



REID AND RIEGE, P.C.

COUNSELLORS AT LAW

JOHN R. BASHAW
ATTORNEY

ONE FINANCIAL PLAZA
HARTFORD, CT 06103

Phone: (860) 240-1053

Cell: (203) 314-8070

Fax: (860) 240-1002

jbashaw@rrlawpc.com

www.rrlawpc.com

September 14, 2016

Via Electronic Filing at siting.council@ct.gov

Connecticut Siting Council
Attn: Hon. Robert Stein, Chair
10 Franklin Square
New Britain, CT 06051

**Re: Docket No. 470, NTE Connecticut, LLC
Request for Party Status and Notice of CEPA Intervention as a Party**

Dear Mr. Stein:

This is a petition for party status in Docket No. 470, the NTE Connecticut, LLC (“NTE”) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 550-megawatt (“MW”) dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. The facility is otherwise referred to as the Killingly Energy Center, or KEC.

Not Another Power Plant (“NAPP”), the proposed party, is an unincorporated domestic nonprofit association formed to: (a) promote conservation and natural beauty in the Town of Killingly; (b) protect the environment, preserve health and biological values from the damage that will be caused by the KEC facility; (c) preserve the historic value of open farmland in Killingly; and (d) promote the orderly development of the area around Alexander Lake in Killingly, including the location of the proposed KEC facility. NAPP consists of over 800 members living either in Killingly, Connecticut, or the surrounding community. Many NAPP members live within one mile of the proposed KEC facility. NAPP opposes NTE’s application in Docket No. 470.

NAPP is hereby filing for party status and also notifying the Connecticut Siting Council (“CSC”), and all parties and intervenors in Docket No. 470, that it hereby intervenes as a party pursuant to the Connecticut Environmental Protection Act, General Statutes § 22a-19.

Contact information for NAPP

Name: Jason Anderson
Address: P.O. Box 58
Dayville, CT 06241

Contact information for NAPP representatives:

Attorneys: John Bashaw
Mary Mintel Miller

Address: Reid and Riege, P.C.
One Financial Plaza, 21st Floor
Hartford, CT 06103

Phone: 860-240-1053
860-240-1059

Email: jbashaw@rrlawpc.com
mmiller@rrlawpc.com

Service by e-mail only is requested.

I. Manner in which NAPP is substantially and specifically affected

NAPP is an unincorporated domestic nonprofit association of more than 800 members consisting of: (a) abutters and property owners located within close proximity to the proposed KEC facility; (b) business persons in the Town of Killingly; and (c) other persons concerned with the environmental and health impacts of the KEC proposal. Several NAPP members are residents of the Alexander Lake community, which includes both lease tract tenants as well as the underlying fee owner, and is approximately 200 acres in area. Alexander Lake is located approximately within one mile of the proposed KEC facility.

The natural lake provides recreation and natural resource opportunities and is a source of refuge and breeding for an abundant array of native Connecticut wildlife. NAPP members will be adversely impacted by the KEC facility due to the noise, traffic and health effects associated with the construction, maintenance and operation of a major electric generating facility in a rural residential area. NAPP members are especially concerned about the impacts to the natural environment, including: groundwater; surface waters of Alexander Lake and the Quinebaug River and its tributaries (located adjacent to and within the boundaries of the proposed KEC facility); important wetlands and vernal pools (located on the KEC property and directly within the construction of an enhanced 2.8 mile natural gas pipeline required for the KEC facility); and threatened and endangered species and protected open spaces (such as the Bafflin Sanctuary, the Wyndham Land Trust lands and the Airline Trail State Park).

Nine major power plants are currently located within a 30-mile radius of the KEC facility in northeast Connecticut, northwest Rhode Island and just over the border in Massachusetts. These are some of the most sparsely populated areas of these states, yet they currently provide almost 4,000 MW of power for New England. Two additional plants totaling 1,500 MW are

proposed in communities that already host a major power plant, specifically, Killingly (home to the 758 MW Lake Road generating facility) and Burrillville, RI (home to the 560 MW Ocean State Power plant).

Killingly and the adjoining town of Putnam are listed as “environmental justice” communities under section 22a-20a of the General Statutes and “distressed municipalities” under section 32-9p(b) of the General Statutes. As such, the residents of Killingly are required to have “an appropriate opportunity to participate in decisions about a proposed facility . . . that may adversely affect such residents’ environment or health.” General Statutes § 22a-20a. Although NTE conducted early community meetings, a full assessment of the environmental and health impacts of the KEC facility has never been adequately reviewed with the community prior to NTE’s submission of the application to the CSC. In fact, much of the information submitted by NTE with its application to the CSC had never before been produced publicly.

The proposed KEC facility will have a substantial adverse effect on several of NAPP’s members, including impacts to their health and the value of their properties. Moreover, the cumulative impact of the KEC facility along with the 758 MW Lake Road generating facility (located approximately 1 mile from the KEC facility) and the co-generation facility at Frito-Lay is significant. The three facilities have the combined effect of placing 1,400 MW of electric generating sources within a one-mile radius of each other, and in area where many NAPP members live. That 1,400 MW of electric generating sources brings with it the destruction of wetlands and open space, emissions to the air, noise and light pollution, increase traffic, a decrease in the quality and quantity of water resources, and adverse impacts on human health

As a result of the above, and pursuant to General Statutes § 16-50n(a), NAPP should be identified as a party in Docket No. 470.

Further, NAPP is entitled to intervene as a party to this proceeding pursuant to General Statutes § 22a-19(a), which states:

In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

As is outlined below, NTE's application and its proposed conduct is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

II. Contention of NAPP

NAPP members wish to promote the conservation of the natural beauty and rural character of the location in which NTE proposes to construct its power plant. NTE proposes to construct a 550 MW generating plant on a 63-acre parcel that currently is zoned as a Killingly Rural Development district. Such districts "present physical obstacles to development . . . these physical restrictions make it necessary to limit permitted uses to low density residential development, agriculture, and other specified non-intensive uses." The proposed KEC power plant location contains physical obstacles to development such as steep slopes, extensive inland wetlands and watercourses, vernal pools and a man-made pond. The wetlands are associated with the Quinebaug River located immediately to the west of the proposed power plant. Undeveloped woodlands and single family homes otherwise surround the proposed power plant.

NTE also proposes to install an electric switchyard on a 10-acre parcel that is in a Rural Development district. The switchyard property is mostly undeveloped woodlands, with open fields, old rural farm buildings, stone walls and a family cemetery. The proposed power plant and switchyard properties do not have the adequate infrastructure necessary to support such development. The properties are not serviced by municipal sewer or public water. Without significant upgrades, Lake Road, located adjacent to the properties, will not support the truck traffic that is necessary during construction and subsequent operation.

Additionally, in order to operate the KEC facility, NTE requires that over the course of 2.8 miles, Eversource: (a) remove acres of vegetation; (b) excavate and install a 14-inch natural gas pipeline rated for 700 psi through wetlands, protected open space, woodlands, and a public multi-use trail; and (c) cross the expanse of the Quinnebaug River. NTE's application to the CSC cannot be considered without also considering the environmental impacts of the natural gas line expansion because KEC cannot exist without the expanded gas line. NTE justifies the destruction of these natural resources on the grounds that industrial properties exist nearby. If anything, this fact justifies NAPP's position. The over-expansion of industrial properties in Killingly supports the preservation of the remaining natural habitat and rural environment in the Alexander Lake area of Killingly.

As noted above, NAPP members also desire to protect the environment and the biological values of not only the NTE property and Alexander Lake, but also the wetlands, waterways, open spaces and recreational trails that will be substantially impacted by the KEC facility and its associated structures, such as the switchyard and the enhanced 2.8-mile natural gas pipeline. Wetlands will be directly excavated, stream sediments will be disturbed, wildlife habit will be

removed, protected open spaces will be violated, and valuable water resources necessary to support Alexander Lake will be sacrificed, all in the name of installing yet another power plant in an economically distressed community.

NAPP members are also concerned about the health impacts from the proposed KEC facility and the combined impact that this facility will have with existing power plants located in the Killingly area. Windham County has the highest child asthma rates in Connecticut at 18.9 percent, while the national child asthma rate is only 9.4 percent.

Moreover, as summarized above, this proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the state. The KEC facility will unreasonably impair and/or destroy the public trust in the air surrounding the project and the wetlands and watercourses on the proposed site and in the area of the proposed expansion of the 2.8-mile natural gas pipeline. KEC will also unreasonably impair and/or destroy the public trust in natural resources by causing the clear cutting of acres of land, disturbing or destroying wetlands and watercourses and the wildlife habitat, and killing wildlife and fish. The plans submitted to the CSC indicate that KEC will involve “regulated activities” under state law and Army Corps of Engineers permits. NTE has not received or applied for the required permits approving such activities.

III. Relief sought by NAPP

NAPP asks the CSC to deny NTE’s application in Docket No. 470 in its entirety.

IV. Statutory or other authority therefore

NAPP is entitled to party status in this proceeding pursuant to Sections 4-177a, 16-50n, 22a-19 and 22a-20 of the Connecticut General Statutes and Sections 16-50j-13 through 17 of the CSC Regulations.

V. Nature of the evidence that the petitioner intends to present

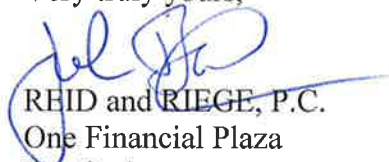
NAPP will present testimony regarding the negative impact that the KEC facility will have on the health and safety of NAPP members, and the right of NAPP members to use and enjoy their property and protect their property values. It will also present evidence in the form of studies, surveys and expert opinion on the health effects, safety and environmental impacts of the KEC facility.

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VI. Other comments for CSC consideration

None.

Very truly yours,

A handwritten signature in blue ink, appearing to be "REID and RIEGE", is written over the typed name.

REID and RIEGE, P.C.
One Financial Plaza
Hartford, CT 06103
860-240-1053
860-240-1059

VERIFICATION

I, Jason Anderson, representative of NAPP, being duly sworn, depose and say that I have read the foregoing Request for Party Status and Notice of Intervention, and that the allegations contained therein are true to the best of my knowledge.

By: 
Jason Anderson

Subscribed and sworn to before me this 13th day of September, 2016.

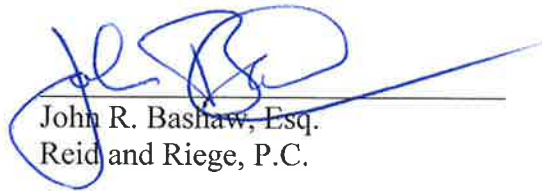

Public Notary

ELIZABETH M. WILSON
NOTARY PUBLIC
State of Connecticut
My Commission Expires
February 28, 2020

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing document was delivered via electronic mail to persons on the attached service list on September 14, 2016.



John R. Bashaw, Esq.
Reid and Riege, P.C.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	NTE Connecticut LLC	<p>Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com</p> <p>Mark Mirabito, Vice President NTE Connecticut, LLC 24 Cathedral Place, Ste. 300 St. Augustine, FL 32804 mmirabito@nteenergy.com kec.notices@nteenergy.com</p> <p>Chris Rega, Senior Vice President Engineering & Construction NTE Energy, LLC 800 South Street, Ste. 620 Waltham, MA 02453 crega@nteenergy.com</p>