



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

September 13, 2019

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **DOCKET NO. 470B** - NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 650-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. **Development and Management Plan - Phase I.**

Dear Attorney Baldwin:

At a public meeting of the Connecticut Siting Council (Council) held on September 12, 2019, the Council considered and approved the partial Development and Management Plan – Phase I (Phase I D&M Plan) submitted for this project on August 2, 2019 specific to site clearing and other site preparation work and related information required by the Council **with the exception** of the “Appendix D – Erosion and Sedimentation Control Plan (E&S Control Plan)” that must be revised to comply with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (2002 Guidelines) and resubmitted to the Council for review and approval.

Specifically, the revised E&S Control Plan should address issues including, but not limited to, the following:

- a) Note #4 on Drawing CG300-B states that, “All cut and fill side slopes are 2H:1V unless otherwise noted.” Detention basins are identified as 3:1 slopes. Regrading slope around facility location would be 2:1 slope. No reverse slope benches are proposed. No engineering analysis was provided to show acceptable factor of safety exists for final slopes;
- b) Page 5-2-7 of the 2002 Guidelines states that, “Reverse slope benches are required whenever the vertical height of any slope steeper than 3:1 exceeds 15 feet, except when engineered slope stabilization structures measures are included in the slope and/or a detailed soil mechanics analysis calculation has confirmed an acceptable factor of safety exists for the finished slope.” On the same page, the 2002 Guidelines also state, “For slope designs that include engineered slope stabilization measures and where the change in elevation exceeds 15 feet without the inclusion of a reverse slope bench, perform an engineering analysis to determine the measures required to insure runoff will not damage the slope or other graded areas.”;
- c) A permanent turf reinforcement mat is a form of slope stabilization structure. No reverse slope benches are shown. Vertical elevation changes in several areas exceed 30 feet, which exceeds the 15 feet threshold in the 2002 Guidelines;
- d) The E&S Control Plan only includes minimum construction practice details, but does not appear to be sufficient to protect the site;
- e) Filter fabric fence (silt fence) should be replaced with silt soxx, filtration rolls, and straw wattles in those areas at the toe of a slope and where flagged wetlands are situated downgradient to minimize soil transport;

- f) There are no E&S control measures proposed at the toe of steep slopes which blend directly into stormwater basins. The only change in slopes is the 3:1 slope on basin sidewalls;
- g) The top of slope at the southern end of the property should have, at a minimum, a row of hay bales, similar to what was proposed along northern construction slopes on the property. A low impact development strategy for this area could also perform well. This is also true for the 2:1 slope, 15 feet elevation along eastern side of the property;
- h) Referencing E&S Control Plan notes on Drawing CG330-B, “Silt Fence Installation and Maintenance” section, revise this section to incorporate better erosion control measures (e.g. silt soxx, straw wattles) with wetlands identified close by. For the “Sequence of Construction” section, Note #7, language should be added that stumps will be removed (not left on site) to be consistent with the narrative in Appendix B, page 14 of the Phase I D&M Plan. Note #21 states, “Install final course of pavement.” Clarify if paving is or is not part of the Phase I D&M Plan. The “Slow the Flow” section should relate to the top of slope along southern cut/fill slope. For the “Reduce On-Site Potential Internally and Install Perimeter Controls” section, in the last sentence, it states, “Grade and landscape around buildings and septic systems to divert water away from them.” Indicate what septic systems are being referred to. Sanitary wastewater would be directly discharged into the sanitary sewer system per Finding of Fact #483(c) in Docket No. 470B;
- i) Drawing CG300-B plans depict a stone check dam located between two stormwater basins, similar to the stone dike design elevations. Details should be provided;
- j) Hydrodynamic separators are noted on Drawing CG334-B. Note #10 states that, “Hydrodynamic separator shall be approved by ConnDOT. As of April 2010,...” This should be updated to 2015, to include newer technologies;
- k) Catch basin design details appear to be missing. Indicate if catch basins will have deep sumps and provide the elevation; and
- l) Regarding the permanent turf reinforcement mat, the E&S Control Plan should specify the maintenance requirements for mats. Specifically, page 5-4-13 of the 2002 Guidelines states, “Inspect permanent turf reinforcement mats at least once a week and within 24 hours of the end of a storm with a rainfall amount of 0.5 inch or greater for failures until turf has become established...After turf has become established, inspect annually or after major storm events.”

The Council also recommends that the Certificate Holder make arrangements to obtain pre-blasting surveys of nearby residences and that the emergency contact information for CT EPA in “Appendix H – Emergency Response Action and Fire Prevention Plan” on page 3 be changed to CT DEEP.

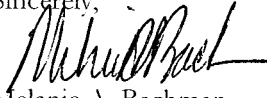
This approval applies only to the partial D&M Plan **with the exception of Appendix D** submitted on August 2, 2019, and other supplemental information dated August 27, 2019. Requests for any changes to the partial D&M Plan shall be approved by Council staff in accordance RCSA §16-50j-62(b). Furthermore, the Certificate Holder is responsible for reporting requirements pursuant to Regulations of Connecticut State Agencies Section 16-50j-62.

Docket No. 470B
Phase I D&M Plan
Decision
Page 3

Please be advised that changes and deviations from this plan are enforceable under the provisions of the Connecticut General Statutes § 16-50u. Enclosed is a copy of the staff report on this partial D&M Plan, dated September 12, 2019.

Thank you for your attention and cooperation.

Sincerely,



Melanie A. Bachman
Executive Director
MAB/MP/laf

Enclosure: Staff Report, dated September 12, 2019



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Docket No. 470B
NTE Connecticut, LLC
Phase I Development and Management Plan
Staff Report
September 12, 2019

On June 7, 2019, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction of a 650-megawatt (MW) dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. On August 2, 2019, NTE Connecticut, LLC (NTE) submitted a partial Development and Management Plan (Phase I D&M Plan) for this project. Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-60, a partial or full D&M Plan shall be prepared for any proposed energy facility for which the Council issued a Certificate. The Phase I D&M Plan only pertains to site clearing and other site preparation work and related information for the project at 180 and 189 Lake Road in Killingly. Additional D&M Plan Phases specific to other project components will be submitted at a later date.

The Phase I D&M Plan describes specific construction activities including, but not limited to, tree and vegetation clearing; installation of erosion and sedimentation controls and stormwater pollution prevention measures; rough site grading and earth work; blasting requirements; site security and safety measures; project schedule; decommissioning plan; and other information required by the Council. On August 22, 2019, the Council issued interrogatories to NTE. On August 28, 2019, NTE submitted its response to Council interrogatories.

The facility, known as Killingly Energy Center (KEC), is comprised of two components: the Generating Facility Site (GFS) and the utility Switchyard Site (SYS). The GFS is an approximately 63-acre parcel located north and west of Lake Road with an address of 189 Lake Road.

Section 2 of the Council's Decision and Order (D&O) ordered a D&M Plan to be submitted and approved by the Council prior to commencement of facility construction. Section 2 of the D&O stipulated that the full D&M plan contain 17 elements, the requirements of which are summarized below. A description of NTE's compliance with each element is included.

- a) A final site plan showing all roads, structures and other improvements on the site. The final site plan shall, where possible, preserve existing vegetation on the site;**

NTE included a site plan limited to Phase I D&M Plan activities only.

The existing dump piles at the GFS and SYS will be removed, and existing structures within the limits of disturbance (LOD) including, but not limited to, the existing two-story wood frame house at the GFS will be removed.

Portions of the GFS and SYS will be cleared of vegetation within the LOD shown on Drawing No. CG341-B to allow for the installation of soil erosion and sedimentation control measures and rough grading. In total, within the LOD, approximately 23 acres will be cleared at the GFS, and 2 acres will be cleared at the SYS. A majority of the clearing will be performed by mechanical means; however, any clearing within 50 feet of streams and wetlands will be completed by hand. As part of vegetation removal, stumps from felled trees will be uprooted and removed from the site.

Vegetation would remain within an approximately 50-foot buffer along Lake Road and adjoining properties, except in the proposed access driveway, for aesthetics and wildlife usage. Vegetation would also remain in the area between the cleared limits of the project site and the Wyndham Land Trust property, resulting in an approximately 39-acre area preserved for wildlife use. Additional areas outside of the limit of clearing would also remain. Should work result in areas that require clearing within the 50-foot buffer area, vegetation will be replanted to re-establish the full 50-foot buffer at the completion of construction.

Following vegetative clearing and prior to grading and blasting, the topsoil will be stripped and removed from designated construction areas. The topsoil will be managed as per the Erosion and Sedimentation Control Plans to prevent sedimentation offsite or into active construction areas.

Grading will commence once the topsoil is removed. The grading plan has been developed to minimize the total net import or export of material. Roughly 220,000 cubic yards of material would be relocated on site, resulting in balanced cut and fill. Should any export of structural fill be required, it will be disposed of in accordance with local, state, and federal regulations and requirements. Should soil need to be brought to the site, it will be tested in accordance with the Connecticut Department of Energy and Environmental Protection (DEEP) standards.

Drawing No. CG341-B depicts the blasting areas required at the central/south-central portion of the GFS. A detailed blasting plan will be developed by NTE following selection of a blasting contractor. The plan will be provided to the Council and the Town prior to the start of the blasting activities and will outline the detailed procedures and protective measures to be implemented prior to, during and following blasting operations. Notifications prior to blasting activities will take place via weekly reports provided to the Town and other means. A community hotline will be set up and communicated to residences in the vicinity prior to work. Blasting will only occur between the daytime hours of 7:00 a.m. and 9:00 a.m.

Retaining walls will be installed at the site as part of the Phase I D&M Plan, as referenced on Drawing No. CG300-B for the GFS and Drawing No. CG301-B for the SYS.

Construction access will be via Lake Road and will include an anti-tracking construction entrance.

b) A detailed plan for the natural gas connection to the facility including gas metering and compressor station if applicable;

The detailed plan will be included in a later D&M Plan Phase.

c) Water and sewer connection routes;

NTE included its water and sewer connection routes in the Phase I D&M Plan. The existing water connection is located on Lake Road near the intersection of Lake Road and Louisa Viens Drive, about 3,150 linear feet from the KEC site entrance. The existing sewer connection is also located on Lake Road near the intersection of Lake Road and Forbes Road, about 2,700 linear feet from the KEC site entrance. Both the underground water and sewer connections will be extended to the KEC site. The work will take place in tandem with Lake Road improvements in order to minimize disruptions. Details of the connection routes have been included in Appendix F drawings in the Phase I D&M Plan.

d) Detailed project schedules for all work activities and proposed construction hours;

Clearing and grubbing the site will occur from approximately October 1, 2019 to November 27, 2019. Rock blasting will occur from approximately November 21, 2019 to February 4, 2020. Rough grading of the site will occur from approximately October 24, 2019 to March 20, 2020. Updated schedule information for later activities will be included in future D&M Plan Phases¹.

Regular work hours will be from 7:00 a.m. to 7:00 p.m. Monday through Saturday. Sunday work will only be used for make-up days and during commissioning. Limited night shift work will occur Monday through Friday on an as-needed basis. No night shift work will occur during the Phase I activities.

e) Erosion and sedimentation control plans consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*;

NTE has included its erosion and sedimentation control plans (E&S Control Plans) consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (2002 Connecticut E&S Guidelines). NTE's E&S Control Plans are detailed on Drawing Nos. CG300-B through CG334-B in the Phase I D&M Plan.

To mitigate erosion potential (and control sedimentation) during construction, a combination of best management practices will be used including, but not limited to, silt fence, hay bales, temporary diversions, and sediment traps. Diversion structures will be used to direct water away from disturbed soil areas, and silt fence and hay bales will be used to slow the flow rate of stormwater runoff and limited sediment deposition downslope of construction activities. Upon final grading, sloped areas will be seeded and stabilized with erosion control blankets.

f) Wetland restoration and creation plans;

The wetland restoration and creation plans will be included in a later D&M Plan Phase.

g) Emergency response/safety plan per Condition No. 1(g) of the Decision;

NTE submitted its draft Emergency Response Action and Fire Protection Plan (Emergency Response Plan). NTE, in close coordination with its contractor, is currently developing a comprehensive Emergency Response Plan) in cooperation with the Town of Killingly which will include the establishment of an emergency responder/local community notification system for on-site emergencies and planned constructed-related activities that could cause community alarm. This system will include notification to local emergency responders, city or town officials, state legislators, and residents that wish to participate. This notification system will be provided to the Council and the Town prior to the start of construction activities.

A designated team of on-site personnel will be available during construction and will be trained to respond to emergency situations. A permanent first aid station/trailer will be established and maintained throughout construction. Permanent access/egress and signage will be established immediately upon the start of construction for emergency vehicles. Contact information for key

¹ Commissioning of the plant is projected to be completed by approximately April 8, 2022, ahead of the 2022-2023 ISO New England Inc. Capacity Commitment Period that begins on June 1, 2022. Final completion of KEC is expected by approximately August 8, 2022.

NTE and contractor personnel, as well as applicable local hospital, police, fire and Town of Killingly representatives area integrated into the Emergency Response Plan.

h) Final noise mitigation measures and plans to demonstrate compliance with DEEP noise standards;

Construction noise is exempt from DEEP Noise Control Standards. Construction noise during the day is exempt from the Town Noise Ordinance. Per Finding of Fact #369 of Docket No. 470B, to the extent that any construction activities must occur after 9:00 p.m. (i.e. defined by the Town's ordinance as the start of the nighttime), NTE would implement construction noise mitigation measures.

The final noise mitigation measures and plans to comply with DEEP Noise Control Standards for KEC will be included in a later phase of the D&M Plan.

i) Stormwater design and stormwater management plan;

Pursuant to Connecticut General Statutes §22a-430b, DEEP retains final jurisdiction over stormwater management. The final limits of grading including detention basin sizing is included in the Phase I D&M Plan. Detention basin size and locations are depicted on Drawing Nos. CG300-B and CG-301B. Stormwater management details and coverage under the DEEP Construction General Permit will be included in the Phase II D&M Plan. The stormwater pollution control plan (SWPCP) will be submitted to DEEP. The SWPCP will be provided to the Council following approval by DEEP.

j) Decommissioning Plan;

A detailed Decommissioning Plan will be prepared and submitted as part of a later phase of the D&M Plan. However, in the event that construction of KEC is commenced and subsequently cancelled or suspended (with activities covered under the Phase I D&M Plan having been commenced or completed), a limited Decommissioning Plan has been prepared to mitigate this scenario.

Established fencing, access roads, temporary power, safety facilities and other aspects required to facilitate general construction will remain in place to facilitate the decommissioning of the activities that will be carried out under the Phase I D&M Plan. A revised set of grading plans and a new set of landscaping plans will be developed in consultation with the Town to re-establish the KEC site as close to its existing conditions as practical.

The revised grading and landscaping plans will preserve the wetlands and maintain existing flows in compliance with the 2002 Connecticut E&S Guidelines and the 2004 *Connecticut Stormwater Quality Manual*. The additional existing habitat areas (e.g. wetlands and vernal pool) and cultural resources (e.g. cemetery at SYS) will remain undisturbed.

If authorized wetland fill has occurred, the plans for the mitigation area due to the disturbance to the wetlands on the SYS will be carried out during the decommissioning process. As part of the Community Environmental Benefits Agreement, within 30 calendar days of KEC's financial close, NTE will post a surety bond or irrevocable letter of credit in the amount of \$2M for future decommissioning costs associated with KEC. These funds can be allocated towards the requirement for continued monitoring of the wetland mitigation area and invasive species removal.

Following approval of the revised grading and landscaping plans by the Town and applicable state agencies, the KEC site will be re-established in accordance with those plans, and construction facilities (e.g. fencing, roads, temporary power, safety facilities, etc.) will be demobilized and removed from the site.

k) Final fuel storage and handling plan including containment and other measures to protect against spillage when the ULSD tank is being refilled;

The details of the fuel storage and handling plan will be included in a later phase of the D&M Plan.

l) Final plans for the safe delivery, storage and containment measures for aqueous ammonia;

The details of the safe delivery, storage and containment for aqueous ammonia will be included in a later phase of the D&M Plan.

m) Final plans for the safe delivery, storage and usage of hydrogen at the site;

The details of the safe delivery, storage and usage of hydrogen will be included in a later phase of the D&M Plan.

n) Backup generator design and containment measures for fuel, oil, and coolant;

The details of the backup generator design and containment measures for the various engine fluids will be included in a later phase of the D&M Plan.

o) Dewatering plan to address groundwater issues during construction;

If dewatering is required, a pumping outlet basin will be constructed and utilized per Drawing No. CG332-B. The pumping outlet basin will be located such that flow leaving the outlet basin is routed through a temporary sediment trap or basin.

p) Final construction traffic route plans; and

NTE included its construction traffic route plan in Appendix C of the Phase I D&M Plan. Specifically, passenger vehicles will be permitted to access the site by traveling north on Lake Road via Route 101 (Hartford Pike), or south on Lake Road via Interstate 395 (I-395).

Truck traffic consisting of heavy equipment or deliveries will not be permitted to access the site by traveling north on Lake Road via Route 101 and will be prohibited from leaving the site traveling south on Lake Road to Route 101. Subcontractors will be instructed of this requirement, and appropriate actions will be implemented if any violations occur. Signage indicating "No truck traffic" will be posted immediately west of the site access drive. All truck traffic will be directed to I-395.

q) Fence design and other site security measures.

Temporary security fencing will be installed as part of the Phase I D&M Plan and has been identified on Drawing No. CG341-B. Such fencing will initially be installed on the southern portion of the GFS and at the site entrance. Turnstiles and a guard shack will also be established at the site entrance. Such temporary fencing will be eight feet high and will not include barbed wire. As the civil construction progresses, additional fence will be installed to maintain a larger area. The fencing will be replaced by permanent security fencing at the end of all construction activities. Additional

temporary security fence details for later phases of construction and permanent security fence details will be included in a later phase of the D&M Plan.

The fence design for the SYS will be provided in Eversource Energy's petition for a declaratory ruling for the utility switchyard and its connection to the existing transmission line right-of-way consistent with the Council's final decision in Docket No. 470B.