



March 2, 2015

Mr. Robert Stein, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

**Subject: DOCKET 192B – Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181 a(b) for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut.**

Dear Chairman Stein:

The Pomperaug River Watershed Coalition (“PRWC”) as a party to the subject docket has provided the Siting Council with previous testimony, interrogatories, and has cross examined the petitioner on matters pertaining to water resources. We have done so with the intent that our engagement will assist the Council as it examines water supply requirements for the proposed facility with a focus on how that supply will impact current and future public drinking water availability and the aquatic environmental health of the Pomperaug basin. Thanks to the work of the Council and with the cooperation of the petitioner, a great deal of new and clarifying information has been made available. We would anticipate that additional discovery will be forthcoming as the application review process advances.

Given the large volumes of information coming before the Council, PRWC’s following testimony is intended to succinctly draw attention to those items that we believe most impact water resources and that require further clarification and specific action plans:

**1. The existing Heritage Village Water Company (“Heritage”) water supply connection with the Connecticut Water Company (“CWC”) is paramount for this out-of-basin transfer of water.** The need for the connection with CWC was identified in the Council’s 1999 decision. In its December 23, 2014 water availability letter to the petitioner, Heritage conditions the availability to supply water to the proposed facility on renewing the permits associated with connection that will expire in 2017. If Heritage is unable to renew or extend the permits or secure alternative supplies, Heritage is not able to guarantee sufficient water to satisfy the quantity requested by the petitioner. (Please see response to interrogatory “Pomperaug – 1”.)

**2. The Instream Flow Incremental Methodology (“IFIM”) was completed by UMASS for Connecticut DEEP and PRWC and provides new insight into the health of the Pomperaug River.** As stated in the Council’s 1999 Opinion for Docket 192, the former Towantic Energy was to fund an IFIM study and participate in the implementation of the IFIM study “...*prior to commencement of commercial operations to ensure that quality and quantity of water is not affected by the facility.*” Funded by others, the IFIM was completed in 2007 and demonstrates that the Pomperaug River sustain flows below those identified as critical to river habitat. As previously presented to the Council by PRWC in its January 6, 2015 testimony, in the time since the 1999 application, river flows have been below critical levels during the summer “Rearing and Growth” bio-period for ten months or 22% percent of the time and critical flows have also not been met during the “Overwintering” bio-period.

**3. Reporting 1.3% reduction in stream flow, the petitioner is not representing a complete and accurate view as to the facility’s water supply demands impact on the health of the Pomperaug River.** The IFIM study concluded that there are six bio-periods that influence aquatic river health. Each bio-period has critical and rare flow requirements that support river life at specific times of the year. In response to CSC-33, the petitioner presents average streamflow for the year as the basis for determining the impact of water demands and does not take into account bio-period flow requirements. The petitioner further concludes that by using the average day water demand of 67,000 gallons during the “1 in 100” streamflow conditions, a 1.3% reduction in streamflow will occur. However, other water demand scenarios, such as when a 218,000 gallon per day demand (or greater) occurring during periods of drought, will have a more detrimental effect on the river.

**4. “If all registered diversions are used during periods of low flows, there is a risk that portions of the river system will experience low flows below tolerable levels or possibly dry streambeds.”** This is a conclusion found within the 2010 USGS study (entered into this docket as an exhibit by PRWC). PRWC understands the uncertainties surrounding the current and forecasted use of the diversions in the Pomperaug basin. However, the risk has been identified and requires further analysis. PRWC believes this risk presents a further reason for alternative and supplemental water supplies to be secured to meet facility water demands.

**5. During periods of system-wide water use restrictions due to drought triggered by low aquifer and river flows or due to high water demands, the facility’s water use should be subject to similar restrictions.** This would include reducing power plant capacity to reduce water use proportionally with restrictions placed on other customers. Doing otherwise would unfairly place the burden of restricted water use on residents and other businesses. Heritage’s existing emergency contingency plan addresses various phases of drought and may serve as a basis for developing balanced water use restriction specific for the facility.

**6. Continued safety of the public water supply system and the protection of the Pomperaug River for future generations depends on a comprehensive, measurable and enforceable water management plan for the facility.** PRWC believes that while the petitioner has been responsive to certain concerns raised for the protection of water resources, including, but not limited to, new technology that reduces water demands, the petitioner has not demonstrated to the Siting Council the level of detail and sustainability needed for both short and long term water supply planning. If the Siting Council intends to approve the petitioner's application, PRWC proposes that the issues raised above can and should be addressed by such a plan prior to such approval.

In closing, PRWC once again thanks the Siting Council for its thoughtful consideration of the potential impacts that the proposed facility water demands will have on public water supply safety and aquatic river health needs. PRWC will endeavor to respond to questions presented by the Council, the petitioner, parties, and intervenors. PRWC also requests the opportunity to review and comment on a Development and Management Plan specific to water supply resources should the Council in its decision elect the petitioner to develop such a plan.

Sincerely,



Len DeJong  
Executive Director

c. Service List

I hereby certify that a copy of the foregoing document was electronically mailed and/or sent by U.S. mail to the following service list on March 3, 2015.