



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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March 25, 2015

Joan V. Hartley
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Hartford, CT 06106-1591

Anthony D'Amelio
Representative, 71st District
Legislative Office Building
Room 4200
Hartford, CT 06106-1591

Joseph J. Crisco, Jr.
Senator, 17th District
Legislative Office Building
Room 2800
Hartford, CT 06106-1591

RE: **DOCKET 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 §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.

Dear Senator Hartley, Representative D'Amelio and Senator Crisco:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated March 24, 2015 concerning the above-referenced Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need (Certificate). Thank you for taking the time to provide the Council with your comments.

The Council granted a Certificate for the construction, maintenance and operation of a facility at this site on June 23, 1999. The existing Certificate remains valid until June 1, 2016. Before reaching a final decision on a Motion to Reopen and Modify an existing Certificate, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the Certificate Holder, parties and intervenors in the proceeding and members of the public who speak at the public hearing or submit written statements to the Council.

Please be advised that Condition No. 6 of the Council's June 23, 1999 Decision and Order on the original application for this facility requires the "Federal Aviation Administration determination for obstruction to air navigation and lighting and marking to be submitted to the Council prior to construction." The Federal Aviation Administration (FAA) determination is not a condition precedent to the Council's decision on the Motion to Reopen and Modify the Certificate; however, submission of the FAA determination would remain a condition of the Council's Decision and



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Order for this facility if the Motion to Reopen and Modify the Certificate is granted. A copy of the Council's June 23, 1999 Decision and Order is enclosed for your convenience.

Copies of your correspondence will be distributed to all participants in the proceeding and will be administratively noticed in the record. Please note that you can view all of the documents related to this proceeding on our website at www.ct.gov/csc under the "Pending Proceedings" link. You may also keep apprised of Council events on the website calendar and agenda.

Thank you for your interest and concern in this important matter.

Sincerely,



Melanie A. Bachman
Acting Executive Director

MAB/cm

c: Parties and Intervenors
Council members

Enclosure: Connecticut Siting Council Docket No. 192 Decision and Order dated June 23, 1999

DOCKET NO. 192 - An application by Towantic Energy, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut. }

Connecticut

Siting

Council

June 23, 1999

Decision and Order

Pursuant to Connecticut General Statutes (CGS) § 16-50p, the application submitted by Towantic Energy LLC (Towantic Energy) to construct, operate, and maintain a 512 MW natural gas-fired combined cycle facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut is hereby approved. A Certificate of Environmental Compatibility and Public Need (Certificate) as required by CGS 16-50k, shall be issued, subject to the following conditions and requirements.

1. Conditions

- a) The facility shall be constructed and operated substantially as specified by the Certificate Holder in the application and record, except where otherwise ordered by the Council;
- b) The exhaust stacks shall be no higher than necessary, consistent with air emission modeling conducted by the Department of Environmental Protection (DEP);
- c) The project shall operate on natural gas, except during curtailment of natural gas when the project may operate on low sulfur (0.05 percent) distillate fuel oil as permitted by the DEP;
- d) The Certificate Holder shall fund and maintain two stream gauge stations on the Pomperaug River; and
- e) The Certificate Holder shall develop an emergency response plan drafted in cooperation with all local public safety officials, Waterbury-Oxford Airport personnel, Department of Public Safety, and other emergency response officials.

2. Development and Management Plan

To ensure compliance with the Council's Decision and Order, the Certificate Holder shall not commence construction until it has secured Council approval of a Development and Management Plan (D&M Plan) with the following elements:

- a) A final site plan showing all roads, structures and other improvements on the site. The final site plan shall, to the greatest extent possible, reduce the height of facility in conjunction with shifting the proposed site, up to 500 feet south, to maximize placement of facility components within the existing field; preserve the existing natural vegetation on the site; and minimize impacts on inland wetlands;

- b) A final site plan and engineering details for the electrical interconnection with measurements of pre- and post-construction electric and magnetic field (EMF) levels, and provisions for optimum phasing and compact spacing to maximize cancellation of EMF to the greatest extent practically possible;
- c) A detailed plan of the gas transmission interconnection showing gas metering and compressor station if applicable;
- d) Provisions for adequate water supply while operating on oil and for adequate oil storage, unloading, and pumping facilities including tanker queuing and turn-around areas sufficient to allow for the arrival of four trucks per hour, to ensure continuous burn on oil for up to 720 hours per year during natural gas curtailment;
- e) Plans for landscaping, including preservation of the existing natural vegetation; configuration of earthen berms; and planting of new coniferous vegetation to provide ecological habitat, visual screening, and acoustical buffers;
- f) Provisions for architectural treatment of all building components, especially, but not limited to those components such as the exhaust stacks, which can be seen from off-site locations, to minimize visual effects on scenic resources;
- g) Detailed erosion and sedimentation control plans, stormwater management plans, and inland wetland mitigation plan with provisions for inspection, enforcement, and revision;
- h) Air emissions modeling to confirm that air quality would not be adversely affected by stack downwash conditions;
- i) Stack lighting configuration of white strobe by day and twilight and red lights at night, consistent with the Federal Aviation Administration criteria;
- j) Detailed project schedules for all work activities to minimize noise, and traffic, and other disturbances to surrounding areas during evening and early morning hours;
- k) A construction spill prevention and countermeasure plan; and
- l) A construction blasting plan.

3. Operations Plan

To ensure compliance with the Council's Decision and Order, the Certificate Holder shall not commence operation of the facility until it has secured approval of an Operations Plan with components to include base line testing, performance objectives, post-construction operations monitoring, enforcement protocol, and the development of mitigation measures to ensure compliance with regulatory requirements and/or performance objectives for each of the following components:

- a) Noise emissions;

- b) Water usage including:
 - 1. A water conservation plan to use on-site water storage for facility operation during low flow conditions; and
 - 2. A plan with funding outlining participation and implementation of a study using Instream Flow Incremental Methodology.
- c) Water discharges;
- d) Air and water vapor emissions;
- e) Odors;
- f) Plant lighting;
- g) Traffic management;
- h) Physical plant and site management;
- i) EMF exposure to uncontrolled areas adjacent to the electric interconnection; and
- j) An operations spill prevention and countermeasure plan.

4. Notification

The Certificate Holder shall provide the Council notification of the following events not less than two weeks in advance of their occurrence:

- a) Commencement of facility construction;
- b) Commencement of facility testing;
- c) Commencement of commercial operations; and
- d) Permanent termination of any operation of the project.

5. Reporting

The Certificate Holder shall provide the following reports:

- a) Quarterly progress reports to include the status of all permits, starting with the effective date of this Decision and Order and ending with the commencement of facility operation, or as directed by the Council; and
- b) A first year operating report, to be submitted to the Council within three months after the conclusion of the first year of operation, to include:

1. The number of hours when operation on natural gas was curtailed and fuel oil was burned, facility capacity and availability, and the number of and reasons for any interruption in electric generation;
 2. Overall condition and reliability of the facility; and
 3. Any exceedence of regulatory requirements and/or performance objectives developed consistent with Condition 3 of this Decision and Order.
6. Federal Aviation Administration determination for obstruction to air navigation and lighting and marking to be submitted to the Council prior to construction.
 7. The ISO New England transmission impact study final determination to be submitted to the Council prior to operation.
 8. The final DEP air emissions and water discharge permits to be submitted to the Council prior to construction.
 9. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within four years of the effective date of this Decision and Order or within four years after all appeals to this Decision and Order have been resolved.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance published in The Hartford Courant, The New Haven Register, Woodbury Voices, Waterbury Republican American, and the Connecticut Post.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

APPLICANT

Towantic Energy, LLC

ITS REPRESENTATIVE

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PARTY

Citizens for the Defense for Oxford

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ITS REPRESENTATIVE

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INTERVENOR

The Connecticut Light and Power Company

ITS REPRESENTATIVE

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PARTY

Town of Oxford

ITS REPRESENTATIVE

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[SERVICE WAIVED]

INTERVENOR

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PARTY

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PARTY

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