STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
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VIA ELECTRONIC MAIL

January 26, 2015

Philip M. Small, Esq.
Brown Rudnick LLP
185 Asylum Street
Hartford, CT 06103

RE: **DOCKET 192B**- Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(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 Attorney Small:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than February 5, 2015. To help expedite the Council's review, please file individual responses as soon as they are available.

Please forward an original and 15 copies to this office, as well as send a copy via electronic mail. In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Copies of your responses shall be provided to all parties and intervenors listed on the service list, which can be found on the Council's pending proceedings website.

Yours very truly,

Melanie Bachman
Acting Executive Director

MB/MP

c: Parties and Intervenors
Council Members

Docket No. 192B
CPV
Pre-hearing Interrogatories
Set Two

1. Referencing Late Filed Exhibit 2c, from the photographs, it appears that the sign was placed on Woodruff Hill Road, just slightly north of the driveway to the Spectra Energy Compressor Station. Is that correct?

2. Referencing Late Filed Exhibit 2d, which ambient temperatures are the summer and winter efficiencies based on? What does "Average" indicate, e.g. based on the average temperature? Explain what LHV and HHV stand for.

3. Referencing Late Filed Exhibit 2e, would the 2-mile radius visibility area be closer to 8,042 acres than 8,109 acres?

4. Would the air cooled condenser fans be staged according to demand so that the minimum required number of fans would be on at a given time (and more would turn on as needed) to minimize noise and power consumption?

5. Where is the nearest Important Bird Area?

6. In reference to Tetra Tech, Inc. *Environmental Overview in support of Petition for Changed Conditions* (Exhibit 1), Tab F, the Department of Energy and Environmental Protection (DEEP) provided a response to a Natural Diversity Database request that identifies three bat species and one turtle species as "species of special concern." Will CPV Towantic, LLC (CPV Towantic) comply with DEEP's recommendations, particularly that work should not be done between May 1 and August 15 for bats and that sedimentation/erosion controls be installed in a staggered configuration for wildlife and reptiles traveling between habitats and that such products with embedded netting not be used? Will CPV Towantic be able to retain large diameter trees for bats to minimize long term impacts? If CPV Towantic is not able to comply with DEEP's recommendations, describe other alternative mitigation measures that would address DEEP's concerns.

7. Is it correct that the Invasive Species Control Plan only covers the construction period, per Application A-22 through A-24? Would the Certificate Holder be amenable to a monitoring period up to three years following completion of construction?

8. Provide the specifications for the proposed Federal Aviation Administration (FAA) lighting for the stacks. How would the proposed FAA stack lighting scheme affect birds?

9. Would the stacks themselves adversely affect birds such as allowing collisions or landing on a hot surface?

10. Has CPV Towantic modeled the plume expected to emanate from the stacks? If so, provide copies of such model/analysis.

11. What is the exit velocity from the stack at full load at the top of the stack, 250 feet above the stack, and 500 feet above the stack assuming still air conditions? How much does increasing wind velocity affect this?

12. What is the exit stack temperature at full load at the top of the stack, 250 feet above the stack, and 500 feet above the stack assuming still air conditions. How much does increasing wind velocity affect this?

13. Provide a wind rose for Waterbury-Oxford Airport and include the wind directions and velocities.

14. Do the stacks penetrate the glide slope of the airport and, if so, by how many feet?

15. Has CPV Towantic had any discussions with the FAA regarding the flight path to the airport and revisions of the flight path due to the plant. Provide any materials on this discussion. Is it possible to relocate or modify the flight path to avoid conflict with the power plant?

16. Why was Wetland 1 partially filled when no other site work took place?

17. Why was Wetland 1 difficult to fill? Are the flows emanating from that wetland so robust as to render the filling ineffective?

18. Please detail the compensation/mitigation for lost Wetland 1 under the current plan and provide details that you have the technical capacity to effectively fill this wetland. How will that effect downstream water quality and recharge? How can you ensure that the wetland will not become a concentrator of degraded water and continue to enter the headwaters system and that sediments would flow down hill into Jacks Brook and the Naugatuck River?

19. New U.S. Army Corps of Engineers (ACOE) regulations on vernal pools are triggered with any fill of a jurisdictional wetland. Therefore, can you confirm whether any vernal pool species surveys were conducted on the site (e.g. Wetlands 1-4)? Could such surveys be conducted this spring?

20. What approvals are needed from ACOE to fill Wetland 1?

21. Is Wetland 4 proposed to be filled? Is it a vernal pool albeit of anthropogenic origin?

22. Please expand the discussion as to values of Wetlands 1, 2, and 3 as habitat for eastern box turtle, spotted turtle, and eastern ribbon snake.

23. Discuss the importance of these wetlands as headwaters wetlands, and how they contribute to downstream water quantity and quality. Provide detail as to how the proposed development will mitigate and preserve these pre-construction recharges and flows.

24. Based on these questions and other data, please review your functions and values matrices to ensure they accurately factor in the potential for significant species and/or concentrations of wetland-dependent wildlife.

25. With regard to Wetland 3, on the aerial map with the diagram of wetlands depiction provided in Tab B, is the "drainage ditch" shown by a thin yellow stripe with a black outline to the east of Woodruff Hill Road the same as the "dug drainage swale" described in the text of the Wetland 3 Classification Summary on p. 6?

26. To whom or to what entity was the permit for wetland filling issued on February 22, 1999, and for what purpose? Has the permit expired and when?

27. Why was Civil 1 on the scene to discover the wetland filling in February 2010? Were they doing regular environmental inspections of the property on behalf of Towantic?

28. The narrative on Wetland 1 says that it once contained an intermittent watercourse with well-defined banks. How was that ascertained? Was that described in the original permit application, or found in recent evaluations, or at some other time? The wetland apparently enlarged from its original size of ~2,850 square feet in the 1999 permit to ~10,322 square feet in the current evaluation. Is that just an error in the original mapping, or did the wetland actually enlarge? Were any studies done to determine the answer to this question? If no, could studies be done to determine the answer to this question?

29. If the wetland referenced in question number 28 did enlarge, what were the hydrological dynamics behind the enlargement? Would the supposed intermittent watercourse have had anything to do with the possible enlargement? If the wetland did enlarge, and if certain hydrological dynamics can be found to explain the enlargement, would those dynamics affect the stability of the soil in the area of Wetland 1 to the extent of causing special construction challenges or a possible redesign?

30. What alternative water sources for the power plant are available, if any? How could water be obtained from these sources? Are any sources of well water available at or near the power plant site? Or could water flow come from neighboring towns such as Waterbury?

31. How was the water source for the power plant determined? How was the quantity of on-site water storage determined? Could the on-site water storage be increased or modified? Could all or part of the on-site water storage be underground?

32. What borings were done on the site and what did they show in terms of soil types and depths?

33. What is the minimum stream flow allowed by DEEP at various points where water will be extracted? How close to the allowed stream flow is the project expected to be? What are the current withdraw rates?