess it was the
(18) March 3, 2015, e-mail that came in, I think
(19) that's one of the exhibits?
(20) THE WITNESS (Cornacchia):
(21) Yes.
(22) MR. HANNON: Towards the
(23) bottom of the page, last full paragraph, I
(24) just want to ask you where it says, "our
(25) wells will be adversely affected by the

(1) contamination of the aquifer which sits in
(2) the valley downhill of the proposed plant."
(3) I guess my question is, where
(4) did you come up with that? I mean, I'm not
(5) sure how your equating the plant to adversely
(6) impacting an aquifer?
(7) THE WITNESS (Cornacchia):
(8) Well, there was a considerable study on
(9) the -- the low-lying lands that sit right
(10) below our subdivision and at the base of the
(11) power plant that were produced by Kingsmark
(12) and they had done some pretty elaborate
(13) environmental studies on the aquifer there,
(14) and the impact to the wells in our community.
(15) Our community happens to all
(16) be well fed. And one of the conditions for
(17) approval back in 1992 was that the water be
(18) of sufficient quality, potable for human
(19) consumption. And so they, with the town,
(20) actually commissioned the Kingsmark study,
(21) and that sits directly in the basin area
(22) approximately 450 feet below the proposed
(23) power plant. And that was one of the areas
(24) of concern. Some of the discussion has
(25) revolved around the -- the contaminants

(1) remaining within the fence line of the
(2) facility.
(3) The facility does sit at about
(4) 800 -- 840 feet or so in elevation, and we're
(5) somewhere around 413 feet in elevation and
(6) the aquifer that supplies our subdivision is
(7) somewhere about 180 in elevation. And again,
(8) that's directly below the proposed power
(9) plant.
(10) MR. HANNON: And
(11) geographically, where is this subdivision in
(12) relation to the power plant?
(13) THE WITNESS (Cornacchia):
(14) North, northeast it would be.
(15) MR. HANNON: Okay. All right.
(16) Thank you.
(17) I have no further questions.
(18) THE CHAIRPERSON: Mr. Lynch.
(19) MR. LYNCH: No questions,
(20) Mr. Chairman.
(21) THE CHAIRPERSON: Just
(22) approximately when was this subdivision
(23) developed?
(24) THE WITNESS (Cornacchia):
(25) 1992.

(1) THE CHAIRPERSON: 1992. okay.
(2) Thank you.
(3) We'll now go to questions from
(4) the certificate holder.
(5) MR. SMALL: No questions.
(6) THE CHAIRPERSON: Mr. Halpern.
(7) (No response.)
(8) THE CHAIRPERSON: The Group
(9) Parties starting with the Town of Middlebury.
(10) MR. SAVARESE: No questions.
(11) THE CHAIRPERSON: CL&P; Town
(12) of Oxford; Group Parties starting with the
(13) Naugatuck Valley Trout -- Trout Unlimited;
(14) Town of Southbury; GE Energy Financial;
(15) Borough of Naugatuck and the Water Pollution
(16) Control Authority; Mr. McCormack?
(17) (No response.)
(18) THE CHAIRPERSON: Westover
(19) School.
(20) MS. HALLARAN: No questions.
(21) Thank you.
(22) THE CHAIRPERSON: Ms. Larkin.
(23) MS. LARKIN: I have a
(24) question. Marian Larkin, Middlebury.
(25) Would there be an economic

(1) impact from this power plant presence on
(2) Westover Hills Subdivision?
(3) THE WITNESS (Cornacchia): Are
(4) you asking as far as --
(5) MS. LARKIN: Just would it be
(6) a desirable community; would people want to
(7) live there? Is there -- you know --
(8) THE WITNESS (Cornacchia):
(9) Yeah, I'm not -- I'm not equipped to make an
(10) economic determination on that. I can tell
(11) you that it probably likely wood have an
(12) impact. Again, I'm not a real estate
(13) professional or a -- a valuation
(14) professional.
(15) We will likely have views of
(16) the plant, which will upset the ridgeline
(17) views that we currently have and ultimately
(18) we sit at a lower point which is what I
(19) described to the Council earlier. Our
(20) biggest concern is on those days when there
(21) is no wind, we're going to be sitting in a --
(22) in a smog haze, and we do sit several hundred
(23) feet directly below the proposed site. And
(24) one of the unique features of this site, is
(25) that it sits at such a high elevation, so

(1) that you've got this -- this dispersion going
(2) on when there's wind. When there is no wind,
(3) though, you have the -- the pollutants and
(4) effluent sitting in a pocket. We happen to
(5) be part of that pocket.
(6) THE CHAIRPERSON: I have a
(7) follow-up question. You said that the
(8) subdivision was developed in '92 is that --
(9) THE WITNESS (Cornacchia):
(10) Yes, it was. It was approved in '92.
(11) THE CHAIRPERSON: And that --
(12) I'm sure you're aware that in 1999 there was
(13) a power plant approved for this site? Was
(14) there any economic impact that people
(15) starting their property then? Did you have
(16) property values go down?
(17) THE WITNESS (Cornacchia): The
(18) -- the areas that were built out in '99 were
(19) not affected. It's a very large subdivision.
(20) So the lower part of the subdivision had been
(21) developed at that point. It had been
(22) approved in its entirety in 1992, but it --
(23) it's a base and it goes up to hill into a
(24) circle. So it had not reached that point yet
(25) but the Borough of Naugatuck was an

(1) Intervenor at that point.
(2) THE CHAIRPERSON: Okay. Thank
(3) you.
(4) Go ahead.
(5) MS. LARKIN: Do you -- are you
(6) aware of the extensions that have been
(7) granted to the Applicant?
(8) THE WITNESS (Cornacchia): I
(9) am, yes.
(10) MS. LARKIN: Is it reasonable
(11) to think that over this period of time that
(12) this applicant would be actually allowed to
(13) stay in the game so to speak?
(14) THE WITNESS (Cornacchia):
(15) Again, I'm not equipped to answer that
(16) question. What -- what I can say that it has
(17) had certainly a chilling effect on the
(18) neighborhood because there's been a
(19) quote/unquote cloud or a black cloud of the
(20) potential for the construction of a major
(21) baseload facility that has been certainly on
(22) the backs of people's minds.
(23) MS. LARKIN: Would that be
(24) something you think would be reflected in a
(25) larger area just more than yours, just not to

(1) your area? Right? That would be an
(2) educated --
(3) THE WITNESS (Cornacchia): I
(4) can only speak to my area.
(5) MS. LARKIN: Okay. So -- so
(6) along with those lines, you may not be able
(7) to answer this either, but economically it
(8) would affect if it affects you it would
(9) affect Naugatuck as well, that would be my
(10) guess but I don't know what your guess is.
(11) THE WITNESS (Cornacchia):
(12) Again, our concerns really hinge on the fact
(13) that we sit at a lower elevation. And -- and
(14) the corridor that Westover Hills Subdivision
(15) occupies sits at the base of a -- two
(16) prominent ridgelines, one of them being the
(17) line with power plant on it which sits
(18) several hundred feet higher than the pocket
(19) that goes to the Weber Avenue corridor. So
(20) yes, it would -- again, based upon what we've
(21) read, we're not entirely convinced by the
(22) evidence that it's going to contain itself to
(23) the -- the fence lines and to the property
(24) boundaries. Our concern is when there is no
(25) wind and there are smog-like conditions, we

(1) are going to be engulfed in a valley of smog.
(2) MS. LARKIN: Going back to the
(3) other question I asked you, I think it's been
(4) 16 years, does that seem like a number of
(5) years that the other plant was approved, does
(6) that seem like a timeline that people would
(7) say, no, that's not going to happen. You
(8) know, it's just never going to happen?
(9) THE WITNESS (Cornacchia):
(10) Well, certainly there are people -- there are
(11) a number of categories. People have --
(12) people -- there are people that don't know
(13) that don't know that this is a proposal,
(14) there are people that believed there's
(15) nothing you can do about it. There are
(16) people that believe the utility is proposing
(17) the power plant, and there are people that
(18) believe it will never get built because it
(19) has never gotten built, so -- so having a
(20) direct correlation to property values, I
(21) can't answer that. But I can tell you that
(22) that's the feedback that we get in our
(23) community.
(24) MS. LARKIN: So you are
(25) concerned about your health risk at your

(1) location?
(2) THE WITNESS (Cornacchia):
(3) Absolutely. We've got asthmatics. We've got
(4) both young and old that have -- we have
(5) several people with oxygen tanks, and it is
(6) of grave concern to them.
(7) MS. LARKIN: And you have
(8) families with children.
(9) THE WITNESS (Cornacchia):
(10) Absolutely.
(11) MS. LARKIN: How many? How
(12) many kids?
(13) THE WITNESS (Cornacchia):
(14) There's about 96 kids in the neighborhood.
(15) THE CHAIRPERSON: We have a
(16) follow-up question from one of the members.
(17) MR. LYNCH: In follow-up to
(18) the Chairman's question I think to
(19) Ms. Larkin's question, what I heard of it,
(20) because --
(21) MS. LARKIN: I'm sorry.
(22) MR. LYNCH: You stated that
(23) the subdivision was approved in '92?
(24) THE WITNESS (Cornacchia):
(25) Yes, it was.

(1) MR. LYNCH: And then it
(2) started to develop. My question is were
(3) any -- any part of the subdivision that was
(4) built after 1999 to the present were the
(5) individuals made aware that there was a
(6) purchasers, that there was a possible power
(7) plant going to be built?
(8) THE WITNESS (Cornacchia): No,
(9) they were not. And -- and quite frankly, the
(10) plan of conservation and development speaks
(11) nothing of it either, and that is usually the
(12) first place people will go to look to see
(13) what the objectives are for the community.
(14) The plan of conservation and development in
(15) our community specifies as one of its major
(16) priorities preserving the rural character of
(17) the community and it speaks nothing of heavy
(18) industry.
(19) MR. LYNCH: Thank you.
(20) MS. LARKIN: Do you -- do you
(21) think if there were undeveloped land in the
(22) area, do you think that would -- you know,
(23) nearby, would people be apt to develop that
(24) under these conditions with what you know
(25) about now about the plant -- the plant

(1) possibly coming in?
(2) THE WITNESS (Cornacchia):
(3) Again, I can only speak for Westover Hills
(4) residents.
(5) MS. LARKIN: Okay.
(6) THE WITNESS (Cornacchia): Our
(7) -- our community reaction has been guarded
(8) because it has been so long and there's been
(9) a dark cloud cast over the community. It is
(10) a perpetual issue of concern and there are
(11) people that are prepared to move out
(12) especially the asthmatics and the upper
(13) respiratory folks with the oxygen tanks would
(14) have to for their own life purposes. That's
(15) correct.
(16) MS. LARKIN: And you're aware
(17) Naugatuck has a reputation for being, like, a
(18) dirty town? How would you characterize the
(19) town now?
(20) THE WITNESS (Cornacchia): I
(21) disagree with that statement.
(22) MR. ASHTON: How is that
(23) relevant?
(24) THE CHAIRPERSON: One, it's
(25) not relevant, and it's not very nice; and

(1) THE WITNESS (Cornacchia): I
(2) think the -- in years past, we had -- it was
(3) certainly an industrial community. We are
(4) now a postindustrial community. Very great
(5) measures have been taken to turn that page.
(6) We are marketing ourselves on an economic
(7) development level as a community that has
(8) risen from a brown past. This would,
(9) certainly in our minds, set us back in terms
(10) of getting closer to that reputation that --
(11) that people in Middlebury seem to think
(12) Naugatuck once was. It certainly was part of
(13) the backbone of the industrial revolution in
(14) our country. Those days are gone now. The
(15) smokestacks are actually gone in Naugatuck,
(16) and that was a big deal. It was a celebrated
(17) event.
(18) So yes, I think that any step
(19) towards reintroducing the heaviest of
(20) heaviest industry would certainly set the
(21) community back -- God bless you -- both on an
(22) environmental level but also, quite frankly,
(23) on a -- on an image level, and certainly a --
(24) a community spirit level.
(25) MS. LARKIN: Thank you,

(1) two, he's already answered the question.
(2) THE WITNESS (Cornacchia):
(3) Yes. My feelings are hurt. That's correct.
(4) MS. LARKIN: Listen, my family
(5) came from Naugatuck, so I can say anything I
(6) want.
(7) THE WITNESS (Cornacchia):
(8) Shame on you.
(9) MS. LARKIN: So anyway, when
(10) you speak about -- when you knew it was going
(11) to rain in Middlebury, all you had to do was
(12) put your nose to the wind. And if it smelled
(13) like rubber, it was going to rain. That's
(14) why I'm saying it's a dirty town. There's a
(15) lot of effluent that's coming out of that
(16) point.
(17) THE CHAIRPERSON: We have a
(18) lot of --
(19) THE WITNESS (Cornacchia):
(20) Offense taken. Thank you.
(21) MS. LARKIN: Okay. All right.
(22) So I -- we've got a lot of undeveloped land,
(23) so maybe we shouldn't develop it because
(24) maybe no one would actually buy it. That's
(25) my point.

(1) Mr. Cornacchia. Thank you.
(2) THE WITNESS (Cornacchia):
(3) Thank you.
(4) THE CHAIRPERSON: Thank you.
(5) Oxford Flying?
(6) MR. STEVENS: Mr. Chairman,
(7) I'm sorry. No questions for Oxford Flying
(8) Club.
(9) THE CHAIRPERSON: Thank you.
(10) Okay. Thank you.
(11) THE WITNESS (Cornacchia):
(12) Thank you. I appreciate it.
(13) THE CHAIRPERSON: Next on our
(14) list is Lake Quassapaug Association and also
(15) Quassy Amusement Park.
(16) Okay. We've gone through a
(17) list of all the Intervenors, at least those
(18) who are present. And those who are not, I
(19) guess I have no point in talking to you since
(20) you're not here. Your chances of
(21) participating are being reduced by your
(22) failure to be at these hearings.
(23) So we'll now continue with the
(24) appearance of certificate holder, CPV
(25) Towantic, LLC, to start by verifying your new

(1) exhibits when you all come up.
(2) Attorney Small, I believe you
(3) have an additional witness for swearing in.
(4) Is that correct?
(5) MR. SMALL: Yes, we have
(6) Mr. Pittman.
(7) THE CHAIRPERSON: Why don't we
(8) have him sworn in, and then we'll introduce
(9) him.
(10) CLYDE PITTMAN,
(11) called as a witness, being first duly
(12) sworn by Ms. Bachman, was examined and
(13) testified on his oath as follows:
(14) ANDREW J. BAZINET,
(15) D. LYNN GRESOCK,
(16) CURTIS C. JONES,
(17) FREDRICK M. SELLARS,
(18) JON DONOVAN,
(19) ERIC R. DAVISON,
(20) having been previously duly sworn, were
(21) examined and testified further on their
(22) oath as follows:
(23) MR. SMALL: Mr. Pittman, will
(24) you state your full name, your title, and
(25) your business affiliation.

(1) THE WITNESS (Pittman): My
(2) name is Clyde Pittman, and I'm director of
(3) engineering for Federal Airways and Airspace.
(4) MR. SMALL: Thank you,
(5) Mr. Pittman.
(6) And Mr. Pittman's resume is in
(7) one of the exhibits that we'll be
(8) introducing.
(9) THE CHAIRPERSON: Okay.
(10) If you want to start with the
(11) new exhibits, verifying the exhibits, please.
(12) MR. SMALL: Thank you,
(13) Mr. Chairman. The hearing program lists
(14) Exhibits 23 to 34. First, just a note. Two
(15) of our witnesses are not here today,
(16) Mr. Gustafson and Ms. Bodell, so there's a
(17) few items that we're -- when we verify, I'll
(18) mention the items that we will not be able to
(19) have admitted as full exhibits because
(20) they're not here. They will both be here on
(21) Thursday, but they're just very limited
(22) questions.
(23) But with that, let me start
(24) with there's interrogatory responses by CBC,
(25) including ones to Naugatuck, Ms. Larkin,

(1) Middlebury, Westover School, Middlebury
(2) Bridle Land Association, several of you,
(3) Mr. Donovan, Mr. Bazinet, Mr. Greysock,
(4) Mr. Sellars, Mr. Jones and Mr. Davison, you
(5) were all -- you all prepared some of those
(6) interrogatory responses.
(7) Do any of you have any changes
(8) or corrections to any of those responses?
(9) THE WITNESS (Bazinet): No.
(10) THE WITNESS (Greysock): No.
(11) THE WITNESS (Jones): No.
(12) THE WITNESS (Davison): No.
(13) THE WITNESS (Sellars): No.
(14) MR. SMALL: Are they true and
(15) correct to the best of your knowledge and
(16) belief?
(17) THE WITNESS (Bazinet): Yes.
(18) THE WITNESS (Greysock): Yes.
(19) THE WITNESS (Jones): Yes.
(20) THE WITNESS (Davison): Yes.
(21) THE WITNESS (Sellars): Yes.
(22) MR. SMALL: And you adopt them
(23) as your testimony here today?
(24) THE WITNESS (Bazinet): Yes.
(25) THE WITNESS (Greysock): Yes.

(1) THE WITNESS (Jones): Yes.
(2) THE WITNESS (Davison): Yes.
(3) THE WITNESS (Sellars): Yes.
(4) MR. SMALL: Let me just note
(5) for the record that the only ones that we
(6) cannot fully adopt are the response to
(7) Larkin 6 and response to Middlebury Bridle --
(8) I'm sorry, Middlebury Bridle 1 through 4,
(9) Larkin 6 and Larkin 53. Those are the ones
(10) we'll have to reserve until Thursday. Okay.
(11) And then additionally,
(12) Mr. Jones, there's -- Item 30 is a letter
(13) that you wrote to Mr. Hoskins at DEEP. Are
(14) you familiar with that letter?
(15) THE WITNESS (Jones): Yes,
(16) sir.
(17) MR. SMALL: And was it
(18) prepared by you under your direction?
(19) THE WITNESS (Jones): Yes, it
(20) was.
(21) MR. SMALL: Is it true to the
(22) best of your knowledge and belief?
(23) THE WITNESS (Jones): Yes.
(24) MR. SMALL: Do you adopt it at
(25) your testimony today?

(1) THE WITNESS (Jones): Yes, I
(2) do.
(3) MR. SMALL: Item 31 has been
(4) superseded, so we're not going to ask that
(5) that be made an exhibit. That's been
(6) superseded by 34, which is the analysis of
(7) Final Integrated Resource Plan versus the
(8) Draft Integrated Resource Plan, so we won't
(9) be moving that item.
(10) Mr. Bazinet, Item 32, gas
(11) interconnection update. That was prepared by
(12) you or under your direction.
(13) THE WITNESS (Bazinet): Yes.
(14) MR. SMALL: And do you have
(15) any corrections or changes to that document?
(16) THE WITNESS (Bazinet): None.
(17) MR. SMALL: And is that true
(18) to the best of your knowledge and belief?
(19) THE WITNESS (Bazinet): Yes.
(20) MR. SMALL: And you adopt that
(21) as your testimony today?
(22) THE WITNESS (Bazinet): I do.
(23) MR. SMALL: And then Item 33,
(24) is the -- Item 33 is an administrative notice
(25) item because it's a DEEP submission, so we're

(1) not going to be adopting it as a -- as
(2) evidence today.
(3) And then Mr. Bazinet also,
(4) Item 34, which is the document filed
(5) yesterday with regard to the final
(6) Connecticut 2014 Integrated Resource Plan,
(7) was that prepared by you or under your
(8) direction?
(9) THE WITNESS (Bazinet): It
(10) was.
(11) MR. SMALL: And is that true
(12) and correct to the best of your knowledge and
(13) belief?
(14) THE WITNESS (Bazinet): Yes.
(15) MR. SMALL: And you adopt it
(16) as your testimony today?
(17) THE WITNESS (Bazinet): Yes.
(18) MR. SMALL: I believe that
(19) covers all of our documents, so we have all
(20) of those -- I move, subject to the exceptions
(21) that I mentioned, to have our documents made
(22) full exhibits.
(23) MR. ASHTON: Item 29.
(24) MR. SMALL: I'm sorry. Let
(25) me -- I'm sorry. You're correct.

(1) Item 29 was the submittal of
(2) additional FAA information, which included
(3) Mr. Pittman's resume.
(4) Ms. Greysock and Mr. Pittman,
(5) was that document -- were the documents, I
(6) should say, in that package prepared by you
(7) or under your direction?
(8) THE WITNESS (Pittman): Yes.
(9) THE WITNESS (Greysock): Yes.
(10) MR. SMALL: And do you have
(11) any corrections or changes to those
(12) documents?
(13) THE WITNESS (Pittman): No.
(14) THE WITNESS (Greysock): No.
(15) MR. SMALL: And they are true
(16) and correct to the best of your knowledge and
(17) belief?
(18) THE WITNESS (Pittman): Yes.
(19) MR. SMALL: Okay. Thank you,
(20) Ms. Bachman.
(21) Now, I believe we've covered
(22) all of the documents. I move all of those
(23) into evidence as full exhibits.
(24) THE CHAIRPERSON: Is there any
(25) objection to the admission of these

(1) documents?
(2) (No response.)
(3) THE CHAIRPERSON: Hearing and
(4) seeing none, these documents -- exhibits are
(5) admitted.
(6) (Exhibits II-B-23 through
(7) Exhibits II-B-34: Received in evidence -
(8) described in index.)
(9) THE CHAIRPERSON: Now begin
(10) cross-examination with staff, Mr. Perrone --
(11) oh, I'm sorry. What is this?
(12) I'm sorry. Slightly changing
(13) the order here. Go with the intervenors
(14) first. Mr. Halpern? Grouped party starting
(15) with the Town of Middlebury.
(16) DR. PETERSON: Yes, I have
(17) questions.
(18) THE CHAIRPERSON: Middlebury,
(19) are you -- and the Land Trust, right? Is it
(20) just going to be you, sir, or anybody else?
(21) Mr. Pietrorazi, are you also going to be --
(22) MR. PIETRORAZIO: Yes.
(23) DR. PETERSON: If it's all
(24) right, I'll go first, because I have to
(25) leave.

(1) MR. PIETRORAZIO: Certainly,
(2) Doctor. Go right ahead.
(3) DR. PETERSON: Thank you for
(4) the opportunity to ask five questions.
(5) The first question is this:
(6) Does the modeling of the emissions,
(7) especially the particulate matter, the
(8) nitrogen compounds and other pollutants, take
(9) into account the adjacent natural gas
(10) compression facility? And if not, would that
(11) not be a more meaningful model? This is
(12) important, actually, in connection with my
(13) concerns about the --
(14) THE WITNESS (Sellars): Yes.
(15) The answer to that is yes, it does. The
(16) compressing facility was one of the
(17) interacting sources in the human interaction
(18) model.
(19) DR. PETERSON: So you're
(20) presenting combined pollution levels or just
(21) for the pollutants for which the model
(22) indicates concentrations above the
(23) significant impact level, which is a
(24) screening level adopted by United States
(25) Environmental Protection Agency and

(1) testimony by the applicant has indicated the
(2) amounts in tons per year of various
(3) pollutants that are released by the proposed
(4) plant are admittedly better than old-style
(5) coal plants, but pollution nevertheless.
(6) And I would like to know,
(7) approximately, approximately, what percentage
(8) overall of the released polluting materials
(9) would be expected to fall on that area that I
(10) showed you that was Fodder's Folly, which is
(11) 51 acres, 3500 feet from the plant, and also
(12) on our Lake Elise, which is also fifty acres,
(13) in this case, 2.2 miles from the plant, just
(14) outside the two-mile zone.
(15) So what percent of -- roughly
(16) of the total emissions would be expected to
(17) fall on our -- on just those two of our
(18) properties?
(19) THE WITNESS (Sellars): Sure.
(20) I can answer that in two ways. There were
(21) submitted into the record as a result of a
(22) response to interrogatories that showed the
(23) ground level concentrations of PM 2.5 that
(24) were -- that were modeled as a result of
(25) conservative operation of the facility. And

(1) Department of Energy and Environmental
(2) Protection?
(3) THE WITNESS (Sellars): The
(4) applicant is required to do a cumulative
(5) multisource modeling exercise. In this case,
(6) PM 2.5 and NO2 are the pollutants for which a
(7) model at this source -- modeling was
(8) required. And the interacting sources that
(9) were included in that multisource modeling
(10) included the compressor station as well as
(11) Unit~3 at the Bridgeport Harbor Power Plant.
(12) DR. PETERSON: And then -- so
(13) do you show the total amount or just the
(14) threshold and once it's -- once it doesn't
(15) meet that threshold, it passes or --
(16) THE WITNESS (Sellars): The
(17) cumulative model results is shown in the air
(18) meter quality analysis, and it includes the
(19) cumulative concentration of proposed source
(20) as well as the interacting sources, plus a
(21) conservative ambient background, compare that
(22) total to the national ambient air quality
(23) standards.
(24) DR. PETERSON: Thank you.
(25) The second question was,

(1) your 3500 --
(2) THE WITNESS (Greysock): Is
(3) there a microphone that works?
(4) THE WITNESS (Sellars): Thank
(5) you. There were isolates of PM 2.5
(6) concentrations that were prepared in response
(7) to interrogatories that show the pattern of
(8) ground level concentrations of PM 2.5 as a
(9) result of modeling exercise and the area --
(10) first of all, all of those concentrations are
(11) a very, very small fraction of the air
(12) quality standard, even when added to
(13) conservative background.
(14) For example, the -- the
(15) standard for PM 2.5 ambient air quality
(16) standard is 12 micrograms per cubic meter.
(17) The existing concentrations from conservative
(18) estimates by the DEEP are somewhere around
(19) 9.4 micrograms per cubic meter. The maximum
(20) point of concentration of PM 2.5 would be
(21) 0.21 micrograms per cubic meter, so a very,
(22) very small fraction of both the existing
(23) background as well as the ambient air quality
(24) standard.
(25) That max concentration occurs

(1) very, very close to the property boundary,
(2) when you get 3100 or so feet away. That
(3) would drop to somewhere in the order of .11,
(4) .12.

(5) DR. PETERSON: It's not
(6) 3500 feet from the boundary. It's 3500 feet
(7) from the plant.

(8) THE WITNESS (Sellars): 3500
(9) feet from the plant, from the stack, it would
(10) actually be somewhere in the order of .12 to
(11) 13 micrograms per cubic meter, so I can do a
(12) calculation of what percent of 12 --

(13) DR. PETERSON: That gives me
(14) an idea. Obviously it's cumulative.

(15) Did you do any -- any modeling
(16) above the ten -- the micro -- the ten-micron
(17) particulate size? I know that the EPA
(18) doesn't regulate over ten micro -- microns,
(19) micrometers, which is the same thing. But,
(20) in fact, from the health standpoint of your
(21) body doesn't really care, the terminal
(22) bronchioles are 50 to 100 microns, so much
(23) larger particles would get in.

(24) Did you study any of that in
(25) terms of health effects or did you just

(1) area, the wind from the south in the summer,
(2) the area around this plant is very different
(3) than -- well, it's different. I don't know
(4) how different. It's different from Dan
(5) Bauer.

(6) And I wanted to know what
(7) scientific evidence do you have that the
(8) models that you've used from using Dan
(9) Bauer's data, what scientific evidence do you
(10) have that they would be accurate for this
(11) area and this plant? And do you plan to
(12) present the Siting Council with any actual
(13) local measurements?

(14) THE WITNESS (Sellars): The
(15) Dan Bauer meteorological data is collected at
(16) the -- at the airport as part of the
(17) automated surface observation system network
(18) of meteorological stations.

(19) The Connecticut Department of
(20) Energy and Environmental Protection specified
(21) not only which measurement location we were
(22) to use, but the specific dataset that we were
(23) to use in our modeling.

(24) So the DEEP specified that we
(25) were to use the five-year meteorological

(1) simply study the release according to the --
(2) the written standards?

(3) THE WITNESS (Sellars): Yes.
(4) The characterization of particulates included
(5) total particulates as well as the fraction
(6) that's ten microns or less PM 10.

(7) DR. PETERSON: Yes.

(8) THE WITNESS (Sellars): And
(9) the fraction that's 2.5 microns or less.

(10) The overwhelming majority --
(11) in fact, almost all of the particulate
(12) released from a combined-cycle power plant
(13) like this would be PM 2.5, so it would fall
(14) into all three categories. It would be the
(15) same across the --

(16) DR. PETERSON: Okay. So not
(17) very much of that.

(18) My next question you've
(19) already answered. My fourth question is that
(20) my understanding -- well, this I sort of
(21) alluded to when I was speaking earlier, but
(22) my understanding is that your model for wind
(23) currents and such is based on Dan Bauer's
(24) data. And, as I mentioned, local air current
(25) around lakes would position -- and in our

(1) dataset from Dan Bauer. There is an
(2) automated weather observation service,
(3) meteorological station, at the Oxford
(4) Airport. The DEEP directed us not to use
(5) those data for a very simple reason. An
(6) automated weather observation
(7) system/meteorological station ignores very,
(8) very light, low wind speeds.

(9) Its minimum criteria threshold
(10) for the speed at which it records
(11) meteorological observations is three knots.
(12) Because the facility's impact are going to
(13) occur very, very close to -- to the facility
(14) because of the height of the stack and the
(15) nature of the release, the DEEP felt that
(16) this would underestimate what the impacts
(17) would be if we were to use the Oxford data,
(18) because it didn't -- actually, it was very,
(19) very light wind speeds. And in fact, the
(20) model predicted max concentrations all occur
(21) at wind speeds approximately three knots, so
(22) they're very, very light wind speeds that
(23) would likely be underrepresented by that
(24) meteorological station, would have been
(25) ignored by that meteorological station.

(1) In addition, all of the
(2) automated observation systems that are
(3) candidates that are available, say, of the
(4) Bradley Airport at Hartford, the Dan Bauer
(5) dataset is the one with the lowest average
(6) wind speed and also the highest frequency of
(7) very, very low wind speeds. In fact, the
(8) very, very low wind speeds that are very,
(9) very persistent from the southwest to the
(10) northeast. That's also the direction in
(11) which the lowest terrain that would be above
(12) the top of the stack would be. It's nearly
(13) 20 kilometers away, but it is northeast of
(14) the facility.
(15) So all those factors combined
(16) made this the most conservative dataset for
(17) us to use and would result in the highest
(18) predicted impacts. If we were to use data
(19) from any of the other possible observation
(20) systems, it would have resulted in lower
(21) impacts.
(22) DR. PETERSON: But you would
(23) agree, I assume, that it's not actual data
(24) from the area?
(25) THE WITNESS (Sellars): It's

(1) representative of -- of data that will yield
(2) very, very conservative results.
(3) DR. PETERSON: But it's not --
(4) it's not -- is there any scientific evidence
(5) that this data that you have applies to our
(6) area or is it just an extrapolation?
(7) THE WITNESS (Sellars): As in
(8) any model, it's using a full set of
(9) meteorological data. With five years of data
(10) that is gathered hourly, it ensures that
(11) virtually every possible permutation of wind
(12) speed and direction would be considered by
(13) the model. And so yes, I believe that it is
(14) representative of conditions.
(15) DR. PETERSON: But there's no
(16) scientific evidence that you provided for
(17) that statement --
(18) THE WITNESS (Sellars): The
(19) scientific evidence would be 40 years of air
(20) quality modeling that has made predictions.
(21) And in each case when the facility is
(22) actually built and measurements taken, the
(23) model is proven to be very conservative.
(24) DR. PETERSON: Well, as a
(25) scientist, I know 40 years of data doesn't

(1) necessarily make it true. And I would also
(2) ask that the applicant reconsider that.
(3) I know you have plenty of
(4) money to fund a study, and you don't really
(5) have to use the automated equipment that
(6) happens to be at Oxford Airport. You have
(7) the facility -- the resources to get
(8) something more, which I would offer would be
(9) more useful to the Council, but you obviously
(10) have done a very thorough analysis, even
(11) though I think it -- it lacks the truly local
(12) applicability.
(13) The last question I have for
(14) the applicant, and I hope that my questions
(15) and my comments and my testimony heretofore
(16) don't unduly prejudice this question, but in
(17) any event, I do understand that the proposed
(18) power plant is going to be producing certain
(19) emissions that are in excess of federal
(20) guidelines in our area, and that in a way --
(21) in an attempt or an illegal attempt and
(22) improper attempt to ameliorate that, offsets
(23) are being purchased, various green offsets,
(24) to well offset these -- these negative
(25) effects on global or at least a regional

(1) basis, even though not on a local basis.
(2) THE WITNESS (Sellars): If
(3) that's a question, could I respond to it?
(4) Because that's incorrect.
(5) DR. PETERSON: Okay, please.
(6) THE WITNESS (Sellars): It's
(7) completely incorrect.
(8) DR. PETERSON: Okay.
(9) THE WITNESS (Sellars): The
(10) facility is not going to be emitting anything
(11) or causing concentrations of anything in
(12) excess of federal or state standards or
(13) guidelines. The offset requirement does not
(14) relieve the Applicant of any responsibility
(15) whatsoever to be in compliance with the
(16) ambient air quality standards. It in no way,
(17) shape or form relieves the Applicant of
(18) making that demonstration of compliance with
(19) the standards.
(20) We talked earlier -- we heard
(21) some testimony earlier about Connecticut not
(22) meeting air quality standards. In fact,
(23) Connecticut meets the national ambient air
(24) quality standards for all but one of the
(25) regulated pollutants. The regulated

(1) pollutant for which Connecticut and the
(2) entire northeastern part of the United States
(3) does not meet ambient air quality standards
(4) would be for ozone, which is a regional
(5) pollutant that is not directly emitted from
(6) any particular source but forms in the
(7) atmosphere as a result of a series of
(8) photochemical reactions with precursor
(9) pollutants. Any facility that is a major
(10) source that is located within a nonattainment
(11) area for pollutants must obtain offsets.
(12) So in this case, any new
(13) facility that's being proposed anywhere in
(14) the northeastern part of the United States
(15) that falls within the nonattainment area must
(16) secure offsets of nitrogen oxides, which is a
(17) precursor to ozone. So in this case, the
(18) project needs to be -- obtain offsets for its
(19) NO2 or NOx emissions from basically upwind
(20) sources that will be contributing to ozone
(21) non-attainment here. So it's not because the
(22) facility violates the standard or because the
(23) facility exceeds a federal guideline that
(24) those offsets are required.
(25) DR. PETERSON: Well, that's

(1) good news.
(2) So the question that I still
(3) want to ask the Applicant, given the fact
(4) that economically it's viable for you to
(5) obtain these offsets for whatever purpose
(6) they may be, I would like to know -- and this
(7) could be answered privately at some future
(8) time, or it could be answered now if you have
(9) the answer. I would like to know if the
(10) applicant would be willing similarly to
(11) assist Middlebury Land Trust in a significant
(12) way to develop alternative areas of public
(13) recreational environments further away than
(14) places like Fodder's Folly. These projects
(15) can be expensive, but it would be very
(16) helpful to the community of Middlebury, which
(17) is bearing the brunt of the plant's effects,
(18) whatever they are, and deriving little, if
(19) any, benefit from it.
(20) And that concludes my
(21) questions.
(22) THE WITNESS (Bazinet): We
(23) would be happy to discuss anything offline
(24) with you.
(25) DR. PETERSON: Thank you.

(1) THE CHAIRPERSON: Thank you.
(2) DR. PETERSON: I have no
(3) further questions.
(4) MR. PIETRORAZIO: Good
(5) afternoon, all. Ray Pietrorazio, Middlebury.
(6) My first question for CPV, is
(7) the CPV proposal utilizing all the latest
(8) technology so as to achieve the best air
(9) emissions possible?
(10) THE WITNESS (Sellars): As
(11) best of -- the facility's licensing, in fact,
(12) has to demonstrate that for the precursors
(13) of -- of the nonattainment pollutant ozone,
(14) in this case, nitrogen oxide, it achieves the
(15) lowest achievable emission rate which is the
(16) lowest rate achieved in any source of its
(17) kind.
(18) In addition for the rest of
(19) the pollutants, it has to demonstrate that it
(20) meets best available control technology,
(21) which is largely the same thing but does
(22) allow considering of -- of economics in the
(23) nine event that the lowest achievement
(24) initiative is not cost-effective.
(25) MR. PIETRORAZIO: All right.

(1) And what about the balance of
(2) the emissions that are not pollutants?
(3) THE WITNESS (Sellars): I'm
(4) sorry, the balance of the?
(5) MR. PIETRORAZIO: The balance
(6) of the emissions which are not pollutants.
(7) THE WITNESS (Sellars): Which
(8) are not pollutants?
(9) MR. PIETRORAZIO: Yes, like
(10) CO2.
(11) THE WITNESS (Sellars): That
(12) applies to CO2 as well. We apply something
(13) for CO2 as well. And in fact, we had to do a
(14) very comprehensive CO2. Best available
(15) control technology analysis.
(16) THE CHAIRPERSON: I have a
(17) follow-up question. As new technologies come
(18) forth in the future, because they have in the
(19) past and hopefully they will, how are they
(20) incorporated? Or do you wait until EPA comes
(21) out with a new standard and then you're
(22) forced to meet it or are you constantly in
(23) the -- you know, updating to make sure that
(24) what you just said is true five years from
(25) now and ten years from now.

(1) THE WITNESS (Sellars): Yes,
(2) Mr. Chairman, that's done by regulation of
(3) the Connecticut DEEP. The new source review
(4) process is for the initial review of a
(5) facility when it is initially put into
(6) operation, so it meets best available control
(7) technology, lowest achievable emission rate
(8) at that point in time. The state also
(9) maintains other regulations, for example,
(10) reasonably available control technology
(11) standards that from time to time they would
(12) impose on existing sources. So it's a
(13) different set of rules that apply to existing
(14) sources.
(15) So there's no automatic
(16) provision in the permission, although the
(17) permit is renewed every five years, and every
(18) five years the state has the opportunity to
(19) go back and impose additional control
(20) requirements.
(21) THE CHAIRPERSON: I guess just
(22) one would hope, and this is a theoretical
(23) question, that as a corporation you would
(24) be -- want to remain the leaders in having
(25) the cleanest, most up-to-date technology as

(1) it comes -- comes into being, irregardless of
(2) regulations. Would love to see the leader
(3) and not be a follower before you don't have
(4) to answer that. Go ahead.
(5) MR. PIETRORAZIO: Is the CPC
(6) proposal utilizing a specific process for the
(7) removal of CO2 from a stack asset?
(8) THE WITNESS (Sellars):
(9) There's no technology proposed for removal of
(10) CO2 with the exhaust gases. The CO2 best
(11) available control technology determination
(12) was based on the plant's superior efficiency,
(13) therefore generating the most megawatthours
(14) per -- per unit of carbon dioxide emitted of
(15) any facility licensed heretofore.
(16) MR. PIETRORAZIO: So the
(17) answer is no?
(18) THE WITNESS (Sellars):
(19) Correct.
(20) MR. PIETRORAZIO: Thank you.
(21) Is CPV utilizing an
(22) aiming/scrubbing system to capture more than
(23) 90 percent of the CO2 that would be emitted
(24) out of the stacks?
(25) THE WITNESS (Sellars): I've

(1) asked and answered.
(2) MR. PIETRORAZIO: Pardon me?
(3) THE WITNESS (Sellars): I
(4) think that's asked and answered. There's no
(5) removal technology being proposed.
(6) MR. PIETRORAZIO: By CPV?
(7) THE WITNESS (Sellars): Correct
(8) yes.
(9) THE WITNESS (Pittman): Thank
(10) you.
(11) Does the CPV proposal take
(12) combustion air -- this is -- I'm sorry. I'm
(13) getting ahead of myself.
(14) Does the CPV proposal take
(15) combustion air from the gas turbines directly
(16) from ambient, just outside the building
(17) housing the turbines?
(18) Would you like me to repeat
(19) the question?
(20) THE WITNESS (Donovan): Sure,
(21) please.
(22) MR. PIETRORAZIO: Does the CPV
(23) proposal take combustion air for the gas
(24) turbines directly from ambient, just outside
(25) the building housing the turbines?

(1) THE WITNESS (Donovan): No,
(2) not directly. It's through the inlet
(3) filters.
(4) MR. PIETRORAZIO: So the inlet
(5) filters are ahead of it?
(6) THE WITNESS (Donovan): That's
(7) correct.
(8) MR. PIETRORAZIO: Okay. Thank
(9) you.
(10) THE WITNESS (Donovan): There
(11) is no gas turbine building. Those gas
(12) turbines are inclusions.
(13) MR. PIETRORAZIO: I'm sorry, I
(14) used the wrong terminology. You're correct.
(15) A hypothetical. Assuming CPV
(16) plant was in operation at, say, 90 percent
(17) load, for example, and a thunderstorm or
(18) other atmospheric condition occurred over the
(19) plant having the effect of increasing the
(20) density of the combustion air to the
(21) combustion turbines, would the fuel input
(22) remain essentially the same, would the
(23) increased mass to the turbine cause the
(24) megawatt output of the turbine to increase or
(25) decrease?

(1) THE WITNESS (Donovan): It
(2) would -- it would increase to some extent.
(3) MR. PIETRORAZIO: Thank you.
(4) THE WITNESS (Donovan): No,
(5) that's --
(6) MR. PIETRORAZIO: And thereby
(7) produce an increase of carbon monoxide in the
(8) emissions.
(9) THE WITNESS (Donovan): No,
(10) that's not correct, because the fuel flow is
(11) adjusted with the -- not only the inlet air
(12) temperature and humidity but also the exhaust
(13) temperature of the turbine. So it's a
(14) dynamic control system.
(15) MR. PIETRORAZIO: Okay. Is it
(16) true when combustion gas turbines are being
(17) ramped up or down, as in load-shifting, that
(18) the fuel-air ratio can change sufficiently so
(19) that the ratios may not be in compliance?
(20) THE WITNESS (Donovan): That's
(21) incorrect. When this technology -- that's
(22) one of the features of this technology, is
(23) the ability to quickly ramp while staying in
(24) emissions compliance.
(25) MR. PIETRORAZIO: Regarding

(1) control system.
(2) MR. PIETRORAZIO: Thank you.
(3) Assuming that turbine in
(4) operation went out of compliance while it's
(5) operating, would such a change in fuel-air
(6) ratio in an 805-megawatt plant versus a
(7) 512-megawatt plant produce higher amounts of
(8) carbon monoxide in stacked emissions,
(9) assuming both plants are firing equal
(10) percentage of rate?
(11) THE WITNESS (Donovan): I
(12) think one thing that's important to say in
(13) response to your question is that GE has
(14) guaranteed their emissions over all the
(15) ambient temperature of the entire ambient
(16) temperature range. That's all been
(17) considered in our -- our air permit
(18) application.
(19) MR. PIETRORAZIO: Fine. I
(20) appreciate that. But, I'm sorry, that does
(21) not answer the question.
(22) THE WITNESS (Donovan): So
(23) what -- please restate your question.
(24) MR. PIETRORAZIO: Sure.
(25) Assuming that there was a

(1) the last question, what technology is CPV
(2) using to keep stoichiometric combustion when
(3) load changing and ramping up and down? Are
(4) you using a specific control?
(5) THE WITNESS (Donovan): It's a
(6) GE control system that involves all the --
(7) all the influencing parameters that go into
(8) the stoichiometric equation. So it takes
(9) into account all the ambient temperature
(10) effects, the load of the turbine and also the
(11) emissions.
(12) MR. PIETRORAZIO: Does that
(13) control system have a name?
(14) THE WITNESS (Donovan): It's
(15) proprietary to the turbine OEM, but it's --
(16) MR. PIETRORAZIO: Is it
(17) patented?
(18) THE WITNESS (Donovan): I'm
(19) sure it is, but it's not something that --
(20) I'm not sure I understand your question.
(21) MR. PIETRORAZIO: Is the
(22) control system used to keep the turbines in
(23) stoichiometric state patented, US patent?
(24) THE WITNESS (Donovan):
(25) Each -- each OEM has their own patented

(1) change in the fuel-oil -- fuel-to-air ratio,
(2) would an 805-megawatt plant as opposed to a
(3) 512-megawatt plant produce higher amounts of
(4) carbon monoxide and stacked emissions,
(5) assuming both plants were firing at equal
(6) percentage of input?
(7) So say each plant, the 805 and
(8) the 512, are firing at 50 percent input.
(9) Wouldn't you have -- if you had an imbalance
(10) between air and fuel ratio, wouldn't that
(11) cause a greater amount of CO to be produced
(12) in the larger plant?
(13) THE WITNESS (Donovan): That
(14) would, but -- yes.
(15) MR. PIETRORAZIO: Thank you.
(16) THE WITNESS (Donovan): That
(17) would not -- that would not be within their
(18) guarantee, and we would be out of compliance.
(19) MR. PIETRORAZIO: I know that.
(20) Thank you.
(21) Does CPV's proposal or its
(22) application to the Connecticut DEEP include a
(23) predictive logic control system to adjust
(24) CS -- I'm sorry, C -- SCR ammonia injection
(25) to maintain the stack emissions in compliance

(1) during load-change organize transitioning?
(2) Is there a predictive control system used?
(3) THE WITNESS (Donovan): Yes.
(4) MR. PIETRORAZIO: And that
(5) doesn't have a name?
(6) THE WITNESS (Donovan): It
(7) doesn't, no.
(8) MR. PIETRORAZIO: What brand,
(9) model and type of monitoring systems will CPV
(10) provide for continuous monitoring of CO, NOx,
(11) VOCs, ammonias and particulates of stack
(12) emission?
(13) THE WITNESS (Donovan): You're
(14) asking for the brand of the SEM system?
(15) MR. PIETRORAZIO: Of the
(16) testing system, yes.
(17) THE WITNESS (Donovan): It
(18) hasn't been selected yet. It will be
(19) provided by General Electric as part of their
(20) entire package and will be determined during
(21) the detail design phase.
(22) MR. PIETRORAZIO: So those are
(23) produced by other firms other than GE?
(24) THE WITNESS (Donovan): That's
(25) correct.

(1) MR. PIETRORAZIO: Thank you.
(2) THE WITNESS (Donovan): But
(3) those systems need to be certified to be in
(4) compliance with the state.
(5) MR. PIETRORAZIO: Certainly.
(6) Thank you.
(7) In the February 10th hearing,
(8) transcript pages 413, 414, could you please
(9) clarify your answer to the question posed by
(10) Mr. DeJong with respect to the operating --
(11) the operating the plant on fuel oil after the
(12) 52 hours of water storage was depleted and
(13) Heritage Water Company might not have
(14) addition fall water supply available, and
(15) your response to Mr. DeJong's question, would
(16) CPV shut down in that event, and your reply
(17) was yes. Could you please clarify that
(18) answer?
(19) THE WITNESS (Bazinet): I'm
(20) just going to grab the transcript just to --
(21) sorry, February.
(22) MR. PIETRORAZIO: February
(23) 10th.
(24) THE WITNESS (Bazinet): So
(25) reading from the transcript, 52 hours or more

(1) pending availability and excess supply, as we
(2) discussed in one of your prior questions from
(3) Heritage Village, but yes, after 52 hours,
(4) absent any excess supply of availability from
(5) Heritage Village, the plant would need to
(6) reset its storage capacity to support further
(7) USLD operation.
(8) So the plant, again, absent
(9) any excess capacity available from Heritage
(10) Village, would need to shut down after 52
(11) hours.
(12) MR. PIETRORAZIO: Thank you.
(13) Does both the Connecticut
(14) Siting Council and ISO New England accept the
(15) shutting down of the plant as being reliable
(16) to the grid if Heritage Water cannot supply
(17) additional water when burning fuel oil?
(18) THE WITNESS (Bazinet):
(19) Information regarding our ability to operate
(20) on ULSD was submitted to the ISO New England
(21) in June of 2014, and it was considered as
(22) part of our qualification process in the
(23) market. We have a qualified -- we've
(24) subsequently cleared in the forward capacity
(25) market and will be providing capacity

(1) beginning June 1, 2018.
(2) MR. PIETRORAZIO: So I take it
(3) as a result of that process, it's been
(4) accepted. I can't speak for Council members
(5) with respect to their acceptability of 52
(6) hours.
(7) THE WITNESS (Bazinet): We've
(8) attempted to demonstrate that based on
(9) historically bad weather conditions over the
(10) past 25 years with respect to harsh winters
(11) and the need to operate on oil, 52 hours is,
(12) in our view, more than adequate to
(13) demonstrate reliability in even the worst
(14) winter conditions, notably 2013-2014 winter,
(15) one of the two harshest on record over the
(16) last 25 years. We would have been able to
(17) meet the majority of the dispatch requests
(18) that we projected by ISO New England when we
(19) conducted our back-test analysis.
(20) THE CHAIRPERSON: Can we have
(21) a follow-up question, Mr. Lynch?
(22) MR. LYNCH: If you're shut
(23) down for any reason, from normal maintenance
(24) or for an emergency situation, don't you have
(25) to notify the ISO you're not available for

(1) dispatch.
(2) THE WITNESS (Bazinet): That's
(3) correct.
(4) MR. LYNCH: Thank you.
(5) MR. PIETRORAZIO: But that
(6) instance that Councilman Lynch just mentioned
(7) has nothing to do with the interruption of
(8) gas because of its unavailability and mandate
(9) that you can go to fuel oil; is that correct?
(10) I mean, a plant shutdown
(11) instance has nothing to do with interruptible
(12) gas.
(13) THE WITNESS (Bazinet): It may
(14) or may not. I'm not sure really what you're
(15) asking, to be honest.
(16) MR. PIETRORAZIO: Okay. So is
(17) your answer, then, with regard to the -- you
(18) say you can't speak for the Siting Council,
(19) but your answer is -- is yes, that ISO New
(20) England feels that that's reliable if you
(21) have to shut down after 52 hours? Is that
(22) what you're saying?
(23) THE WITNESS (Bazinet): My
(24) answer is that information was provided in
(25) that regard in the June 2014 through

(1) In reviewing the prior certificate site plan,
(2) et cetera, we determined there were a number
(3) of different ways that we felt we could
(4) improve the overall layout and facility that
(5) was approved in 1999. One of the -- one of
(6) the methods was swapping the gas turbine and
(7) the steam turbine to move -- it was the, I
(8) guess, westernmost stack at that time -- out
(9) of one of the surface areas that's monitored
(10) by the FAA.
(11) MR. PIETRORAZIO: Thank you.
(12) Also Exhibit 1, page 1, the
(13) fifth bullet, which of the two reasons given
(14) for replacement of one large building
(15) enclosure with three smaller and shorter
(16) enclosures have greater importance,
(17) visibility or facilitate emissions
(18) dispersment.
(19) THE WITNESS (Bazinet): I
(20) would say they're equally important. We felt
(21) there was a positive benefit in both
(22) respects.
(23) MR. PIETRORAZIO: Thank you.
(24) The same bullet. Which of --
(25) I'm sorry, yes, same bullet.

(1) September 2014 qualification process. It was
(2) considered by ISO New England.
(3) MR. PIETRORAZIO: So that's
(4) not a yes then?
(5) THE WITNESS (Bazinet): Again,
(6) I can't put words in their mouth, but they
(7) considered their information as part of their
(8) qualification process.
(9) MR. PIETRORAZIO: Question
(10) mark. Okay.
(11) Referring to -- this refers to
(12) the Exhibit Number 1, Towantic Exhibit 1,
(13) page 1, fourth bullet, referring to, quote,
(14) the orientation of the stacks to minimize
(15) influence on air traffic associated with the
(16) Waterbury-Oxford Airport, unquote.
(17) If the goal is to minimize the
(18) influence on air traffic, wouldn't it be
(19) requisite to locate the stacks and the plant
(20) elsewhere, well away from a public air
(21) facility, where it would have no influence on
(22) the air traffic?
(23) THE WITNESS (Bazinet): We've
(24) -- we've submitted a petition to modify the
(25) certificate based on change of conditions.

(1) How would replacement of one
(2) large building enclosure for the gas turbines
(3) and steam turbine with three smaller and
(4) shorter building enclosures facilitate
(5) emissions disbursement?
(6) MR. SMALL: Mr. Chairman,
(7) this -- this was the original filing in early
(8) November. Mr. Pietrorazio and everyone has
(9) had an opportunity to cross-examine fully the
(10) report. I thought the purpose of this second
(11) round of cross-examination was on -- to
(12) cross-examine on information filed since
(13) Mr. Pietrorazio was last cross-examined in
(14) this case. So on that basis, I'm going to
(15) object and try to move this process along.
(16) THE CHAIRPERSON: I'm going to
(17) sustain the objection.
(18) Will you please concentrate on
(19) the purpose of this portion of the
(20) cross-examination, which is on the -- the
(21) exhibits that are listed here that are newly
(22) filed. Some of these questions you've asked
(23) have been gone over considerable times.
(24) So I please ask you to -- to
(25) work off the agenda and the exhibits that

(1) were submitted by the applicant.
(2) MR. PIETRORAZIO: Are you
(3) saying, Mr. Chairman, that I cannot refer to
(4) Exhibit 1 at all?
(5) THE CHAIRPERSON: I'm saying
(6) that you can only as it affects what's
(7) reasonably been -- these exhibits that are
(8) listed in the program for today.
(9) MR. PIETRORAZIO: Well,
(10) Mr. Chairman, we've -- you know, this is very
(11) difficult. Intervenors to go through the
(12) multitude of submissions and
(13) cross-examination and so on and come up with
(14) a reasonable argument. And I've maintained
(15) my focus pretty narrowly on just a couple of
(16) major issues that are at the very, very heart
(17) of whether pollution takes place or there is
(18) a danger to aviation. And I would like the
(19) opportunity to make the strongest case that I
(20) can. And not only for my sake but for the
(21) Council's sake as well.
(22) THE CHAIRPERSON: You've
(23) already -- as I've been reminded, you've
(24) already had three opportunities. We had
(25) lengthy testimony. We've heard from others

(1) on these same subjects and we've gotten, in
(2) fact, very good information from all of the
(3) participants. And we're asking everybody to
(4) follow the agenda. You have had ample
(5) opportunity to --
(6) MR. PIETRORAZIO: Well --
(7) THE CHAIRPERSON: And now
(8) we're asking you -- because this is
(9) information that was not available when you
(10) or the other people previously testified.
(11) MR. PIETRORAZIO: I
(12) understand.
(13) THE CHAIRPERSON: So for
(14) everybody's benefit, we're asking you to
(15) concentrate on this information.
(16) MR. PIETRORAZIO: I
(17) understand, sir.
(18) I would just like the Council
(19) to know that it's taken me some four weeks to
(20) put together this list of questions in a way
(21) to -- and to present them to the Council in a
(22) way that's meaningful and helpful, and I
(23) think it's to the crux of the issues. And if
(24) I don't have an opportunity to present it, I
(25) don't have the opportunity. Thank you.

(1) THE CHAIRPERSON: You've
(2) had -- this is your fourth opportunity, so
(3) you cannot claim that we have not given you
(4) the opportunity. I think compared to
(5) everybody else -- and everybody else who is
(6) an Intervenor has had an equally strange
(7) strong case. And we appreciate the cases
(8) everybody has brought. You have probably had
(9) more, and I don't -- and I can't help you if
(10) you're having trouble organizing.
(11) Believe me, when I get a stack
(12) like this and I have to read it through, I
(13) have the same challenges, but we have to do
(14) it and we have to be fair to everybody.
(15) MR. PIETRORAZIO: Research is
(16) part of it. It's not just organizing, sir.
(17) THE CHAIRPERSON: Excuse me,
(18) sir. If you could -- if you could make your
(19) questions germane to the subject matter
(20) before us, we would appreciate it.
(21) MR. PIETRORAZIO: Thank you.
(22) May I speak to the exhibits
(23) that I submitted previously?
(24) THE CHAIRPERSON: No, not your
(25) exhibits.

(1) MR. PIETRORAZIO: The -- I'd
(2) like to discuss the -- I'd like to ask
(3) questions about the FAA matters.
(4) THE CHAIRPERSON: You have
(5) Mr. Pittman here. These are not areas that
(6) have already gone over. Certainly you can.
(7) MR. PIETRORAZIO: Well, I'll
(8) let you be the judge.
(9) What does the conclusion of
(10) the FAA position paper, page 2, dated July 8,
(11) 2014, state with respect to a unique hazard
(12) it?
(13) THE WITNESS (Donovan): Let me
(14) get that out.
(15) MR. SMALL: Mr. Chairman, I
(16) would just note that document has been on the
(17) record from very early on. I would have no
(18) objection at all if he cross-examined us on
(19) the response filed on March 3rd by CPV
(20) regarding aviation issues. Filed an
(21) extensive amount of information then. That's
(22) the only new material in the record and
(23) perhaps beta responses, but that document he
(24) had the opportunity -- the two or three times
(25) he's cross-examined he's had the

(1) opportunity --
(2) THE CHAIRPERSON: Have you
(3) read the new material that's been submitted?
(4) We have the expert now so it would be really
(5) helpful for everybody if you would
(6) cross-examine based on that material. We
(7) have this expert.
(8) MR. PIETRORAZIO: I'm not
(9) sure, sir, I have any questions prepared with
(10) that new information. I had three questions
(11) with regard to the position paper that I'm
(12) not allowed to ask, right?
(13) THE CHAIRPERSON: If you could
(14) put it in the framework of the information
(15) we're all trying to elicit, that would be
(16) most helpful.
(17) MR. PIETRORAZIO: I'll do the
(18) best I can, Mr. Chairman, yes.
(19) Who is the owner and operator
(20) of the Waterbury-Oxford Airport?
(21) THE WITNESS (Bazinet): State
(22) of Connecticut. Connecticut Airport
(23) Authority is the manager.
(24) MR. PIETRORAZIO: And the
(25) owner.

(1) THE WITNESS (Bazinet): State
(2) of Connecticut, sure.
(3) MR. PIETRORAZIO: If the CPV
(4) plant is built and operated and an aviation
(5) accident is attributed to exhaust plumes from
(6) the plant, who would be responsible?
(7) MR. SMALL: I would object in
(8) the sense that's a legal question that the
(9) witnesses here would not be competent to
(10) answer. It also makes certain assumptions
(11) that are not in the record.
(12) THE CHAIRPERSON: I'm going to
(13) sustain it.
(14) MR. PIETRORAZIO: Has CPV
(15) actually load-tested equipment to arrive at
(16) the value shown in the tables of Tetra Tech,
(17) Exhibit 1, environmental updates?
(18) MR. SMALL: Objection. Again,
(19) same -- that's -- Exhibit 1 was our initial
(20) filing. He's had plenty of opportunity to
(21) cross-examine on that.
(22) MR. PIETRORAZIO: My question
(23) is, have you actually load-tested the
(24) equipment? That has not been discussed
(25) before.

(1) THE CHAIRPERSON: Can we get
(2) an answer for that? I'll allow that.
(3) MR. SMALL: Sure.
(4) THE WITNESS (Donovan): So
(5) this is brand-new technology that's going to
(6) be on the test stand this year from General
(7) Electric, but all the of the emissions and
(8) outputs and heat rates are guaranteed. Not
(9) all of them, but there's a guaranteed
(10) backstop of emissions for sure, and that
(11) would be a requirement for them to go into
(12) commerce, have to test out, improve the
(13) emissions.
(14) MR. PIETRORAZIO: Well, sir,
(15) the question is very simple. I think a yes
(16) or no answer --
(17) THE WITNESS (Donovan): The
(18) answer is no for the H technology.
(19) MR. PIETRORAZIO: So it has
(20) not been load-tested?
(21) THE WITNESS (Davison): For
(22) the 7H.01, that is correct.
(23) MR. PIETRORAZIO: Who develops
(24) the tons-per-year emissions caps?
(25) THE WITNESS (Sellars): Yes,

(1) the tons per year emission caps are based on
(2) data provided by General Electric. As far as
(3) the emissions performed itself, the machine,
(4) there are specifications for the ancillary
(5) equipment, comes from those manufacturers,
(6) and the Department of Energy and
(7) Environmental Protection has to replicate
(8) our -- our math.
(9) MR. PIETRORAZIO: Given the
(10) frightful health concerns of PM 2.5, would a
(11) table depicting PM 2.5 when burning natural
(12) gas be more informative to the general public
(13) than one for a ULSD, as natural gas is the
(14) primary fuel proposed for this application?
(15) MR. SMALL: I'm just going to
(16) object to the use of the word "frightful."
(17) Other than that, I'm not going to object to
(18) the question. Mr. Sellars can answer it
(19) without that adjective.
(20) THE WITNESS (Sellars): Yes.
(21) The emission rates for both natural gas and
(22) ultra-low sulfur distillate were presented in
(23) the application. The tons per year assumes a
(24) conservative full use of the facility, 8,760
(25) hours per year, and all the maximum permitted

(1) hours of ULSD operation as well as the
(2) maximum hours of operation of all of the
(3) ancillary equipment.
(4) MR. PIETRORAZIO: Sure.
(5) THE WITNESS (Donovan): Just
(6) one clarification to the question you asked a
(7) few moments ago on the life testing. All the
(8) 60-hertz models have not been load-tested yet
(9) and will be this year by General Electric.
(10) The 50-hertz version of this technology has
(11) been load-tested and proved out.
(12) MR. PIETRORAZIO: Yes, the
(13) 50-hertz is for form --
(14) THE WITNESS (Donovan): That's
(15) correct.
(16) MR. PIETRORAZIO: Correct.
(17) Thank you.
(18) Did the Connecticut DEEP
(19) provide any of the values in the charts,
(20) Tetra Tech, Exhibit 1 as targets for CPV
(21) facility it must meet?
(22) THE WITNESS (Sellars): No,
(23) they -- DEEP provided meteorological data and
(24) instructed us with background air quality
(25) monitoring data to use in our study.

(1) They're -- all the emissions data that were
(2) used were presented to the applicant by DEEP
(3) for their review.
(4) MR. PIETRORAZIO: So the DEEP
(5) did not give -- did not present a target for
(6) you to meet particularly with carbon
(7) monoxide?
(8) THE WITNESS (Sellars): No.
(9) MR. PIETRORAZIO: As best
(10) available control technology in Connecticut?
(11) THE WITNESS (Sellars):
(12) There's requirement -- a demonstration of
(13) best control technology and certainly
(14) precedent that we were able to research from
(15) previous DEEP permits that were issued as
(16) well as permits that were issued all over the
(17) nation. As part of the application, we do
(18) the best available control technology
(19) analysis, and that includes research of all
(20) of the emission rates that are permitted as
(21) tabulated and compiled by the United States
(22) Environmental Protection Agency and their
(23) clearinghouse document. We then have to
(24) research individual permits that are issued
(25) to determine what the -- the lowest emission

(1) rates available are.
(2) MR. PIETRORAZIO: Thank you.
(3) Where else in your experience
(4) or knowledge has an electric generating
(5) facility utilized a trucking scenario
(6) involving four tanker trucks per hour for
(7) fuel oil and five tanker trucks per hour for
(8) water, if you have to truck it in, for up to
(9) 30 days continuously, 24/7, in accordance
(10) with the Connecticut Siting Council mandate,
(11) which amounts to 432 trips per day or 12,960
(12) trips for the 30-day period?
(13) MR. SMALL: I'm going to
(14) object on a number of grounds. One is that's
(15) essentially -- it's not a change from the
(16) original certificate; two, the applicant has
(17) clearly stated that they're not going to be
(18) trucking water into this -- this facility;
(19) and three, again, we're back on information
(20) that Mr. Pietrorazio had plenty -- ample
(21) opportunity to cross-examine on.
(22) THE CHAIRPERSON: Can you just
(23) give us an answer on the truck --
(24) THE WITNESS (Bazinet): Where
(25) else have we seen similar to that?

(1) THE CHAIRPERSON: Yes.
(2) THE WITNESS (Bazinet): I
(3) would say virtually every oil-fired facility
(4) that uses it as a backup fuel or primary fuel
(5) to the extent that storage -- on-site storage
(6) isn't sufficient to run around the clock for
(7) a predetermined amount of time, they're going
(8) to begin trucking in oil at some point.
(9) At what quantity of trucks, at
(10) what, you know -- how many trucks per hour
(11) and how many trucks per day, that's going to
(12) be extremely -- there's going to be a very
(13) big gap between different types of facilities
(14) all over the country. It's -- there's no --
(15) but any facility that fires oil is going to
(16) use -- use trucks to fill their tank storage.
(17) THE CHAIRPERSON: We have a --
(18) Dr. Bell would like to --
(19) DR. BELL: Just in asking a
(20) follow-up on the oil facility, what about
(21) Kleen Energy?
(22) THE WITNESS (Bazinet): I'm
(23) not -- I'm not specifically aware of Kleen
(24) Energy, what they do there.
(25) DR. BELL: All right. Thank

(1) you. I'm not going to testify. Just ask the
(2) question. Thank you.
(3) THE CHAIRPERSON: Mr. Ashton.
(4) MR. ASHTON: Mr. Bazinet,
(5) would you agree that some locations it may be
(6) possible to extract oil via pipeline or via
(7) barge, besides trucking?
(8) THE WITNESS (Bazinet): That's
(9) also a possibility, correct.
(10) MR. ASHTON: Just in the
(11) interest of completeness.
(12) MR. PIETRORAZIO: Do you mind
(13) if I rephrase the question?
(14) THE CHAIRPERSON: I thought we
(15) had an answer.
(16) MR. PIETRORAZIO: Well, I said
(17) I -- no, I -- Mr. Chairman, my question was
(18) where else, so --
(19) THE CHAIRPERSON: I thought he
(20) just gave --
(21) MR. PIETRORAZIO: Can you give
(22) an instance of --
(23) THE CHAIRPERSON: He just told
(24) us.
(25) MR. PIETRORAZIO: I need just

(1) trucking?
(2) THE CHAIRPERSON: To the
(3) Applicant, if you choose to speculate on the
(4) answer. If not, you can answer.
(5) THE WITNESS (Bazinet): So
(6) we're doing a number of different things to
(7) mitigate truck traffic impact, including the
(8) construction of a new road that goes through
(9) the industrial park around the airport. And
(10) furthermore, it's our expectation and belief
(11) that the trucks that would be delivering oil
(12) to the site would be complying with all
(13) laws/regulations associated with such truck
(14) traffic. The trucks that are delivering oil
(15) to the site aren't different than any oil
(16) truck that you would see on the road today.
(17) So yes, that's our position.
(18) MR. PIETRORAZIO: Thank you.
(19) I'd like to ask what you think
(20) the chances are of a major vehicular accident
(21) taking place with such a trucking scenario in
(22) the dead of winter.
(23) MR. SMALL: Objection. Calls
(24) for speculation on the part of the witness.
(25) THE CHAIRPERSON: Sustained.

(1) one.
(2) THE WITNESS (Bazinet): We
(3) manage a facility in Athens, New York. They
(4) refill their tanks with a truck.
(5) MR. PIETRORAZIO: Thank you.
(6) Is it your position that all
(7) the residents, schools, apartments, hospitals
(8) and others of general public impacted by a
(9) trucking -- such a trucking scenario from the
(10) Oxford plant site to New Haven Harbor fuel
(11) depot will accept this trucking environmental
(12) nightmare?
(13) MR. SMALL: Object to the
(14) characterization. Rephrase it to take out
(15) the "environmental nightmare," the witness
(16) can answer it.
(17) MR. PIETRORAZIO: Like me to
(18) rephrase the question?
(19) MR. SMALL: Please.
(20) MR. PIETRORAZIO: Is it your
(21) position that all the residents of schools,
(22) apartments, hospitals and others of the
(23) general public impacted by such a trucking
(24) scenario from the Oxford plant site to New
(25) Haven Harbor fuel depot will accept this

(1) MR. PIETRORAZIO: That's fine.
(2) Does the fact that the Council
(3) approved the 2001 D&M plan mean that the fuel
(4) oil supply plan should automatically be
(5) approved for this Docket 192B?
(6) THE WITNESS (Bazinet): So
(7) we'll be updating that plan in accordance
(8) with the schedule of this particular
(9) proceeding.
(10) MR. PIETRORAZIO: Yes or no.
(11) I mean --
(12) THE CHAIRPERSON: First of
(13) all, we haven't even approved anything.
(14) MR. PIETRORAZIO: My question
(15) is because --
(16) THE CHAIRPERSON: I would have
(17) sustained an objection.
(18) MR. SMALL: I know, sorry.
(19) MR. PIETRORAZIO: My question
(20) wasn't the fact that the 2001 plan was
(21) approved by the council. My question is,
(22) does CPV feel that it should be automatically
(23) approved by the Council now because you
(24) approved it before?
(25) MR. SMALL: Again, it's

(1) speculation.
(2) MR. ASHTON: Crapshoot.
(3) THE CHAIRPERSON: We're not
(4) being cross-examined, so I don't --please
(5) continue.
(6) MR. PIETRORAZIO: That's fine.
(7) Surely. Thank you.
(8) In 1999 when the certificate
(9) for the Towantic, LLC, contract was issued,
(10) had the FAA conducted any study on industrial
(11) thermo-exhaust pollution, aviation safety?
(12) MR. SMALL: Objection. That's
(13) an issue -- we've been over the FAA plume
(14) issue.
(15) THE CHAIRPERSON: That has
(16) been gone over, and you participated in that
(17) discussion.
(18) MR. PIETRORAZIO: The answer
(19) to that question has not been gone over, sir.
(20) THE CHAIRPERSON: I disagree
(21) with you, sir.
(22) MR. PIETRORAZIO: In the
(23) February 10th hearings, page 385, did you not
(24) state:
(25) "So the optimal height really

(1) THE WITNESS (Sellers): Please.
(2) MR. PIETRORAZIO: Isn't it
(3) true that neither air traffic nor visibility
(4) have anything to do with stack modeling for
(5) proper dispersion of emissions?
(6) THE WITNESS (Sellers):
(7) Correct.
(8) MR. PIETRORAZIO: Thank you.
(9) Did CPV review the air quality
(10) technical discussion by WR -- by RW Beck as
(11) submitted for the 512-megawatt Towantic
(12) Energy Center before applying for this
(13) mortification reopening?
(14) MR. SMALL: Objection, same --
(15) same issue.
(16) MR. ASHTON: That's history.
(17) MR. SMALL: It's been on the
(18) record from the beginning. You want to hear
(19) the answer?
(20) THE CHAIRPERSON: Do you have
(21) a simple -- do you have a yes or no answer?
(22) THE WITNESS (Sellers): Yes.
(23) MR. PIETRORAZIO: Please
(24) define for us what is meant by a GEP stack
(25) design.

(1) balances a number of factors, not just
(2) dispersion, but also, as you're well aware,
(3) interference with aircraft navigation and FAA
(4) approval, as well as the visibility of the
(5) stack from the locations." And that's --
(6) THE WITNESS (Sellers): That's
(7) correct.
(8) MR. PIETRORAZIO: Thank you.
(9) Isn't it true that neither air
(10) traffic nor visibility have anything to with
(11) do with stacked modeling for proper
(12) dispersion of emissions?
(13) THE WITNESS (Sellers): I
(14) believe the quote from the transcript you're
(15) talking about was the selection of the
(16) optimal stack height, which, as I indicated
(17) in my testimony, goes beyond air quality
(18) dispersion issues.
(19) Air quality dispersion issues
(20) is a very important factor in the selection
(21) of a stack height, but other criteria are
(22) also considered.
(23) MR. PIETRORAZIO: But the
(24) answer to this question, Mr. Sellers, and may
(25) I please read the question again?

(1) THE WITNESS (Sellers): Good
(2) engineering practice stack design was
(3) developed in the late 1970s when EPA
(4) established the stack height rules. I was a
(5) consultant to EPA during the development of
(6) those stack height rules, so I'm quite
(7) familiar with their origin and how to apply.
(8) Good engineering practice
(9) stack height is a limitation on the highest
(10) stack that an applicant can take into
(11) account -- take credit for in the modeling.
(12) The purpose of GEP stacks was to reduce
(13) thousand-foot-tall stacks that we had out at
(14) coal-fired power plants in Ohio, the Sammis
(15) power plant comes to mind, several other very
(16) very high stacks. When those sources were
(17) required to make demonstrations of compliance
(18) with air quality standards, one of the common
(19) techniques at the time was to raise the stack
(20) higher and higher until the modeling showed
(21) that you were compliant with the standards.
(22) EPA, of course, chose --
(23) thought that maybe emissions controls would
(24) be a better strategy than just making taller
(25) and taller stacks, particularly because a lot

(1) of the sulfur dioxide and nitrogen oxide
(2) emissions that came from those very, very
(3) tall stacks were contributing to acid rain.
(4) And the very, very tall stacks resulted in
(5) propulsion of the emissions right back into
(6) the base of clouds and rain falling to the
(7) ground in the way of acid rain.
(8) EPA developed the stack height
(9) rules, which basically said you could only
(10) get credit for a stack as high as is
(11) necessary to completely minimize aerodynamic
(12) downwash that would be associated with the
(13) buildings at the facility, any nearby terrain
(14) that would be high enough to cause influence
(15) or any other structure. So they developed a
(16) criteria and a formula for calculating what
(17) would be a good engineering practice stack
(18) height and indicated basically that that was
(19) the maximum height of a stack that one could
(20) take into account when they did the air
(21) quality modeling to demonstrate compliance
(22) with the ambient air quality standards.
(23) MR. PIETRORAZIO: Thank you.
(24) With the previous 512 plant RW
(25) Beck did the calculation for, didn't they

(1) suggest an approximate GEP stack height for
(2) the Towantic plant of 300 feet?
(3) THE WITNESS (Sellars): I
(4) would have to go back. I don't recall that,
(5) but that would certainly seem reasonable.
(6) MR. PIETRORAZIO: Thank you.
(7) If a GEP stack design is not
(8) used, is screening and modeling usually
(9) required to determine dispersion estimation?
(10) THE WITNESS (Sellars): The
(11) modeling is required whether a GEP stack is
(12) used or not. In fact, the modeling
(13) incorporates downwash algorithms even for a
(14) GEP stack.
(15) MR. PIETRORAZIO: Thank you.
(16) Isn't it true that RW Beck's
(17) explanation of the selection of the
(18) 160-foot-high stack on page 9 of its
(19) submission makes no reference whatsoever to
(20) air traffic or visibility being factors to
(21) the model stack height?
(22) THE WITNESS (Sellars): Yes, I
(23) believe that section would have been good
(24) engineering practice height determination and
(25) looking at modeling, modeling, air quality

(1) modeling for that facility --
(2) MR. PIETRORAZIO: This is --
(3) I'm sorry, Mr. Sellers, this is the
(4) 160-foot-high stack, not the GEP.
(5) THE WITNESS (Sellars): Right.
(6) The modeling for the -- that
(7) RW Beck did did look at a number of different
(8) stack heights, 160 feet, 146 feet, I believe,
(9) and they determined that if you got too low a
(10) stack, the model concentrations would no
(11) longer comply with the air quality standards.
(12) MR. PIETRORAZIO: So the
(13) 160-foot selection had nothing to do with air
(14) traffic or visibility factors?
(15) THE WITNESS (Sellars): That
(16) wouldn't have been the section where they
(17) discussed, you know, their overall criteria
(18) for selecting a height, but I can't speak for
(19) what RW Beck's criteria were.
(20) MR. PIETRORAZIO: But you said
(21) you reviewed their report?
(22) THE WITNESS (Sellars): I read
(23) their report, yes.
(24) MR. PIETRORAZIO: Okay. Thank
(25) you.

(1) Isn't it true that
(2) Docket 192's finding of fact, June 23, 1999,
(3) page 3, Item 22, states, quote, A
(4) 160-foot-tall by 18-foot -- 18 and a half
(5) foot diameter stack would be constructed for
(6) each of the two generating units. This is
(7) the optimum height as determined by air
(8) emission modeling.
(9) THE CHAIRPERSON: I'm going to
(10) object and ask you the relevance of what
(11) happened 1999 to the docket that's in front
(12) of us.
(13) MR. PIETRORAZIO: It is most
(14) relevant.
(15) THE CHAIRPERSON: Please
(16) explain why.
(17) MR. PIETRORAZIO: Because it
(18) is my opinion as combustion expert, if you
(19) will, with the experience and training that
(20) I've had, that these stacks are too short to
(21) properly disperse the emissions from this
(22) plant, as were the stacks back in 1999 too
(23) short. And everything that I have put before
(24) the Council and asked the applicant proves
(25) that.

(1) THE CHAIRPERSON: Well, I
(2) don't have a problem if you want do ask about
(3) the height of the stacks now given the
(4) technology before us. That's -- even though
(5) that's really not the topic of -- of the
(6) reason you're supposed to be asking
(7) questions, because it's not relevant to the
(8) new submissions. I'll allow that, but I'm
(9) not going to continue to go back to 1999.
(10) MR. PIETRORAZIO: Okay. Thank
(11) you. That takes care of the next question.
(12) I'd like you to refer to the
(13) Westover School interrogatory of January 14,
(14) 2015, Question Number 1, end of the third
(15) paragraph. What distance did you have in
(16) mind when you made the statement "impacts
(17) will occur very close to the fence line of
(18) the facility"?
(19) THE WITNESS (Sellers): I
(20) think one of the exhibits that has been
(21) entered and asked about for -- a number of
(22) times was the answer that the isolates that
(23) were presented into evidence showed what the
(24) model concentrations are. So you can see
(25) from those isolates, that the max air quality

(1) concentrations happen within, say, a couple
(2) of hundred feet of the -- of the stack and
(3) probably within less distance of the property
(4) boundary. So I think it's adequate where the
(5) point of maximum impact would be expected.
(6) MR. PIETRORAZIO: So it was
(7) 200 feet from the stack and how far from the
(8) line?
(9) THE WITNESS (Sellers): You
(10) can scale it right off of the --
(11) MR. PIETRORAZIO: Excuse me,
(12) correct me if I'm wrong, Mr. Sellers, but
(13) wasn't the statement made by CPV that it
(14) would be confined to the property line?
(15) THE WITNESS (Sellers): No,
(16) that statement was not made by CPV. That
(17) statement was made by one of the Intervenors.
(18) MR. PIETRORAZIO: Thank you.
(19) So 200 feet from the stacks is
(20) the answer to that question, roughly?
(21) THE WITNESS (Sellers):
(22) Approximately.
(23) MR. PIETRORAZIO:
(24) Approximately. Okay.
(25) The same interrogatory,

(1) Question Number 6, please, end of the first
(2) paragraph. What is the highest frequency
(3) noise in letters that would be emitted from
(4) the facility at any of the receptors or at
(5) Westover School? May not be able to answer
(6) that at this hearing.
(7) THE WITNESS (Bazinet):
(8) Westover School interrogatories from
(9) February 10th or --
(10) MR. PIETRORAZIO:
(11) January 14th. Sorry. Question Number 6, end
(12) of the first paragraph.
(13) THE WITNESS (Bazinet): Are
(14) you referring to the question would possible
(15) vibration harmonics or plumes from the plant
(16) interfere with local bats, birds or other
(17) wildlife?
(18) MR. PIETRORAZIO: Hold on,
(19) please.
(20) THE CHAIRPERSON: The question
(21) that you raised refers to the impact on bats.
(22) Is that what you're talking about?
(23) MR. PIETRORAZIO: Yes, the
(24) statement was made that the frequency would
(25) not be injurious to bats. Correct?

(1) And my question is, what is
(2) the highest frequency noise measured in
(3) hertz, because the -- it's usually considered
(4) 20,000 hertz is the -- is the round for human
(5) ear, so what is the highest frequency noise
(6) in hertz that would be emitted from the
(7) facility at any of the receptors or at
(8) Westover School?
(9) THE WITNESS (Greysock): You
(10) can take a look at Appendix D of Exhibit 1.
(11) Table 8 shows measurement results and
(12) information relative to the aqua bands that
(13) were considered in the analysis.
(14) MR. PIETRORAZIO: I'm sorry,
(15) what page? Because -- because the standards
(16) to which we are comparing noise don't require
(17) the use of optic bands, we have not got that
(18) information in the analysis. Would that be a
(19) late-file?
(20) THE CHAIRPERSON: No.
(21) THE WITNESS (Greysock): You
(22) can also see octave band information for all
(23) the major pieces of equipment in other tables
(24) in that appendix as well, Table 9, Table 10.
(25) There's a lot of information about the input

(1) values that were used.
(2) MR. PIETRORAZIO: So you
(3) cannot answer the question now?
(4) THE WITNESS (Greysock): No.
(5) No, we demonstrated compliance with the
(6) standards that apply to the project.
(7) MR. PIETRORAZIO: Okay. Well,
(8) I guess my last question is the Connecticut
(9) DEEP does classify the CPV application as a
(10) major source of air toxic pollutants; am I
(11) right?
(12) THE WITNESS (Sellars): No.
(13) MR. PIETRORAZIO: Does not?
(14) THE WITNESS (Sellars): Not of
(15) air toxic pollutants, no.
(16) MR. PIETRORAZIO: You should
(17) go on to their website. It's exactly how
(18) it's spelled out.
(19) THE WITNESS (Sellars): I
(20) believe you should go on their website and
(21) read it again, sir.
(22) MR. PIETRORAZIO: Thank you,
(23) Mr. Chair.
(24) THE CHAIRPERSON: Thank you.
(25) Next would be --

(1) MR. SAVARESE: I'm part of the
(2) Middlebury group. Middlebury has had a long
(3) run here. I'd like to be able to reserve
(4) for --
(5) THE CHAIRPERSON: No, you do
(6) it now. If you have questions now --
(7) MR. SAVARESE: It will take
(8) the rest and there's other people that have
(9) waited all day.
(10) THE CHAIRPERSON: It's
(11) Middlebury's turn. So, sir, if you have some
(12) questions, now is your chance.
(13) MR. SAVARESE: Attorneys
(14) Savarese for the Town of Middlebury.
(15) Directed to Mr. Gustafson --
(16) MR. SMALL: And we stated,
(17) Mr. Gustafson is not available today. He
(18) will be available Thursday. Your
(19) questions -- obviously we'll have to defer
(20) your questions for Mr. Gustafson.
(21) MR. SAVARESE: My questions
(22) are for Mr. Gustafson.
(23) MR. SMALL: I guess we end up
(24) in the same place.
(25) THE CHAIRPERSON: We're going

(1) to take a ten minute break.
(2) (Whereupon, a recess was
(3) taken.)
(4) THE CHAIRPERSON: We're going
(5) down the lists until we find someone.
(6) Next would be CL&P; Town of
(7) Oxford; the Grouped Parties that include
(8) Naugatuck Valley Trout Unlimited, Naugatuck
(9) River Revival Watershed Coalition. And if
(10) you intend to cross-examine, just come up.
(11) Naugatuck River Revival; Lake Quassapaug.
(12) Middlebury Bridle Land; Dennis Kocyla. And
(13) if someone can tell me how to properly
(14) pronounce his name, I'd appreciate it, but
(15) since he's not here. The Naugatuck Valley
(16) Audubon Society. And remember this one --
(17) the applicant not having Mr. Gustafson is
(18) really unfortunate.
(19) I know before there were
(20) health issues, but -- and I know he's not
(21) here, but 11:00 a.m., as far as I'm
(22) concerned, he's the only one that's going to
(23) be sitting there.
(24) MR. SMALL: Okay. I'll be
(25) here.

(1) MR. HANNON: No, he won't.
(2) THE CHAIRPERSON: So you guys
(3) decide in what order. And again, two things:
(4) One is Mr. Gustafson is unfortunately not
(5) here, so if you have questions for him, he's
(6) not -- that will have to wait until Tuesday.
(7)
(8) And again, hopefully with more
(9) success than with the last witness, if you
(10) can concentrate on the new material, we would
(11) greatly appreciate it. And then just give us
(12) your name and start the questioning.
(13)
(14) MR. ZAK: Kevin Zak from the
(15) Naugatuck River Revival Group. Just a couple
(16) quick questions. And I understand that we're
(17) all trying to get out of here.
(18) THE CHAIRPERSON: I'm prepared
(19) to stay here until --
(20) MR. ZAK: Whenever.
(21) MS. LARKIN: Excuse me. Would
(22) you mind if I put this in the door so we can
(23) get some more oxygen in the room and we can
(24) survive better?
(25) THE CHAIRPERSON: Security

(1) might --
(2) MS. LARKIN: It sounds weird,
(3) but --
(4) THE CHAIRPERSON: I would make
(5) some comment about having people out
(6) polluted --
(7) MS. LARKIN: There's nobody
(8) out there. How's that?
(9) THE CHAIRPERSON: Impact on
(10) our eyes and lungs, but I'll keep my mouth to
(11) myself.
(12) MR. ZAK: Yes. Can I ask you
(13) a question? Basically question in regards to
(14) Kleen Energy in Middletown.
(15) Is that representative of --
(16) of your -- the plant and the difference being
(17) the size of your proposal?
(18) THE WITNESS (Bazinet): In
(19) what -- in what regard?
(20) MR. ZAK: In -- in the type of
(21) power plant. It's an actual energy -- it's
(22) two stacks, but it's 620 megawatts. Correct?
(23) THE WITNESS (Bazinet): It's a
(24) combined-cycle electric generating facility.
(25) I believe it's two on one. I'm not familiar

(1) with Kleen -- different vendors that sell
(2) those gas turbines. I don't -- I don't know
(3) off the top of my head whether it's
(4) air-cooled or wet-cooled. There are a number
(5) of different factors you could be referring
(6) to. I could say generically that it's
(7) combined-cycle technology. And I believe
(8) there are two gas turbines and one steam
(9) turbine. So in that regard, yes.
(10) MR. ZAK: Pretty similar. So
(11) I am hoping you could answer the follow-up
(12) question to that. Is there any loud banging
(13) that occurs at any time in reference to the
(14) use of gas, a valve opening or closing that
(15) may sound like the tailgate of a dump truck
(16) slamming?
(17) THE WITNESS (Donovan): I'm
(18) not sure what aspect you're asking, but
(19) it's -- you know, there are some transient
(20) noises during construction.
(21) MR. ZAK: Not during
(22) construction. I'm talking about during the
(23) normal operation.
(24) THE WITNESS (Donovan): Not
(25) during the normal operation.

(1) MR. ZAK: So there's no
(2) banging that occurs --
(3) THE WITNESS (Donovan): No.
(4) MR. ZAK: -- during the course
(5) of the year?
(6) THE WITNESS (Bazinet): Not
(7) that we're aware of during normal operation,
(8) no.
(9) MR. ZAK: Okay. I have no
(10) further questions, then.
(11) MR. ASHTON: Would an air
(12) circuit breaker operating constitute a loud
(13) noise? That would be a CL&P question, by the
(14) way.
(15) THE WITNESS (Donovan): No, we
(16) don't believe so.
(17) MR. ASHTON: No. Thank you.
(18) MR. ZAK: One more question?
(19) Would you know of in regards
(20) to the technology, using gas in a power
(21) plant, you know a lot more about this than I
(22) do, and you may not know about Kleen Energy
(23) specifically, but can you imagine any loud
(24) noise that -- that's a banging that Kleen
(25) Energy would produce?

(1) THE WITNESS (Bazinet): Again,
(2) I'm sorry, we're not entirely familiar with
(3) the Kleen Energy facility, and I haven't
(4) personally visited the site. I can say that
(5) I visited other power plant sites while
(6) they've been operating, plants that would be
(7) similar to the one proposed here, and I never
(8) observed any banging noises.
(9) MR. ZAK: Okay. So I assume
(10) that you will have no banging noises that
(11) occur in the operation of your plant?
(12) THE WITNESS (Bazinet): As I
(13) said, not that we are aware of.
(14) MR. ZAK: But then again,
(15) you're not aware of you could possibly have
(16) that banging noise that you're not aware of?
(17) THE WITNESS (Bazinet): You're
(18) referring to Kleen Energy, and, as I said, I
(19) don't know. I'm not familiar with that site.
(20) I've never visited that site, so I can't -- I
(21) wouldn't be able to begin to tell you what
(22) the source of whatever noise you've witnessed
(23) or --
(24) MR. ZAK: I understand. I
(25) meant your plant at -- I did the transition

(1) from Kleen Energy, because you can't speak
(2) for them. I meant your plant. You will not
(3) have that type of noise that would occur in
(4) the operation of that plant?
(5) THE WITNESS (Bazinet): The
(6) noise that's going to come from our power
(7) plant will be mitigated and in compliance
(8) with the standards that are set forth by
(9) Connecticut and Oxford.
(10) MR. ZAK: And it will be just
(11) the hum that everybody was talking about?
(12) THE WITNESS (Bazinet): They
(13) will be in compliance with the standards that
(14) are set forth by the State of Connecticut and
(15) Oxford.
(16) MR. ZAK: Yes or no, just the
(17) hum? No banging? Just the hum?
(18) THE WITNESS (Bazinet): Yes.
(19) MR. ZAK: Thank you. No
(20) further questions.
(21) THE CHAIRPERSON: Thank you.
(22) I'm Sophie Zyla with Naugatuck Valley
(23) Audubon.
(24) We can see if we can answer.
(25) Mr. Gustafson -- Mr. Davison, so I understand

(1) you're going to be doing some amphibian
(2) surveys and reptile and migrating bird
(3) surveys on the schedule. Can you tell me a
(4) little bit about what types of surveys you're
(5) going to be doing, what are -- describe what
(6) the methods will be.
(7) THE WITNESS (Davison): Sure.
(8) I think we have this in one of our written
(9) interrogatory responses, but essentially it
(10) starts with early spring work coming up in
(11) the next few weeks -- actually, starting in
(12) April -- looking at early season amphibian
(13) activity and early emerging reptile activity.
(14) And basically you're doing audial surveys,
(15) which is a fancy way of saying you walk
(16) around and listen to whatever frog or toad
(17) are calling. You do visual surveys, just
(18) scanning the ground in different habitats,
(19) including uplands.
(20) We do cover searching, which
(21) is turning over rocks and logs where you find
(22) most amphibians and reptiles. And in some
(23) cases, depending on the conditions, we would
(24) do things like minnow trapping, where you
(25) would temporarily capture animals, just to do

(1) an inventory.
(2) At this site, that's something
(3) we'll have to do. And then we're going to do
(4) a late-spring survey, which is May-June,
(5) where we capture or observe amphibians and
(6) reptiles that come out later in the season,
(7) because there's a certain suite of species
(8) that come out earlier in March or April,
(9) another group of species that would come out
(10) later, like some of your reptiles. And that
(11) would be the same techniques, essentially,
(12) doing audio surveys, cover searching, just
(13) visual surveys.
(14) And then the bird surveys
(15) would be sort of your standard late May to
(16) early June early a.m. surveys where it's
(17) based on your cataloging the birds based on
(18) singing males and just visual observation.
(19) MS. ZYLA: So for the
(20) amphibian surveys, will you be doing
(21) anything, like, this week? We're supposed to
(22) be having temperatures in the fifties, and I
(23) know a lot of the amphibians are going to
(24) start moving soon.
(25) THE WITNESS (Davison): It's

(1) definitely based -- in the scope you'll see
(2) it sort of gives a rough time period for
(3) those three survey times.
(4) MS. ZYLA: Uh-huh.
(5) THE WITNESS (Davison): And
(6) the first being March and April, and it's
(7) definitely weather-dependent. There is a --
(8) sort of a -- there's one or two nights where
(9) all of at least the early season amphibians
(10) will emerge, and that happens in the first
(11) warm prolonged rain. So yes, Thursday is the
(12) night that I'm looking at where it's going to
(13) be warm in the day and the rain is going to
(14) continue to the night, but it's completely
(15) weather-dependent. So I look at dozens of
(16) sites all over the state all the time.
(17) So once I start seeing
(18) activity, that's when I'll get out and start
(19) doing surveys, but it doesn't necessarily
(20) have to be done immediately when they emerge.
(21) But, you know, shortly thereafter is when I
(22) would start that initial survey.
(23) MS. ZYLA: Are you going to
(24) use cover boards or no-drift sensing, cover
(25) boards, nothing like that?

(1) THE WITNESS (Davison): No.
(2) Cover boards I've used in the past. They
(3) tend to be -- cover boards can be useful
(4) sometimes for doing snake surveys, but the --
(5) the data has sort of shown that it takes time
(6) for them to adapt to those cover objects.
(7) Basically when you -- we do cover searching,
(8) that's, you know, turning over any cover
(9) objects that are already present, because the
(10) animals, they adapt to whatever cover objects
(11) are there now.
(12) If you put something new out
(13) there, they don't necessarily take to it
(14) right away, so we'll do cover searching. But
(15) using cover boards for sort of a one-season
(16) survey isn't usually that productive.
(17) Too of drift fence we've done
(18) in the past. There's very rare incidents
(19) where drift fencing is useful. It's very
(20) invasive, because essentially, you're --
(21) you're burying a line of exclusive fencing
(22) and putting buckets in the ground and
(23) basically capturing -- any animal that can't
(24) get over the fence you capture in that
(25) bucket, so it's quite invasive. So certain

(1) situations, we've done that.
(2) DEEP regulates that a bit more
(3) closely. They -- there are specific species,
(4) like, for instance, spade food toad or things
(5) that are incredibly rare and require that
(6) type of survey where DEEP accepts that as a
(7) methodology, but -- I've done drift fencing
(8) on a number of sites, but on this site it
(9) wouldn't give me any more data than I could
(10) get doing the other methods that are much
(11) less invasive.
(12) MS. ZYLA: Which is just
(13) walking around the property and looking?
(14) THE WITNESS (Davison):
(15) Exactly.
(16) MS. ZYLA: So will you be
(17) going out basically between 11:00 and 4:00 in
(18) the morning looking for these species? I did
(19) some amphibian surveys in my local park a
(20) couple of years ago, and I know we wandered
(21) around the woods during the rain and saw one
(22) or two salamanders. I did use minnow traps
(23) and came up with 256 spotted salamanders one
(24) morning. So I know how -- the time before
(25) that, there were very few. The day I came up

(1) with the 256 was -- I think it was March 31st
(2) in 2011 or 2012.
(3) So I know how random they can
(4) be, but I also know that doing physical
(5) searches was difficult, because they are
(6) underground. So you're hoping that they're
(7) going to show up under the rock when you
(8) happen to pick it up.
(9) THE WITNESS (Davison): Yes.
(10) And I don't mean this -- don't take this the
(11) wrong way, but I think they're difficult for
(12) someone who doesn't have the proper
(13) experience. I think when you don't have
(14) certain experience, you tend to go for those
(15) more invasive methods or you tend to try to
(16) capture those very short moments in time,
(17) like you said, a certain rainy night, not
(18) that -- that is a perfect time to go out and
(19) do surveys, is on a rainy night, but I don't
(20) expect that minnow trapping is going to be
(21) necessary in this site because of the
(22) hydrology of some of the wetlands. They
(23) don't have that long-term hydrology, I
(24) expect.
(25) If I get out there, I don't

(1) know, further survey, and I think it's
(2) something we need to do, we'll do that. But
(3) searching for egg masses is really the
(4) primary method of identifying spotted
(5) salamanders on the site, and it's very, very
(6) easy to do. It -- I know it sounds sort
(7) of -- that I'm just wandering around the
(8) woods, but you're timing it in a way that you
(9) know the animals are active and you are
(10) listening for them, looking for them, and
(11) you're intently searching the ground cover,
(12) again, searching things under cover.
(13) And, yes, if you talked me the
(14) first year I was out doing it, I would have
(15) said this is ridiculous. This is not a way
(16) to find things. But I've been doing this for
(17) 16 years now, and it's based on the timing of
(18) knowing where to look, when to look, how to
(19) look.
(20) MS. ZYLA: I don't know that I
(21) would have found 256 spotted salamanders if I
(22) was walking around all night by myself in the
(23) woods.
(24) THE WITNESS (Davison): I
(25) think what you were getting at is trying to

(1) get some idea of a species density, which was
(2) important in many cases.
(3) MS. ZYLA: Yes, I was at that
(4) point.
(5) THE WITNESS (Davison): And
(6) the best way to do that, is, again, searching
(7) for egg masses. That's the proper way to
(8) sort of quantify the population. Capturing
(9) adults in a minnow trap is interesting, but
(10) it doesn't give you a full picture. There
(11) are a lot of -- lot of variables that affect
(12) that, you know, how the traps are set, where
(13) they're set, how many you set. One female
(14) goes into the trap, and that will attract 20
(15) males. So that gives you sort of a skewed
(16) view of the actual population site. Again,
(17) it's very interesting to pull the trap up and
(18) see all the salamanders.
(19) MS. ZYLA: Well, I didn't have
(20) them all in one trap, and I did two years of
(21) studies. I think more of my point was
(22) depending upon how many nights you were going
(23) out when you were going out, you may or may
(24) not see things.
(25) Spotted salamander egg masses

(1) are pretty evident, as are the wood frog, but
(2) some of the other ones become algae covered
(3) and disappear underneath the leaf matter.
(4) And it's depending upon what the wetlands
(5) are. I know the wetlands I was working with,
(6) it would not have been possible to walk
(7) around the entire wetland area because it is
(8) so ragged, and just the different areas --
(9) THE WITNESS (Davison): Yes.
(10) MS. ZYLA: So I'm looking for
(11) more of a specific what you're -- what you're
(12) planning on doing to look for --are you just
(13) looking for specific species or are you
(14) looking to see what species there are?
(15) THE WITNESS (Davison): We'll
(16) certainly look for all the species we're
(17) discussing now, and that's breeding
(18) amphibians and the way to quantify the egg
(19) mass counts. And there's never been a
(20) wetland that I say oh, I don't think I can go
(21) in there and look.
(22) Unfortunately, there are
(23) plenty of times when I don't feel like doing
(24) that, but generally I'm waist deep in mud
(25) searching for egg masses, if that's what the

(1) site calls for.
(2) MS. ZYLA: I think that's a
(3) little invasive, too. You're stepping on a
(4) few things down there.
(5) THE WITNESS (Davison): Again,
(6) you're hitting on something in terms of
(7) timing. A little later in the season egg
(8) masses become harder to see, and that's all
(9) about having the experience when to go out
(10) and look, and that's something I -- I know
(11) when to look. And you're right, at a certain
(12) point, after several weeks egg masses could
(13) become hard to find.
(14) So again, it's knowing the
(15) timing. But I think you're asking are we
(16) going to be able to -- are we going to do an
(17) inventory of species and also be able to
(18) quantify how abundant those species are on
(19) the site. Yes, the scope I provided will
(20) provide that information.
(21) MS. ZYLA: So it's not just
(22) specific species on the specific concern
(23) list?
(24) THE WITNESS (Davison): No,
(25) it's not.

(1) MS. ZYLA: You can look to do
(2) a --
(3) THE WITNESS (Davison): In
(4) fact, given the scrutiny of the site and the
(5) number of intervenors, I've described -- and
(6) Towantic has agreed to what I think is
(7) probably more than what I would typically do
(8) on a normal -- on a site with these habitats
(9) that have this acreage. So it's going to be
(10) what I consider an intensive survey for a
(11) site of this type.
(12) MS. ZYLA: Okay. Can you tell
(13) us what you normally would do and what this
(14) intensive survey would --
(15) THE WITNESS (Davison): I
(16) would --
(17) MR. SMALL: Briefly.
(18) THE CHAIRPERSON: Why don't we
(19) find out what he's going to do.
(20) THE WITNESS (Davison): I
(21) think I did cover what I was going to do, I
(22) hope, but -- yes?
(23) THE CHAIRPERSON: Yes.
(24) MR. RUHLOFF: Joseph Ruhloff,
(25) Naugatuck Valley Audubon Society. If I could

(1) just follow up on that briefly.
(2) From earlier hearings, it had
(3) been mentioned that there had been some
(4) wildlife studies done at the time of the
(5) original application. It wasn't specifically
(6) asked if those could be included when you
(7) give a report. Would that be possible to
(8) have those added in?
(9) THE WITNESS (Davison): I
(10) think the only wildlife study I'm aware of --
(11) any wildlife association that I'm aware of is
(12) already in the information that was
(13) submitted, and that's the Tetra Tech data,
(14) that Section 3 --
(15) THE WITNESS (Greysock):
(16) Right. And we referred to the fact that RW
(17) Beck when they did the original application
(18) reflected habitat and species information in
(19) their report, but we have no access to any
(20) specific reports or data that they may have
(21) gathered at that time.
(22) MR. RUHLOFF: Okay, because it
(23) wasn't clear whether you did have access to
(24) an actual report or not it.
(25) THE WITNESS (Greysock): We

(1) don't. We have what's in the -- in the
(2) application they submitted at the time, which
(3) reflected some of that information.
(4) MR. RUHLOFF: Okay. And I
(5) know the response there specifically said the
(6) amphibians, the species of concern and the
(7) birds. Are you going to be doing any
(8) inventory of mammals on the site as well or
(9) is that not in the scope of what you've
(10) been --
(11) THE WITNESS (Davison): No,
(12) that's beyond the scope that we've proposed.
(13) That's something a bit outside of my
(14) expertise. And I think you'll find in
(15) general, whether it's local, state or federal
(16) permitting, there's not usually a lot of work
(17) done in terms of impact assessment on
(18) mammals. I think mostly because they're --
(19) most of the rare species are sort of the
(20) canary in the coalmine species, are reptile
(21) amphibians and birds. So mammals don't get
(22) specific attention unless there's a known
(23) record of a mammal on a particular site.
(24) MR. RUHLOFF: I have some
(25) other general questions for the applicant.

(1) One of our concerns has been
(2) lighting on the plant. It has come up
(3) lighting on the stacks, but I also want to
(4) ask for the plant itself, if it is permitted
(5) and constructed, will lighting be installed
(6) to keep light pollution to a minimum? I know
(7) there are standards slowly being developed to
(8) keep light from escaping in all general
(9) directions, and, if possible, could that be
(10) done.
(11) THE WITNESS (Bazinet): And
(12) you're referring to general lighting on the
(13) site as opposed to lighting on the stack.
(14) MR. RUHLOFF: Yes, a typical
(15) commercial industrial site. The extremes, of
(16) course, are like car dealer lots and
(17) McDonald's where they are trying to light the
(18) entire town. But maybe commercial/industrial
(19) sites have lighting that goes up as much as
(20) covering their actual facility.
(21) THE WITNESS (Bazinet): I
(22) think, generally speaking, yes, definitely.
(23) But there are certain standards with respect
(24) to security, et cetera, that we would want to
(25) maintain a certain lighting schematic,

(1) security and safety for the operators. But
(2) beyond that, it's our goal to minimize --
(3) MR. RUHLOFF: As I say,
(4) because I know standards are changing on
(5) that, what's required for security and safety
(6) and personnel can be maintained without
(7) lighting the surrounding forest. And it's
(8) the reports for the drainage and storm water,
(9) and I apologize for not making a better note
(10) when I looked through.
(11) The standards for the rainfall
(12) data, what was the source for those and what
(13) was the date of those standards? There are
(14) various 24-hour standards. I think the
(15) extreme rainfall of either -- I think it was
(16) seven inches in 24 hours.
(17) THE WITNESS (Bazinet): Are
(18) you asking about the flow data that's
(19) included in the water?
(20) MR. RUHLOFF: It was referring
(21) to either National Weather Service or
(22) NOAA-sourced data that was kind of a standard
(23) for -- and they were saying various types of
(24) typical or extreme rainfall used.
(25) THE WITNESS (Bazinet): I'm

(1) sorry. What specific reference are you
(2) pointing to that -- where we cited that
(3) information?
(4) MR. RUHLOFF: This was --
(5) there is the big package on the storm water
(6) and drainage, and it is the different flow
(7) considerations, but it referenced to a
(8) certain amount of rainfall. I think there is
(9) the extreme rainfall was seven inches in 24
(10) hours and things were modeled for that amount
(11) of water.
(12) What my question would be is,
(13) the original source for that, whether it was
(14) NOAA or National Weather Service, what date
(15) were those issued? Was that something they
(16) did in 1977? Did they do it in 1992 or is it
(17) current, reflecting how weather patterns have
(18) been shifted?
(19) THE WITNESS (Jones): Curt
(20) Jones from Civil 1.
(21) So the data is from the 2000
(22) Connecticut DOT Drainage Manual for New Haven
(23) County.
(24) MR. RUHLOFF: Okay.
(25) So were they -- the figures

(1) for seven inches in a 24-hour period as being
(2) a high rainfall rate came from the DOT in
(3) 2000.
(4) THE WITNESS (Jones): Yes,
(5) sir, 7.1 inches for 100-year storm.
(6) MR. RUHLOFF: Okay.
(7) And that's the most recent
(8) data that would be applicable? Because I'm
(9) thinking we've all seen patterns are
(10) changing.
(11) THE WITNESS (Jones): That is
(12) the industry standard that everybody is
(13) using.
(14) MR. RUHLOFF: Okay. I just
(15) wanted to raise the question.
(16) THE WITNESS (Jones): That is
(17) the data.
(18) MR. RUHLOFF: We're all
(19) familiar with Hurricane Irene, Super Storm
(20) Sandy. There have been two local events
(21) within the last five years where we've gotten
(22) four or five inches in a matter of two hours.
(23) THE WITNESS (Jones): So the
(24) hundred-year storm is -- is the model storm
(25) that was used to size the detention basins.

(1) In the event that we have greater than a
(2) one-hundred-year storm, there are provisions
(3) within the -- the design of the detention
(4) basins to accommodate those flows. So
(5) they've -- go over a different outlet, over
(6) an emergency spillway rather than through --
(7) rather than through a controlled outlet
(8) structure. So a hundred-year storm is the
(9) standard that -- that everybody designs to.
(10) MR. RUHLOFF: I --
(11) THE WITNESS (Jones):
(12) Provisions are made in case there is a
(13) greater storm.
(14) MR. RUHLOFF: I'm just trying
(15) to make the point that from what we've seen
(16) personally, locally, data -- even if it's
(17) industry standard from 2000, is we've gotten
(18) much more rain in a shorter period.
(19) Anyway, let me move to --
(20) actually, Chairman Stein, you took one of my
(21) questions on upgrading technology. That was
(22) going to be my question, as to whether or not
(23) things would be upgraded as things change
(24) over time.
(25) Along that line, I have two other

(1) questions, if you could answer.
(2) We've been given a rough figure for
(3) the total costs/investment in the plant.
(4) Could you give an estimate of what the time
(5) period is before that would be recovered
(6) compared to the lifetime of the plant?
(7) MR. SMALL: I'm going to
(8) object. That's proprietary information, and
(9) it's outside the scope of the Siting
(10) Council's jurisdiction.
(11) MR. RUHLOFF: That --
(12) THE CHAIRPERSON: Sustained.
(13) MR. RUHLOFF: That follows
(14) into my next question, which is I have seen a
(15) report that the -- it's the Commonwealth of
(16) Massachusetts Energy Facilities Siting Board.
(17) It's just done a permitting process for a
(18) plant in Massachusetts where they have -- as
(19) part of the permit had a definite
(20) decommissioning date for the plant, as well
(21) as requiring the plant to either by actually
(22) reducing emissions over the lifetime or by
(23) offset reduce the effective output of CO2.
(24) And with the changes in
(25) technology versus, of course, economics,

(1) it's -- I know there's a requirement on your
(2) side for that.
(3) And to the Siting Council, as
(4) our concern is that the pollution that is
(5) still being emitted from this plant, from
(6) others, is that something that could be
(7) looked at to have either a set
(8) decommissioning date or to have a reduction
(9) in CO2 emissions to reduce the local ozone.
(10) THE WITNESS (Bazinet): So I
(11) guess first and foremost, the -- the Towantic
(12) facility as proposed is going to reduce CO2
(13) emissions. In fact, if you're familiar with
(14) Exhibit 2 of our filing, we forecasted that
(15) CO2 emissions are going to go down by
(16) approximately 486,000 tons per year in 2020.
(17) Furthermore, the addition of a
(18) gas-fired plant is a fundamental building
(19) block of EPA's clean -- Clean Power Plan,
(20) which aims directly at reducing CO2
(21) emissions. Additionally, we will be buying
(22) allowances pursuant to the RGGI program, so
(23) we will be doing all of the things that
(24) you've noted.
(25) At this time, there's no plan

(1) to predetermine the decommissioning date for
(2) a facility like this, state-of-the-art
(3) technology that's intended to operate into
(4) the -- into the distant future, and we just
(5) have no intention of predetermining that.
(6) MR. RUHLOFF: That's exactly
(7) my point, that this plant is set to operate
(8) indefinitely, as many other power plants do.
(9) And as the Commonwealth of
(10) Massachusetts has made a decision per their
(11) state laws and regulations under current
(12) permitting to require a decommissioning date
(13) and a reduction over time of the CO2
(14) emissions --
(15) MR. SMALL: Can we clarify one
(16) thing?
(17) THE WITNESS (Bazinet): Yes.
(18) I think it's a good point that the -- the
(19) agreement to decommission the facility was a
(20) settlement between two parties, not including
(21) the FSB. The FSB agreed to the settlement
(22) terms.
(23) MR. RUHLOFF: Yes.
(24) THE WITNESS (Bazinet): But it
(25) was outside of the FSB proceeding that that

(1) agreement was made.
(2) MR. RUHLOFF: Okay. That's
(3) all the questions I have. I appreciate the
(4) time from the Council and the applicant.
(5) THE CHAIRPERSON: Thank you
(6) very much.
(7) MR. ZAK: Thank you.
(8) MS. ZYLA: Thank you.
(9) THE CHAIRPERSON: Anyone from
(10) the Town of Southbury; GE Energy Financial
(11) Services; the Borough of Naugatuck or Water
(12) Pollution Control Authority; Mr. McCormack?
(13) Westover School?
(14) MR. HALPERN: I have just a
(15) couple.
(16) My first question has to do
(17) with ground-level ozone. And I know this
(18) is -- I don't know a lot about it, but I know
(19) it's a chemical pollutant that comes from the
(20) breakdown of NOx and chemical reactions in
(21) the air. So I know its levels are going to
(22) be somewhat dependent on the amount of NOx
(23) that you produce, and I know that in some
(24) ways maybe isn't all that significant, but
(25) what I am -- and we asked in the

(1) interrogatory -- or I did -- and you said
(2) that all the facility impacts -- we asked if
(3) there was going to be any effect on pollution
(4) from the plant on the forest. Specifically,
(5) I'm interested in trees here and animals.
(6) Mostly I'm concentrating on trees, And you
(7) stated that the facility impact will be below
(8) the secondary NAASQ standards, which I see as
(9) correct.
(10) What I'd like to know is,
(11) because in looking at your Exhibit 1,
(12) anyway -- and I understand why this might be
(13) difficult -- it maybe impossible, I don't
(14) know, to give us an estimate of the
(15) concentrations of ozone based on your KNOTS
(16) for a typical burning or your conservative
(17) numbers you usually give on -- during the hot
(18) summer when those chemical reactions are
(19) going to occur, because otherwise, there's no
(20) way for someone like me --
(21) THE CHAIRPERSON: Yes.
(22) MR. HALPERN: -- who doesn't
(23) have a lot of information, anyway, who isn't
(24) an expert, to even judge what the levels of
(25) that ozone would be.

(1) I can hear that you -- in
(2) fact, you're below the secondary NAAQS, but I
(3) don't have any numbers. So if you have
(4) numbers, tell me where they are or --
(5) THE WITNESS (Sellars): Sure.
(6) Very good question. Ozone is not directly
(7) emitted by the plant.
(8) MR. HALPERN: Right, I
(9) understand.
(10) THE WITNESS (Sellars): And
(11) it's also a regional scale pollutant.
(12) MR. HALPERN: Well, they all
(13) are --
(14) THE CHAIRPERSON: Your job is
(15) to ask questions and you may not like the
(16) answers, but that's what the process is.
(17) Okay.
(18) THE WITNESS (Sellars): In our
(19) air application and in the air regulations,
(20) pollutants really occur and have impacts at
(21) three levels:
(22) There's local pollutants,
(23) which are what is modeled in the dispersion
(24) modeling analysis, so they would have a
(25) localized impact, so that would be nitrogen

(1) dioxide directly, MP 2.5, carbon monoxide.
(2) There are regional pollutants,
(3) and these are pollutants that have a broad
(4) effect. And in that the sources of the
(5) precursor pollutants that form ozone do not
(6) occur typically within miles and miles of
(7) where the ozone from those sources actually
(8) is -- is found.
(9) Then there are global
(10) pollutants, and that would be greenhouse
(11) gases. But it really doesn't matter whether
(12) the CO2 is emitted in Oxford or Peru. It's
(13) the global concentration of CO2 that's going
(14) to impact climate change, and this is what
(15) has to be looked at. There's no local effect
(16) of CO2, as far as we can tell.
(17) The entire Northeast region is
(18) nonattainment for ozone, as we discussed
(19) before. Where the precursor are for that are
(20) across the same broad area. So chemical
(21) modeling, which there's been quite a bit
(22) of -- it's a photochemical reaction. So what
(23) does "photochemical" mean? So it's not
(24) enough just to have the NOx and VOC emissions
(25) in the air. Then there has to be strong

(1) sunlight. That's why in the middle of the
(2) summer on a real sunny, hot day is where we
(3) have elevated levels of ozone.
(4) We don't tend to have ozone
(5) problems in winter or rainy days, so it's
(6) really all of those hot summer days.
(7) Whenever we've done photochemical modeling,
(8) the impact of the single source is completely
(9) insignificant to what happens in the
(10) reaction, because we're talking about
(11) hundreds of -- tens to hundreds of thousands
(12) of times of NOx and VOC over a broad area.
(13) So it's just too insensitive
(14) for a single source to move the needle at all
(15) in terms of what the ozone level is going to
(16) be. No single source is large enough by
(17) itself to affect the concentration of ozone
(18) even one one-hundredths of a microgram per
(19) cubic meter.
(20) Now, because the area is not
(21) attainment for ozone and because ozone is a
(22) regional pollutant, a new applicant, such as
(23) CPV Towantic, is required to get offset of
(24) those in a ratio greater than its actual
(25) emission, so it's 1.2 to 1.

(1) MR. HALPERN: Right.
(2) THE WITNESS (Sellars): And
(3) you get those offsets either in the same
(4) nonattainment area or an adjacent
(5) nonattainment area that contributes to ozone
(6) levels in the nonattainment area in which the
(7) source is settled.
(8) So just like the amount of NOx
(9) that's admitted by this plant is not going to
(10) be a measurable effect on the ozone levels,
(11) quite honestly, the amount of benefit of
(12) those offsets is not either. The numbers are
(13) just way too small to affect the ozone
(14) concentrations at all.
(15) Now, in addition to comparing
(16) secondary and ambient air quality standards,
(17) we did an oil and vegetation assessment,
(18) Exhibit 1, as well that looks specifically at
(19) screening concentration levels the EPA has
(20) published based on the literature of
(21) sensitive vegetation, and go through that
(22) process to demonstrate that all of the
(23) project's projected impacts of SO2, NO2,
(24) CO -- all of the things that we can model --
(25) are going to be below the screening level.

(1) If they're above the screening level, we'll
(2) have to do a more detailed analysis.
(3) Similar to that, we look at the
(4) impact on soils, because what would be taken
(5) from the soils into the plant would affect
(6) the vegetation as well. So our air permit
(7) application would include that vegetation
(8) screening analysis as well.
(9) THE CHAIRPERSON: Okay?
(10) THE WITNESS (Sellars): Does
(11) that answer your question?
(12) MR. HALPERN: Well, yes, I
(13) mean, it's what most -- yes.
(14) What you're telling me is that
(15) the amount of NOx that on a hot summer day
(16) can be photochemically changed into ozone is
(17) so insignificant that it will not increase
(18) the ambient ozone layer, so levels that we
(19) receive from -- that are regional --in other
(20) words, they're not going to increase them at
(21) all significantly, so that -- so that the --
(22) the EPA or the DEEP or whatever does -- they
(23) don't even have to look at them because the
(24) numbers are so low.
(25) And I don't understand how

(1) someone like myself then is supposed to
(2) understand that. Or I would still love to
(3) see your numbers, I guess is what I'm saying.
(4) THE WITNESS (Sellars): Well,
(5) we have our emissions --
(6) MR. HALPERN: But you don't
(7) have ozone on --
(8) THE WITNESS (Sellars): We
(9) don't emit ozone directly.
(10) MR. HALPERN: I know that, but
(11) you don't have any predictions of what it
(12) would be, and there must be -- there must be
(13) modeling out there.
(14) THE WITNESS (Sellars): There
(15) is photochemical modeling in one.
(16) MR. HALPERN: Right.
(17) THE WITNESS (Sellars): What
(18) one would do is sort of ratio your emissions
(19) with the total ASHED'S emissions, and what
(20) I'm saying is that number is so insignificant
(21) it --
(22) THE WITNESS (Greysock):
(23) Insignificant.
(24) THE WITNESS (Sellars):
(25) Insignificant it would be --

(1) MR. HALPERN: I know, I know.
(2) I'd love to see them.
(3) THE CHAIRPERSON: You'd love
(4) to see it, but he doesn't have it.
(5) THE WITNESS (Sellars): We
(6) don't do any modeling for our single source
(7) for ozone.
(8) THE CHAIRPERSON: Go on with
(9) your next question.
(10) MR. HALPERN: Because it's not
(11) required?
(12) THE WITNESS (Sellars): It's
(13) because it would come out to be zero. It
(14) would be no -- it would be too small for the
(15) model to look at a single source.
(16) You have to remove thousands
(17) of tons a year. You have to remove thousands
(18) and thousands of tons a year to have any
(19) benefit at all. That's why ozone has been a
(20) nonattainable pollutant since they started
(21) measuring pollutants. It's why it's such a
(22) pervasive standard.
(23) MR. HALPERN: I know --
(24) THE WITNESS (Sellars): Plus,
(25) the other way to look at it, in addition to

(1) our -- our direct offsets, is plants like
(2) this plant displace the operation of less
(3) efficient units.
(4) MR. HALPERN: Let's hope.
(5) Let's hope.
(6) THE WITNESS (Sellars): And
(7) we've done an analysis of that. We can tell
(8) you by the year 2018 on a regional basis,
(9) there would be 466 tons per year less NOx
(10) emitted over the entire region. And by 2020,
(11) 280 tons a year less. So again, those sound
(12) like big numbers, but those aren't going to
(13) solve the ozone problem either.
(14) MR. HALPERN: Uh-huh. Uh-huh.
(15) Thank you.
(16) My next question has to do
(17) with data collection, and I had asked in an
(18) interrogatory if you would be willing to --
(19) what about the idea of putting in air
(20) monitors not just at Westover but a number of
(21) schools of varying distances as an
(22) educational gesture to help schools
(23) understand your quality.
(24) And I understand your answer,
(25) which was it's very difficult because your

(1) levels are so low, it's very difficult to
(2) determine how your levels will even impact
(3) ambient -- already the ambient levels in our
(4) atmosphere, and I think I understand that.
(5) My -- again, my focus is on
(6) local rather than regional, rather than the
(7) regional NAAQS. So I'm -- and unless I'm
(8) reading your tables all wrong, which is
(9) completely possible, your emission in -- for
(10) a few factors, you're over the SIL,
(11) significant impact level, which I know is
(12) just a number --
(13) THE CHAIRPERSON: Can you get
(14) to the question?
(15) MR. HALPERN: So it gets us
(16) close to compliant, enough to get offsets?
(17) THE CHAIRPERSON: Excuse me.
(18) Can we -- can we --
(19) MR. HALPERN: So my question
(20) is -- and I am saying this verbally, because
(21) I really would love it, if there's a way to
(22) put it to monitors -- and maybe we're going
(23) to talk about it afterwards -- or connect us
(24) digitally with data that's being taken at the
(25) plant for ongoing levels of different

(1) criteria plumes?
(2) THE WITNESS (Donovan):
(3) It's -- we actually monitor continuously a
(4) lot of the major pollutants, including NOx.
(5) MR. HALPERN: The criteria?
(6) THE WITNESS (Donovan): CO, so
(7) what we do is we monitor that and we have to
(8) report it to the state.
(9) MR. HALPERN: Now, you said
(10) quarterly. How often do you have to do that,
(11) quarterly? Is that it?
(12) THE WITNESS (Sellars): Well,
(13) the measurements are taken continuously.
(14) MR. HALPERN: Continuous?
(15) THE WITNESS (Sellars): But we
(16) have to file a report.
(17) THE WITNESS (Bazinet): Right,
(18) quarterly. Quarterly.
(19) MR. HALPERN: But I'm
(20) wondering if that would be a system that you
(21) would be able to share then for educational
(22) reasons with our -- you know, whether we're
(23) teaching environmental science --
(24) THE WITNESS (Bazinet): It's a
(25) public document. It's filed with DEEP.

(1) MR. HALPERN: So continuously
(2) we can go on the site and find your levels?
(3) THE WITNESS (Bazinet): Every
(4) quarter you'll be able to go on the site --
(5) MR. SMALL: Please let the
(6) witness answer the question. Thank you.
(7) THE WITNESS (Bazinet): Every
(8) quarter you'll be able to ask the DEEP for
(9) information related to the continuous
(10) emissions monitoring system of CPV Towantic,
(11) the project. So that will have data that
(12) shows continuous recording of information for
(13) the prior period.
(14) MR. HALPERN: For the prior
(15) period. So there's nothing we could do at
(16) the moment.
(17) THE CHAIRPERSON: Nothing we
(18) can do --
(19) MR. HALPERN: Thank you.
(20) THE CHAIRPERSON: Thank you.
(21) MR. HALPERN: Thank you.
(22) THE CHAIRPERSON: Westover
(23) Hill Subdivision?
(24) MR. CORNACCHIA: I'd like to
(25) defer my questions to Thursday, questions

(1) directed at Mr. Gustafson.
(2) THE CHAIRPERSON: Specifically
(3) at Mr. Gustafson?
(4) MR. CORNACCHIA: Yes, please.
(5) THE CHAIRPERSON: I ask
(6) everybody who has asked for that, we're only
(7) going to accept Thursday questions directed
(8) specifically at Mr. Gustafson.
(9) MR. CORNACCHIA: I would
(10) appreciate that. Thank you.
(11) THE CHAIRPERSON: Okay.
(12) Ms. Larkin.
(13) MS. LARKIN: Do you know how
(14) long the gas supply is going to last for --
(15) that's going to be feeding this pipeline from
(16) Pennsylvania, which is directly related to
(17) the fuel you're using, how many -- the gas is
(18) going to be around for how many years?
(19) THE WITNESS (Bazinet): I -- I
(20) imagine there's a lot of publicly available
(21) data on gas -- domestic gas supplies, but gas
(22) that is -- the gas that's transported on
(23) interstate pipelines can come from a number
(24) of different sources, including shale
(25) resources in Pennsylvania as well as Gulf

(1) gas.
(2) MS. LARKIN: That's what I
(3) mean. How long is that shale gas going to
(4) last?
(5) THE WITNESS (Donovan): It's a
(6) national pipeline, so it's -- it's not just
(7) Pennsylvania. It could be from the Gulf of
(8) Mexico.
(9) MS. LARKIN: Linked beyond
(10) Pennsylvania?
(11) THE WITNESS (Donovan): Yes.
(12) MS. LARKIN: Start in
(13) Pennsylvania?
(14) THE WITNESS (Donovan): No.
(15) THE CHAIRPERSON: If you know
(16) the answer, she asked how long it's going to
(17) last, and if you don't know the answer --
(18) THE WITNESS (Bazinet): I
(19) would say research that on the Internet.
(20) That's --
(21) MS. LARKIN: Well, I
(22) understand there's a -- there's a perception
(23) of something like 30 years out of
(24) Pennsylvania, anyway.
(25) Would that not reduce the

(1) amount of fuel in those lines if Pennsylvania
(2) ran out in 30 years and your plant ran for
(3) 60?
(4) THE WITNESS (Bazinet): The --
(5) I don't know what source you're citing. But
(6) the pipelines that we're going to be tying in
(7) to transport gas from a number of different
(8) sources, Canadian gas, gulf gas, Pennsylvania
(9) shale formation gas. There are a number of
(10) different sources that natural gas is
(11) transported.
(12) MS. LARKIN: Understanding the
(13) Spectra line only goes one direction,
(14) everything goes to Boston -- sorry, Everett,
(15) Massachusetts?
(16) THE WITNESS (Bazinet): Ties
(17) up at Brookfield, which is directly upstream
(18) of the CPV Towantic.
(19) MS. LARKIN: Iroquois comes
(20) from --
(21) THE WITNESS (Bazinet): Canada.
(22) MS. LARKIN: North of it?
(23) THE WITNESS (Bazinet): The
(24) line runs south from Canada.
(25) MS. LARKIN: To?

(1) THE WITNESS (Bazinet):
(2) Brookfield.
(3) MS. LARKIN: Brookfield,
(4) Connecticut.
(5) I was told by Spectra all
(6) their lines went north. So if something
(7) comes into it north of Towantic, then it
(8) can't get to the site.
(9) THE CHAIRPERSON: You've
(10) gotten the answer.
(11) MS. LARKIN: Sound right?
(12) THE WITNESS (Bazinet): If
(13) you -- I encourage you to look on an
(14) interstate natural gas pipeline map on the
(15) Internet, and you'll see pretty readily that
(16) there are a number of different supply
(17) sources coming from a number of different
(18) directions, Iroquois being one of them, that
(19) ties into the gas compression station in
(20) Brookfield, Connecticut, from Canada, as well
(21) as Gulf gas, as well as shale gas.
(22) MS. LARKIN: So you've never
(23) heard anything about the fact that the gas is
(24) actually going to last 8 to 12 years, and
(25) these wells are touted to be 30-year wells,

(1) but they're really only 8 to 12 years?
(2) You've never heard that?
(3) THE WITNESS (Bazinet): I
(4) mean, I think we've answered this question.
(5) The wells that you're referring to you
(6) haven't named, I guess, number one.
(7) But, number two, there could
(8) be wells in a number of different locations,
(9) including the Gulf, Pennsylvania, Canada, all
(10) of which are providing gas to the Towantic
(11) system.
(12) MS. LARKIN: Is the larger
(13) question, are these all fracking? That's all
(14) fracking sources. Right? That's how you get
(15) it. Right?
(16) THE WITNESS (Bazinet): I
(17) believe -- I believe fracking is only used
(18) for shale formation gas. I'm not sure what
(19) the technology is for conventional gas
(20) exploration in the Gulf.
(21) MS. LARKIN: So you don't know
(22) the ratio, fracking versus the other, because
(23) that would make a difference to you. And
(24) fracking, as you know, is -- has got a lot of
(25) pollutants and a lot of problems and health

(1) issues.
(2) MR. SMALL: I'm going to
(3) object. A, Ms. Larkin is attempting to
(4) testify; and B, I think we're getting well
(5) beyond the scope of this proceeding.
(6) MS. LARKIN: Just saying
(7) there's going to be --
(8) MR. SMALL: Can you please let
(9) the Chairman rule on my objection before you
(10) speak?
(11) THE CHAIRPERSON: Please
(12) just -- you're here to ask questions. You've
(13) not here to make statements. I know I've
(14) been pretty lenient with most of the
(15) witnesses --
(16) MS. LARKIN: If the gas supply
(17) got reduced in some manner, could you tell me
(18) what you would do in a longer term than 52
(19) hours? What would you do then?
(20) THE WITNESS (Bazinet): 52
(21) hours that you're referring to is oil-fired
(22) operation?
(23) MS. LARKIN: Yes, what would
(24) you -- right. So if you went through your 52
(25) hours, what would happen next? You just

(1) keep -- I'm tired. There's no oxygen in
(2) here.
(3) THE WITNESS (Bazinet): I'm
(4) sorry. I'm not following the question.
(5) MS. LARKIN: I'm saying if you
(6) have to run on oil for longer than 52 and
(7) when -- when the -- when the 512 plant was
(8) actually approved, it was nine trucks an
(9) hour, okay, and they were coming from New
(10) Haven Harbor, coming up Route 8 and going on
(11) back roads, and it was always for 24-hour
(12) backup. It was not 52-hour backup. So those
(13) are differences from what -- from 512 to the
(14) 805. So I'm saying, you have to get the
(15) water. You've got to get the oil -- the
(16) gas -- I mean, the oil is -- you run past --
(17) it's going to be quite a challenge. And if
(18) the gas is -- can curtail for longer than you
(19) think? Are we going to be having --
(20) THE CHAIRPERSON: I think they
(21) answered the question that if they can't get
(22) either the water or oil after a certain
(23) period of time, they're going to have to shut
(24) down the plant. They said that more than
(25) once, so --

(1) MS. LARKIN: So other
(2) gas-fired plants would shut down, too, and it
(3) would just be a snowball, okay.
(4) I know you said the
(5) meteorological data has to come from Dan
(6) Bauer now from, the DEEP, but can you -- can
(7) you not use the 1999 meteorological data? I
(8) mean, as the weather change -- no -- can you
(9) not use that? Because that was from -- that
(10) was done from Oxford.
(11) THE WITNESS (Sellars):
(12) Actually not. The meteorological data that
(13) was used in the 1999 study was from Hartford.
(14) MS. LARKIN: Oh, weird.
(15) THE WITNESS (Sellars): The
(16) Connecticut DEEP specifies which
(17) meteorological dataset we are to use in the
(18) modeling, and they selected the Danbury
(19) dataset.
(20) The -- the Oxford data are
(21) not -- not suitable for modeling because
(22) they're not -- they miss all of the very,
(23) very low wind speeds, the very conditions
(24) that cause the highest predicted impacts.
(25) MS. LARKIN: Right.

(1) THE WITNESS (Sellars): So
(2) they don't -- the anemometers don't kick in
(3) at a low enough rate. So the DEEP said the
(4) use of the Oxford data would not be
(5) conservative enough. It would yield
(6) higher -- it would yield lower concentrations
(7) and because of the higher wind speeds.
(8) So DEEP instructed us to use
(9) the data from Hartford and, in fact, provided
(10) with specific dataset we were to use.
(11) MS. LARKIN: Can -- can we not
(12) get local data now to deal with wind speeds
(13) less than seven miles an hour for the PM 2.5?
(14) THE WITNESS (Sellars): If we
(15) wanted to delay the proceeding another five
(16) years, we could come up with a --
(17) MS. LARKIN: Why five years?
(18) THE WITNESS (Sellars): That's
(19) how many years of data we're required to use
(20) in a meteorological model. Five years of
(21) hourly meteorological data.
(22) MS. LARKIN: Well, I think --
(23) THE WITNESS (Sellars): So if
(24) we were to use -- to develop a new on-site
(25) dataset, we could probably get away with one

(1) year of on-site data, but it would take two
(2) years in order to collect. Plus with the
(3) data that we've used, the DEEP instructed us
(4) to use that because they believe it's
(5) adequately representative and conservative
(6) and is going to yield conservative results
(7) and provide assurance of a demonstration of
(8) compliance with the air quality standards.
(9) MS. LARKIN: So you're talking
(10) about actually measuring. I'm saying
(11) modeling.
(12) THE CHAIRPERSON: Excuse me.
(13) We went through this exact same discussion --
(14) MS. LARKIN: It's a problem.
(15) THE CHAIRPERSON: -- actually
(16) today.
(17) MS. LARKIN: I know.
(18) THE CHAIRPERSON: So it's not
(19) that long ago, and you're just going over --
(20) DEEP has stated this is what they have to
(21) use.
(22) MS. LARKIN: Well, we have
(23) evidence from Dr. David Brown, who is a
(24) toxicology from the State of Connecticut, and
(25) he said --

(1) MR. SMALL: Objection. We
(2) went through Dr. Brown. He's not a witness
(3) in this case.
(4) MS. LARKIN: I tell you we
(5) have a huge problem and it's a health
(6) problem. You better address it.
(7) THE CHAIRPERSON: Thank you.
(8) Quassy Amusement Park? Oxford
(9) Flying Club?
(10) Sorry, Mr. Stevens, to make
(11) you --
(12) MR. STEVENS: I'm sure you all
(13) are going to like to see me come up here
(14) because I'm the last one, and I'm sure you'll
(15) all like to see me leave because I'm the last
(16) one, and you'll be able to leave then.
(17) THE CHAIRPERSON: Certainly
(18) not going to put it on you that we've been
(19) here until 5:15. I think there's other
(20) people, some of whom have already left, who
(21) are responsible.
(22) MR. STEVENS: Obviously I'm
(23) here to address mostly aviation-related
(24) questions, but Mr. Pietrorazio and Ms. Larkin
(25) did raise one point -- one nonaviation point

(1) that I would like to -- to follow up on, if I
(2) may.
(3) And just for the record, I
(4) would like to state that I did own and run a
(5) retail petroleum business for years, and I
(6) served on the Connecticut Energy Advisory
(7) Board.
(8) MR. SMALL: Wait --
(9) MR. STEVENS: I'm just
(10) prefacing, just one question.
(11) THE CHAIRPERSON: I'll let
(12) him -- give you a few more seconds, go ahead.
(13) MR. STEVENS: Thank you.
(14) And I served on the
(15) Connecticut Advisory Board with a former
(16) chair of this Council, and the former chair
(17) of the DPUC. Having said that, I've driven a
(18) lot of fuel oil trucks. And the question I
(19) have is, when you're running fuel oil, you're
(20) going to be running -- I did the calculation.
(21) You're going to be running a lot of fuel oil
(22) trucks when you have to run on oil, and
(23) you're running low-distillate -- low -- ultra
(24) low sulfur distillate. Is that now
(25) considered Number 2 oil?

(1) THE WITNESS (Bazinet): I'm
(2) not sure of the exact designation.
(3) THE WITNESS (Sellars): 15
(4) parts per million sulfurate, so there are a
(5) number of different blends of Number 2 oil
(6) based on the sulfur content, but all -- all
(7) Number 2 oil is not ultra-low sulfur.
(8) MR. STEVENS: Okay.
(9) Do you know if any number --
(10) I'm actually -- I'm looking for the weight of
(11) the oil, the weight of -- you know, how many
(12) gallons you can put in a truck and how much
(13) the trucks are going to weigh. That's my
(14) concern.
(15) My concern is you're going to
(16) have a truck that's 80,000 pounds running
(17) over back roads to get to your -- to your
(18) site, and -- and I think that --
(19) THE CHAIRPERSON: So do you
(20) have an answer to the question as far as the
(21) weight?
(22) THE WITNESS (Sellars): It's
(23) similar to Number 2 oil, we would say.
(24) MR. STEVENS: Okay. Thank
(25) you.

(1) So it's approximately, you
(2) know, six and a half pounds per gallon.
(3) And you're going to be
(4) running, you know, upwards of 8,000 gallons
(5) at a time, so you're going to be running
(6) trucks that are 80,000 pounds. Trucks that
(7) are 80,000 pounds, you know, what is it going
(8) to do to the roads?
(9) THE WITNESS (Bazinet): So I'm
(10) not familiar with the weight of the truck
(11) itself.
(12) MR. STEVENS: That's the max
(13) gross vehicle weight that a truck can have in
(14) Connecticut.
(15) THE WITNESS (Bazinet): The
(16) trucks we're contemplating are transporting
(17) roughly 7500 gallons per truck.
(18) MR. STEVENS: That would --
(19) so -- so -- so have you done any mitigating
(20) studies to -- for the roads that you're going
(21) to be running over?
(22) THE WITNESS (Bazinet): So
(23) those trucks aren't going to be coming
(24) continuously, so the -- the data that we
(25) looked at to understand sort of how many

(1) hours of continuous oil-fired operation we
(2) could support is premised on having 1.5
(3) million gallons of oil storage on site, which
(4) is more -- if we start delivering oil within
(5) business hours at four trucks per hour during
(6) business hours only to sustain, it's roughly
(7) three full days of operation.
(8) But, as you know, we're
(9) constrained on the water side, so we're going
(10) to run out of water before we run out of oil
(11) if we were to implement that refilling
(12) strategy plan.
(13) So that's between the
(14) business -- between daylight hours. If you
(15) will, I believe it's 7:00 to 6:00 p.m. is
(16) what we looked at, four trucks an hour during
(17) that time period. We could sustain up to 68
(18) hours of continuous oil-fired operation.
(19) MR. STEVENS: Okay.
(20) THE WITNESS (Bazinet): That
(21) won't happen because we're limited on water.
(22) MR. STEVENS: On water.
(23) So you're referring to only
(24) the -- the oil trucks, those numbers of oil
(25) trucks. You -- the water trucks are going to

(1) be above that. Are you going to be bringing
(2) in water at all?
(3) THE WITNESS (Bazinet): We
(4) don't have any water trucks.
(5) MR. STEVENS: Okay. So you're
(6) going to be -- all right. I understand.
(7) Great. Thank you. And thank you for -- for
(8) that divergence, if you would.
(9) The remainder of my questions
(10) will be aviation-related. And to that end,
(11) thank you, Mr. Pittman, for coming up from
(12) Florida. Appreciate it. I'll be going down
(13) to Florida next week.
(14) THE WITNESS (Pittman): It
(15) will be warmer.
(16) MR. STEVENS: Let's hope.
(17) I am very impressed with
(18) your -- with your CV, which I have right
(19) here. I do note that you have an
(20) undergraduate degree in electrical
(21) engineering from the University of Florida in
(22) 1971, and then you went on to NASA School --
(23) Is that sort of like rocket
(24) school?
(25) THE WITNESS (Pittman): I

(1) suppose.
(2) MR. STEVENS: From 1971 to
(3) 1972. Did you get an advanced degree there?
(4) THE WITNESS (Pittman): No,
(5) but I did fly the simulators.
(6) MR. STEVENS: Perfect. Did
(7) you land them?
(8) THE WITNESS (Pittman): We ran
(9) out of gas.
(10) MR. STEVENS: There you go.
(11) And then you went to school -- the FAA
(12) Academy, for three years? Did you get an
(13) advanced degree there?
(14) THE WITNESS (Pittman): I
(15) have -- they don't give us degrees. What it
(16) is is, you have training and then you
(17) practice that. So my training is in both
(18) aviation systems, such as VORs, lights, RCL
(19) equipment, communication, air traffic
(20) controllers.
(21) THE CHAIRPERSON: Whose phone
(22) is that?
(23) THE WITNESS (Pittman): And
(24) I've been to the OAAA, which is obstacle
(25) valuation and turf school.

(1) MR. STEVENS: Okay. And I
(2) also note you've worked for the FAA, worked
(3) and retired from the FAA. You worked for 23
(4) years --
(5) THE WITNESS (Pittman):
(6) Twenty-eight, I was.
(7) MR. STEVENS: Twenty-eight.
(8) My math is horrible. Whatever, okay, 28,
(9) from 1975 to 1977.
(10) THE WITNESS (Pittman): Well,
(11) I was counting my full federal service for 28
(12) and a half.
(13) MR. STEVENS: Okay. All
(14) right. And you retired in 1997?
(15) THE WITNESS (Pittman): I
(16) think it was, yes, the end of the year 1997.
(17) MR. STEVENS: It shows that
(18) you're the director of engineering --
(19) THE WITNESS (Pittman): 1997.
(20) The last day of the last year, '97, yes.
(21) MR. STEVENS: Okay. And do
(22) you have a pilot's license?
(23) THE WITNESS (Pittman): No, I
(24) do not. But to be an air traffic controller
(25) or an obstacle evaluation specialist or TERPS

(1) designer, you, don't need to be a pilot.
(2) MR. STEVENS: Okay. I agree
(3) with that. Are a lot of air traffic
(4) controllers pilots?
(5) THE WITNESS (Pittman): I
(6) would say not.
(7) MR. STEVENS: What percentage
(8) would you say?
(9) THE WITNESS (Pittman): I have
(10) no idea, but I would say --
(11) THE CHAIRPERSON: Excuse me.
(12) Sir, the relevance?
(13) MR. STEVENS: Okay. That's
(14) fine. So you are not a pilot?
(15) THE WITNESS (Pittman): That's
(16) correct.
(17) MR. STEVENS: Okay.
(18) Ms. Greysock, are you a pilot?
(19) THE WITNESS (Greysock): I am
(20) not.
(21) MR. STEVENS: Are there any
(22) pilots that are representing you today?
(23) THE WITNESS (Bazinet):
(24) Representing the applicant? No.
(25) MR. STEVENS: Okay. Thank

(1) you.
(2) THE WITNESS (Bazinet): Let me
(3) correct that. We do have a recreational
(4) pilot on board, Curt Jones is a pilot.
(5) THE WITNESS (Jones): Past,
(6) past.
(7) THE WITNESS (Bazinet): Was a
(8) past pilot.
(9) MR. STEVENS: I know Curt.
(10) Would he speak as an expert in
(11) flying?
(12) THE WITNESS (Bazinet): No,
(13) you have our expert witness for flying.
(14) MR. STEVENS: Okay, all right.
(15) You have two nonpilots that are your experts
(16) for flying?
(17) THE WITNESS (Bazinet): With
(18) respect to aeronautical evaluation, correct.
(19) MR. STEVENS: Thank you.
(20) Mr. Pittman, did you visit the
(21) site?
(22) THE WITNESS (Pittman): No.
(23) MR. STEVENS: Did you visit
(24) Oxford Airport?
(25) THE WITNESS (Pittman): No.

(1) MR. STEVENS: Ms. Greysock, I
(2) know you visited the site. Did you visit
(3) Oxford Airport?
(4) THE WITNESS (Greysock): Yes.
(5) MR. STEVENS: You did.
(6) Mr. Pittman, what are the Part
(7) 91.155 regulations for VFR minimums, weather
(8) minimums from clouds?
(9) THE WITNESS (Pittman): I
(10) believe it's 2,000 feet horizontal distance.
(11) MR. STEVENS: Okay. And you
(12) reference a Cessna 172 as a light sport
(13) aircraft. Is it a light sport aircraft?
(14) THE WITNESS (Pittman): Yes.
(15) MR. STEVENS: What is the
(16) definition of a light sport aircraft? What
(17) is the maximum gross takeoff weight of a
(18) light sport aircraft?
(19) THE WITNESS (Pittman): I
(20) don't know the answer.
(21) MR. STEVENS: You're an
(22) aviation expert?
(23) THE WITNESS (Pittman): Yes.
(24) MR. STEVENS: And you don't
(25) know the maximum gross weight of a light

(1) support aircraft?
(2) THE WITNESS (Pittman): I said
(3) I did not know.
(4) MR. STEVENS: Okay. What is
(5) the maximum gross takeoff weight of a
(6) Cessna 1723?
(7) THE WITNESS (Pittman): I can
(8) look that up.
(9) MR. STEVENS: Would you,
(10) please?
(11) THE WITNESS (Pittman): I
(12) believe in my analysis I used a Cessna 162,
(13) and --
(14) MR. STEVENS: Did you provide
(15) that to the Council?
(16) MR. SMALL: I believe we
(17) provided it in a read-in.
(18) MR. STEVENS: My records -- so
(19) you provided information on 172?
(20) THE WITNESS (Pittman): I
(21) don't have the specific performance of a 172,
(22) and I don't have a weight here of the -- of
(23) the specifics for a 162. But a 162 would be
(24) considered, according to the information I
(25) gathered, would be -- would be a -- it would

(1) be a light sport aircraft.
(2) MR. STEVENS: I draw your
(3) attention to page 2 of Additional FAA
(4) Information, Number 1. The bottom of page 1
(5) and the top of page 2.
(6) THE WITNESS (Pittman): I
(7) believe that deals with the speed of the
(8) aircraft.
(9) MR. STEVENS: What aircraft?
(10) THE WITNESS (Pittman): The
(11) 172.
(12) MR. STEVENS: So is it the 172
(13) or the 162 -- what's the difference between a
(14) 162 and 172?
(15) MR. ASHTON: Ten.
(16) MR. STEVENS: You don't know,
(17) okay.
(18) THE WITNESS (Pittman): It
(19) would be -- the age of the aircraft would be
(20) one. Sixty-two comes before 72.
(21) MR. STEVENS: Are you sure --
(22) are you sure that that's correct?
(23) THE WITNESS (Pittman): The
(24) specifics between the two aircraft I am not
(25) familiar with.

(1) MR. STEVENS: Okay. And you
(2) don't know the maximum gross weight of 162 or
(3) 172?
(4) MR. SMALL: Asked and
(5) answered. I understand that --
(6) MR. ASHTON: Three times.
(7) MR. STEVENS: What is the
(8) gross weight of -- that MITRE used in their
(9) modeling?
(10) THE WITNESS (Pittman): I read
(11) that, but I don't quite remember what it is.
(12) I don't know. I think it's 8,000 pounds, but
(13) I can't be sure.
(14) MR. STEVENS: I'd like the
(15) Council to note that he said 8,000 pounds for
(16) the --
(17) THE WITNESS (Pittman): I'd
(18) like to correct that to 2750.
(19) MR. STEVENS: So you're going
(20) from 8,000 pounds to 2750?
(21) THE WITNESS (Pittman): I did
(22) say I didn't recall; did I not?
(23) MR. STEVENS: Yes, yes, you
(24) did. And how does that compare -- how does
(25) Navion compare to either a 162 or 172? Is it

(1) heavier or lighter?
(2) THE WITNESS (Pittman): The
(3) Navion --
(4) MR. STEVENS: Navion, which
(5) you corrected to say was 2750 pounds.
(6) THE WITNESS (Pittman): The
(7) Navion is lighter than the Cessna.
(8) MR. STEVENS: It's lighter
(9) than the Cessna. So the max gross takeoff
(10) weight of a Navion is lighter than a Cessna
(11) 172 or 162?
(12) THE WITNESS (Pittman): Okay.
(13) A Cessna 162 is 1320 pounds.
(14) MR. STEVENS: And a 172?
(15) MR. SMALL: Is there -- I
(16) mean -- can I just --
(17) MR. STEVENS: Yes.
(18) MR. SMALL: Can I just ask
(19) where we're going?
(20) MR. STEVENS: There is a very
(21) significant -- there are two things that are
(22) going on.
(23) MR. SMALL: Can we get to the
(24) point?
(25) MR. STEVENS: Sure.

(1) THE WITNESS (Pittman): 172 is
(2) 2550.
(3) MR. STEVENS: Okay. And a
(4) Navion is 2750?
(5) THE WITNESS (Pittman): Yes.
(6) MR. STEVENS: So Navion is
(7) heavier than a 172 and heavier than a 162,
(8) and the 162 is a light sport aircraft,
(9) correct?
(10) THE WITNESS (Pittman): Yes.
(11) MR. STEVENS: Okay. The
(12) difference -- we talked before about an
(13) 80,000-pound truck. What is the weight of a
(14) Global Express -- the type of plane that
(15) Ms. Larkin --
(16) MR. SMALL: Objection. I just
(17) don't --
(18) MR. STEVENS: Excuse me --
(19) MR. SMALL: Excuse me. Before
(20) you -- let me make my point. The Chairman
(21) will rule.
(22) My objection is we're going
(23) through the gross weights of all these
(24) different planes. It doesn't seem like it's
(25) leading anywhere or at least leading anywhere

(1) soon. So on that basis, we object.
(2) MR. STEVENS: Mr. Chair, it is
(3) leading to a very fundamental difference
(4) between aircraft that I think is critically
(5) important for this Council to understand.
(6) We're looking at aircraft that
(7) are compared to a smart car versus aircraft
(8) that are compared to a 1950 Packard versus
(9) aircraft that are compared to an 80,000-pound
(10) truck. They are very significantly different
(11) that are affected differently by these
(12) exhaust plumes.
(13) I did state in my testimony --
(14) and, you know, Mr. Small was very quick to
(15) pick up, that I don't have a problem with the
(16) height of the stacks. But I have a crucial
(17) issue with the exhaust plumes, and I have
(18) stated that the exhaust plumes are not going
(19) affect a Global Express, which is 99,000.
(20) And it will affect a Cessna 172, which
(21) Mr. Pittman finally found out by Googling the
(22) number, is 2550 pounds, found out that a
(23) Cessna 162 is under 1320 pounds.
(24) It's like asking your
(25) 16-year-old kid to drive down the road in a

(1) smart car that weighs 1800 pounds or a 1950
(2) Packer that weighs 4,000 pounds. Which would
(3) you want him to do? Which is going to be
(4) more affected by wind? These are very
(5) critical reasons.
(6) THE CHAIRPERSON: Okay. I --
(7) I understand that, but let's get to the
(8) point. And if the witness for whatever
(9) reason cannot differentiate between the --
(10) MR. STEVENS: If he can't
(11) differentiate they should get a witness that
(12) can, your Honor -- sir. Sorry.
(13) THE CHAIRPERSON: Well, that's
(14) up to the -- we're here, so why don't we get
(15) to the issue that you're concerned about.
(16) And we've heard your concerns and we
(17) understand that, so --
(18) MR. STEVENS: Okay. On page
(19) 3 -- excuse me. I can go back.
(20) You state that the visible
(21) plumes will not impede the controller's line
(22) of sight. Can you expand on that a bit?
(23) THE WITNESS (Pittman): Well,
(24) if you're referring to a plume as a cloud,
(25) it's not.

(1) MR. STEVENS: When it's like
(2) this?
(3) THE WITNESS (Pittman):
(4) Doesn't matter.
(5) MR. STEVENS: Or when it's
(6) like this?
(7) THE WITNESS (Pittman):
(8) AC00-6A defines what clouds are. And that, a
(9) plume, is not defined as a cloud. Part 91
(10) doesn't make reference to plumes and its
(11) horizontal separation.
(12) MR. STEVENS: Are you
(13) suggesting that -- excuse me. Are you
(14) suggesting that a pilot can fly through a
(15) plume under VFR conditions?
(16) THE WITNESS (Pittman): I'm
(17) saying that there is no criteria that says he
(18) can't.
(19) MR. STEVENS: So a pilot can
(20) fly through that and be perfectly legal while
(21) staying in the traffic pattern at Oxford?
(22) THE WITNESS (Pittman): Yes.
(23) Was that a cloud or was that a plume?
(24) MR. STEVENS: That's a plume.
(25) MR. SMALL: Can I just ask you

(1) to clarify --
(2) MR. STEVENS: That's the Kleen
(3) Energy plume and this is your CPV Managed
(4) Power Generating plant in Athens, New York.
(5) And the only reason I ask this is the
(6) difference between -- but Mr. Pittman asked
(7) and answered the question and said that a VFR
(8) pilot can fly through the plume. He said
(9) it's perfectly legal to fly through the
(10) plume. Is it safe for a VFR pilot to fly
(11) through the plume?
(12) THE WITNESS (Pittman): There
(13) is nothing in the FAA criteria that says it's
(14) unsafe. And the experiments they did --
(15) MR. STEVENS: Is that from a
(16) pilot's point --
(17) MR. SMALL: Excuse me.
(18) THE WITNESS (Pittman): And
(19) the experiments they did in California,
(20) Nevada and one other place, where -- in any
(21) case, all three criteria when they're flying
(22) at traffic pattern altitude, they said there
(23) was no problem with doing -- in fact, they
(24) even said that a student pilot would have no
(25) problem flying through it.

(1) MR. STEVENS: Is that a
(2) student pilot who has been trained in
(3) instrument flying or a student pilot who has
(4) not been trained in --
(5) THE WITNESS (Pittman): I
(6) don't think they stipulated, but I don't
(7) think it mattered to them when they made that
(8) statement.
(9) MR. STEVENS: Wow.
(10) On page 31 of, again, your
(11) Additional FAA Information, you indicate that
(12) Runway 3-6 used 73 percent of the time and
(13) therefore would not be an issue. That's
(14) correct?
(15) THE WITNESS (Greysock):
(16) Seventy-three percent of the time was
(17) information that was from the Airport Noise
(18) Study that was published in October 2008,
(19) yes.
(20) MR. STEVENS: Okay. And what
(21) was your reference? What was your conclusion
(22) from that?
(23) THE WITNESS (Pittman): It
(24) goes beyond that. When you're establishing
(25) an ILS on a runway such as 3-6, that's the

(1) primary runway. The criteria for
(2) establishing that has to do with AIAs, so
(3) that tells us that that runway is the
(4) superior runway for approaches.
(5) MR. STEVENS: Why is it the
(6) superior runway?
(7) THE WITNESS (Pittman):
(8) Prevailing winds.
(9) MR. STEVENS: Okay. And you
(10) indicate that -- that consequently, airport
(11) procedures do not result in aircraft in the
(12) vicinity of the proposed stack when using
(13) Runway 3-6. Based on what criteria do you
(14) use that?
(15) THE WITNESS (Pittman): TERPS.
(16) MR. STEVENS: The TERPS.
(17) THE WITNESS (Pittman): TERPS
(18) criteria.
(19) If you're making an approach
(20) on 3-6, the impact is they're out of the
(21) trapezoid.
(22) THE CHAIRPERSON: Are TERPS
(23) for IFR or VFR flight?
(24) THE WITNESS (Pittman): IFR.
(25) MR. STEVENS: How about VFR

(1) flight?
(2) THE WITNESS (Pittman): If
(3) you're making a VFR flight, you're making a
(4) left-hand pattern, so therefore the distance
(5) that you're flying is west of the -- of the
(6) runway. Your downwind leg would be west.
(7) MR. STEVENS: Have you
(8) consulted with the controllers at Oxford?
(9) THE WITNESS (Pittman): No.
(10) MR. STEVENS: Are you familiar
(11) with the flight patterns at Oxford?
(12) THE WITNESS (Pittman): I'm
(13) familiar with the standard patterns that are
(14) associated --
(15) MR. STEVENS: Are you familiar
(16) with the specific --
(17) MR. SMALL: Excuse me.
(18) Again, Mr. Stevens, kindly let
(19) the witness answer your question before you
(20) comment or start another question.
(21) THE WITNESS (Pittman): The
(22) standard published traffic patterns for that
(23) airport is left, left 18 and 36.
(24) MR. STEVENS: And what are the
(25) local procedures for Runway 3-6 for VFR

(1) traffic remaining in the traffic pattern?
(2) THE WITNESS (Pittman): If
(3) it's under a controlled condition, I would
(4) suppose it's up to the controllers in the
(5) aircraft -- in the tower.
(6) MR. STEVENS: But you don't
(7) know the answer to that?
(8) THE WITNESS (Pittman): No, I
(9) don't.
(10) MR. STEVENS: Because you did
(11) not talk to the tower personnel?
(12) THE WITNESS (Pittman): No.
(13) MR. STEVENS: So you're not
(14) aware that they routinely have planes flying
(15) to the east of the airport?
(16) MR. SMALL: Objection. Again
(17) you're entering information as if you're the
(18) witness here. You are not.
(19) THE CHAIRPERSON: And that
(20) information has already been entered.
(21) MR. STEVENS: Are you aware of
(22) that?
(23) THE WITNESS (Pittman):
(24) They're flying to the east when they're
(25) making an one eight approach. They're flying

(1) to the east perhaps if they're circling to
(2) make an 18 landing.
(3) MR. STEVENS: So you're
(4) unaware of -- of what the local procedure is
(5) for traffic pattern flight when using
(6) Runway 3-6?
(7) MR. SMALL: I think that's
(8) been asked and answered.
(9) MR. STEVENS: Would you -- you
(10) make several points that the stacks, the
(11) proposed stacks, are not in a critical phase
(12) area; is that correct?
(13) THE WITNESS (Pittman):
(14) They're in the downwind lane.
(15) MR. STEVENS: And you indicate
(16) that you should remain at traffic pattern
(17) altitude until when?
(18) THE WITNESS (Pittman): Until
(19) abeam the runway end.
(20) MR. STEVENS: Abeam the runway
(21) end?
(22) THE WITNESS (Pittman): Yes.
(23) That's defined in AIM, and it's also in
(24) 7400.2K.
(25) MR. STEVENS: And define the

(1) runway end of a runway.
(2) THE WITNESS (Pittman): The
(3) end of pavement.
(4) MR. STEVENS: It just the end
(5) of pavement?
(6) THE WITNESS (Pittman): It can
(7) be. There's two -- there's different --
(8) there's different things. You can have a
(9) displaced threshold, but in this case,
(10) they're talking about the runway end. They
(11) don't mention displaced threshold in the AIM.
(12) Nor is it mentioned in 7400.
(13) MR. STEVENS: So you're saying
(14) it's the spot that's at the end of the
(15) runway?
(16) THE WITNESS (Pittman): Yes.
(17) MR. STEVENS: It's not a
(18) displaced threshold?
(19) THE WITNESS (Pittman): No.
(20) MR. STEVENS: It's not where
(21) you're going to touch down?
(22) THE WITNESS (Pittman): No.
(23) MR. STEVENS: It's not the
(24) first quarter of the runway?
(25) THE WITNESS (Pittman): No.

(1) MR. STEVENS: It's not the
(2) first third of the runway?
(3) THE WITNESS (Pittman): I
(4) think I made it clear. It's the end.
(5) MR. STEVENS: Have you ever
(6) taken any flight lessons?
(7) THE WITNESS (Pittman): No.
(8) MR. STEVENS: You indicate on
(9) page 3 that aircraft -- that good aviation
(10) practice requires Category A aircraft, which
(11) includes light sport, to fly approximately
(12) 1.25 nautical miles east of the runway in
(13) order to safely manage their approach. Is
(14) this VFR or IFR?
(15) THE WITNESS (Pittman): This
(16) would be VFR.
(17) MR. STEVENS: Okay. And where
(18) did you get that?
(19) THE WITNESS (Pittman): 7400.
(20) MR. STEVENS: Do you have a
(21) copy of 7400?
(22) THE WITNESS (Pittman): Not
(23) with me, but I can get it. It's in Chapter 6
(24) and --
(25) MR. STEVENS: What's the

(1) purpose of 7400?
(2) THE WITNESS (Pittman):
(3) Procedures for handling airspace matters.
(4) MR. STEVENS: Okay. So are
(5) you indicating that if a plane is 1.2 miles
(6) from the runway, they are out of compliance?
(7) THE WITNESS (Pittman): Of
(8) course not.
(9) MR. STEVENS: If they are one
(10) mile from the runway, are they out of
(11) compliance?
(12) THE WITNESS (Pittman): No.
(13) MR. STEVENS: If they are a
(14) half a mile from the runway, are they out of
(15) compliance?
(16) THE WITNESS (Pittman): We're
(17) getting to a point where you get too close to
(18) the runway, it's very difficult to make one
(19) 1.3 nautical mile turn, which is the standard
(20) in 8462B for a Category A aircraft.
(21) MR. STEVENS: Does that 1.3
(22) nautical mile turn disallow a 1.2 two
(23) nautical mile turn?
(24) THE WITNESS (Pittman):
(25) Depends on the airspeed and the bank.

(1) MR. STEVENS: Does it disallow
(2) a half a mile radius turn?
(3) THE WITNESS (Pittman): No.
(4) MR. STEVENS: Okay.
(5) MR. SMALL: Mr. Chairman?
(6) THE CHAIRPERSON: We're going
(7) to have to get to a point here, because --
(8) MR. ASHTON: These fine points
(9) of flying are very interesting, but I don't
(10) understand the relevance to the issue before
(11) the Council.
(12) MR. STEVENS: The relevance is
(13) that this expert may be an expert in
(14) calculations but he is not an aviation
(15) expert. He may know the TERPS. He may know
(16) IFR conditions, but he doesn't know anything
(17) about light sport planes. He doesn't know
(18) about the -- and -- and I will get to the
(19) point.
(20) MR. ASHTON: That would be
(21) very helpful.
(22) THE CHAIRPERSON: Something
(23) you've already made, so --
(24) MR. STEVENS: The point -- let
(25) me ask this. You indicated that you did some

(1) modeling with the -- with the 162.
(2) Did you do that --
(3) THE WITNESS (Pittman): I did
(4) not say I did modeling.
(5) MR. STEVENS: I'm sorry, I
(6) thought you said you did modeling.
(7) THE WITNESS (Pittman): No, I
(8) said I read something from MITRE.
(9) MR. STEVENS: I'm sorry. Are
(10) you suggesting they did it with a Cessna 162?
(11) THE WITNESS (Pittman): No,
(12) when they did their modeling they did it with
(13) the Navion.
(14) MR. STEVENS: With the Navion?
(15) THE WITNESS (Pittman): Yes.
(16) MR. STEVENS: Okay. So they
(17) did it with a 2750-pound. Have you done any
(18) modeling with a light sport plane? You
(19) haven't done any modeling at all. I think
(20) that's what you had said.
(21) THE WITNESS (Greysock): We
(22) have not completed any modeling for this
(23) project, no.
(24) MR. STEVENS: Would you be
(25) surprised to hear that MITRE did do modeling

(1) for light sport and found it to be a hundred
(2) times more -- more susceptible to turbulence
(3) than a Navion?
(4) MR. SMALL: Objection.
(5) There's no basis in the report for that.
(6) MR. STEVENS: I -- I will --
(7) this is very new information, came out last
(8) week. MITRE did do some modeling for the
(9) AOPA and did determine that -- that light
(10) sport aircraft are a hundred times more
(11) susceptible to severe turbulence than a
(12) Navion.
(13) I will submit this to
(14) Council -- it's testimony from AOPA and --
(15) THE CHAIRPERSON: You can, but
(16) unfortunately it's -- you can do it as part
(17) of your brief after we finish the testimony.
(18) If we don't -- I don't know
(19) how many more questions you have, but if we
(20) don't end this soon, we're all going to be
(21) spending the night, because the garage is
(22) going to be closed.
(23) MR. STEVENS: I'll ask one
(24) last question.
(25) Are you aware that the FAA

(1) will be publishing an updated Aviation
(2) Circular later this year that will provide
(3) additional guidance to permitting agencies
(4) such as this and will be including evaluation
(5) of thermal plumes?
(6) THE WITNESS (Pittman): Well,
(7) I know they have something they've been
(8) working on, but I have been in the FAA a long
(9) time, and I know they can plan a date for
(10) when they're going to say they're going to
(11) issue something and it has a tendency to slip
(12) quite a bit. So whether it's published this
(13) year, next year or the year after, I couldn't
(14) say that, and neither can you, with any kind
(15) of authority.
(16) MR. STEVENS: Mr. Chair, I
(17) would just suggest to the Council that the
(18) applicant either do modeling for light sport
(19) aircraft or defer a decision until this
(20) aviation -- this FAA Aviation Circular is
(21) published, which the FAA does plan -- I do
(22) agree with Mr. Pittman, the FAA is not always
(23) the most timely of agencies, but they have
(24) indicated that they are going to be providing
(25) this additional information later this year,

(1) and I -- I would -- I would encouraging you
(2) to have them do modeling for light sport
(3) aircraft.
(4) I think you will find that it
(5) is significantly more dangerous than the
(6) heavier planes that have been modeled.
(7) THE CHAIRPERSON: Certainly
(8) take under that advisement.
(9) MR. STEVENS: Thank you, sir.
(10) THE CHAIRPERSON: Thank you.
(11) We'll conclude the evidentiary portion of
(12) this hearing in New Britain right here this
(13) Thursday, March 26, again starting at 11:00
(14) a.m. Again, continuing with the appearance
(15) of the certificate holder and hopefully
(16) Mr. Gustafson.
(17) MR. SMALL: He will be here.
(18) THE CHAIRPERSON: Please note
(19) that anyone who has not become a party to
(20) intervene but desires to make his or her
(21) views known to the Council may file Wednesday
(22) with the Council until the record closes.
(23) Copies of the transcript of
(24) this hearing will be filed at the Oxford and
(25) Middlebury town clerk's office.

(1) Thank you all for your
(2) participation, and I would suggest that you
(3) move to the garage if you have parked your
(4) car.
(5) (Whereupon, the witnesses were
(6) excused and the above proceedings were
(7) adjourned at 5:50 p.m.)
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(1) CERTIFICATE
(2) I hereby certify that the foregoing 336
(3) pages are a complete and accurate
(4) computer-aided transcription of my original
(5) stenotype notes taken of the Continued Public
(6) Hearing in Re: DOCKET 192B, CPV TOWANTIC,
(7) LLC, MOTION TO REOPEN AND MODIFY THE JUNE 23,
(8) 1999 CERTIFICATE OF ENVIRONMENTAL
(9) COMPATIBILITY AND PUBLIC NEED BASED ON
(10) CHANGED CONDITIONS PURSUANT TO CONNECTICUT
(11) GENERAL STATUTES 4-181a(b) FOR THE
(12) CONSTRUCTION, MAINTENANCE AND OPERATION OF A
(13) 785 MW DUAL-FUEL COMBINED-CYCLE ELECTRIC
(14) GENERATING FACILITY LOCATED NORTH OF PROKOP
(15) ROAD AND TOWANTIC HILL ROAD INTERSECTION IN
(16) THE TOWN OF OXFORD, CONNECTICUT, which was
(17) held before ROBERT STEIN, Chairperson, and
(18) SENATOR JAMES J. MURPHY, Vice Chairperson, at
(19) the Siting Council, 10 Franklin Square, New
(20) Britain, Connecticut, on March 24, 2015.
(21)
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March 24, 2015

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