

March 27, 2025

Via Electronic Mail and Federal Express

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **Docket No. 470C – NTE Connecticut, LLC Certificate Of Environmental Compatibility And Public Need For The Construction, Maintenance And Operation Of A 650-MW Duel-Fuel Combined Cycle Electric Generating Facility and Associated Electrical Interconnection Switchyard Located at 180 and 189 Lake Road, Killingly, Connecticut**

Supplemental Response to Council Interrogatory No. 17

Dear Attorney Bachman:

Windham Energy Center, LLC (“WEC”) hereby amends its March 19, 2025 response to the Council’s Interrogatory No. 17 issued in the above-referenced matter to provide the Council with additional information received today from the Connecticut Department of Energy and Environmental Protection (DEEP). WEC’s supplemental response is provided in bold below.

Question No. 17

Referencing WEC’s Motion to Reopen p. 7 and associated footnotes, what is the status of the Connecticut DEEP wastewater discharge and air permits for the NTE facility? Submit copies of the permits.

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Response

The December 1, 2018 air permit provides at § VII.D that the Permittee shall resubmit for review and approval a Best Available Control Technology (“BACT”) analysis if construction does not begin within 18 months following DEEP’s approval of the current BACT determination for such phase of construction. See Attachment 17(a) hereto. NTE’s BACT recertification dated Nov. 24, 2020 also provided that the Permittee shall resubmit for review and approval a Best Available Control Technology analysis if construction does not begin within 18 months following DEEP’s approval of the current BACT determination for such phase of construction. November 2020 was well over 18 months ago and construction has not commenced. NTE would need to recertify its air permit analysis with DEEP before construction could begin. See Attachment 17(b) hereto.

WEC is not in possession of, and DEEP’s permit adjudication website does not include reference to, any permits dated after January 20, 2021. See Attachment 17(c) hereto. “If any person has not completed construction of the [approved facility] within two years of the approval, the commissioner may revoke such approval and require that a new application be submitted.” C.G.S. § 22a-430-4(k)(5). Since construction was not completed within two years after January 20, 2021, the permit could be revoked by DEEP. WEC has requested information on status of permits and will submit once available. WEC understands that a permit application by NTEC was denied in/about November of 2023, but WEC does not have copies of the related materials. WEC has requested from DEEP information on status of permits, and copies of such

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materials, and will submit them once available.

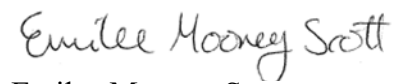
Even if NTEC's air and wastewater discharge permits were still valid, such permits apply to a facility with a specific design and location on a specific property. NTEC has lost access to the Subject Property, so it has lost access of the only property to which its air and wastewater discharge permits could apply.

Supplemental Response

Following a request for information directed to DEEP staff, DEEP provided WEC on March 27, 2025 with 1) a Notice of Tentative Determination, Intent to Deny a State Permit for the Following Discharge Into the Waters of the State of Connecticut (See Attachment 17(d)) and 2) a Permit Denial letter dated January 4, 2024 (See Attachment 17(e)). As DEEP indicated in the Permit Denial, the wastewater permit was denied effective January 4, 2024 because "[t]he facility was not built and NTE Connecticut, LLC has withdrawn the registration to transact business in Connecticut."

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,


Emilee Mooney Scott

Enclosure

ATTACHMENT 17 (d)



**NOTICE OF TENTATIVE DETERMINATION
INTENT TO DENY
A STATE PERMIT FOR THE FOLLOWING DISCHARGE
INTO THE WATERS OF THE STATE OF CONNECTICUT**

1.0 TENTATIVE DETERMINATION

In accordance with applicable federal and state law and sections 22a-430-4(e), (g), and (p) of the Regulations of Connecticut State Agencies ("RCSA"), the Commissioner of the Department of Energy and Environmental Protection ("DEEP") hereby gives notice of a tentative determination to deny a permit based on an application submitted by **NTE Connecticut, LLC** ("the applicant") under section 22a-430 of the Connecticut General Statutes ("CGS") to renew a permit to discharge into the waters of the state.

2.0 APPLICANT'S PROPOSAL

NTE Connecticut, LLC proposed to discharge a maximum of 90,000 gallons per day of wastewater associated with steam electric power generation operations to the Killingly Publicly Owned Treatment Works. The facility was not built and NTE Connecticut, LLC has withdrawn their registration to transact business in Connecticut.

Applicant Name and Mailing Address:
NTE Connecticut, LLC
24 Cathedral Place, Suite 300
Saint Augustine, FL 32084

3.0 COMMISSIONER'S AUTHORITY

The Commissioner is authorized to approve or deny such permits pursuant to section 22a-430 of the CGS and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the RCSA).

4.0 INFORMATION REQUESTS

The application has been assigned the following application and permit numbers. Please use these numbers when corresponding with this office regarding this application.

APPLICATION NO. 201615592 PERMIT ID NO. SP0002475

The application is available for inspection by contacting Brittany Bendel at brittany.bendel@ct.gov or at (860) 424-3703, of the Water Permitting and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, from 8:30 - 4:30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.

5.0 PUBLIC COMMENT

Prior to making a final determination to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within thirty (30) days of this public notice. Written comments should be emailed to Brittany Bendel at brittany.bendel@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty five persons. Notice of any public hearing shall be published at least 30 days prior to the hearing.

6.0 PETITIONS FOR HEARING

Petitions for a hearing shall be submitted within 30 days from the date of publication of this public notice and should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. The Office of Adjudications will accept electronically-filed petitions for hearing in addition to those submitted by mail or hand-delivered. Petitions with required signatures may be sent to deep.adjudications@ct.gov; those mailed or delivered should go to the DEEP Office of Adjudications, 79 Elm Street, Hartford, CT 06106. If the signed original petition is only in an electronic format, the petition must be submitted with a statement signed by the petitioner that the petition exists only in that form. Original petitions that were filed electronically must also be mailed or delivered to the Office of Adjudications within 30 days of electronic submittal. Additional information can be found at www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act (ADA). If you are seeking a communication aid or service, have limited proficiency in English, wish to file an ADA or Title VI discrimination complaint, or require some other accommodation, including equipment to facilitate virtual participation, please contact the DEEP Office of Diversity and Equity at 860-418-5910 or by email at deep.accommodations@ct.gov. Any person needing an accommodation for hearing impairment may call the State of Connecticut relay number - 711. In order to facilitate efforts to provide accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program, or event.



Audra Dickson, Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance

Dated: November 13, 2023

ATTACHMENT 17 (e)



January 4, 2024

CERTIFIED MAIL

NTE Connecticut, LLC
24 Cathedral Place, Suite 300
Saint Augustine, FL 32084
Attn: Mr. Tim Eves, Vice President

Re: Permit Denial
NTE Connecticut, LLC
Application No. 201615592

Dear Mr. Eves:

The Department of Energy and Environmental Protection (“DEEP”) is providing this permit denial notification to NTE Connecticut, LLC of its final decision to deny the pretreatment permit for a discharge of wastewaters generated by steam electric power generation operations at a proposed 650-megawatt combined cycle dual fuel combustion turbine electric generating facility known as Killingly Energy Center, proposed at 189 Lake Road, Killingly, CT, to the Killingly Publicly Owned Treatment Works. The Commissioner is authorized to deny permits pursuant to section 22a-430 of the Connecticut General Statutes (“CGS”) and section 22a-430-4 of the Regulations of Connecticut State Agencies (“RCSA”).

DEEP’s decision to deny a permit is based on a review of the December 16, 2016, application (no. 201615592) submitted by NTE Connecticut, LLC, under section 22a-430 of the “CGS”, section 22a-430-4 of the RCSA, and the administrative record associated with that application. The facility was not built and NTE Connecticut, LLC has withdrawn the registration to transact business in Connecticut. As of the date of this letter, Application No. 201615592 has been denied.

If you have any questions concerning this notice, please contact Brittany Bendel of my staff at 860-424-3703 or via email at brittany.bendel@ct.gov.

Best Regards,

Jennifer Perry
Bureau Chief
Material Management Compliance Assurance

EC/BB