



**Connecticut Fund
for the Environment**

Save the Sound®

October 26, 2016

Connecticut Siting Council
Attn. Hon. Robert Stein, Chair
10 Franklin Square
New Britain, CT 06051

**Re: Docket No. 470, NTE Connecticut, LLC
Request for Party Status**

Dear Mr. Stein,

This is a petition for party status in Docket No. 470, NTE Connecticut, LLC (“NTE”), Application for a Certificate of Environmental Compatibility and Public Need (Application) for the construction, maintenance and operation of a 550- megawatt (“MW”) dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. The facility is otherwise referred to as the Killingly Energy Center (“KEC”).

Connecticut Fund for the Environment (“CFE”), the proposed party, seeks party status pursuant to Conn. Gen. Stat. § 16-50n (a) (3). CFE is a nonprofit organization formed to promote conservation and natural beauty, to protect the natural resources, personal health and environmental values in Connecticut and New York. This includes the Town of Killingly. CFE was founded in 1978 to protect and improve the land, air, and water of Connecticut using advocacy and scientific expertise to achieve results that benefit our environment for current and future generations. CFE is a 501(c) (3) not-for-profit corporation, incorporated under the laws of the State of Connecticut, with its principal place of business at 900 Chapel Street, New Haven, CT 06510. CFE represents more than 5,000 members in Connecticut and New York. CFE has represented the interests of its membership in legal proceedings before trial and appellate courts and federal and state administrative agencies in various proceedings in which CFE sought to protect the environment and natural resources for its members and the citizens of Connecticut.

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Manner in which CFE is substantially and specifically affected

CFE is a nonprofit, 501 (c) (3) corporation dedicated to the preservation and protection of Connecticut's unique and diverse environment from exploitation and overdevelopment. CFE was founded in 1978 to protect and improve the land, air, and water of Connecticut using advocacy and scientific expertise to achieve results that benefit our environment for current and future generations. CFE and its members are deeply concerned by the possible impacts of the KEC on the surrounding environment and associated ecosystems in the Killingly area.

CFE represents the rights and interests of over 5,000 Connecticut and New York members some of whom are expected to be directly impacted by the construction of the KEC. CFE has the ability and a duty to protect the environment and its related public trusts for, not only its members, but for all of the citizens of Connecticut.

CFE has statutory authority to participate as a full party in NTE's application process in accordance with Conn. Gen. Stat. 16-50n (a) (3). The statute states in relevant part that:

The parties to a certification or amendment...proceeding shall include... (3) any domestic or qualified nonprofit corporation or association formed in whole or part to promote conservation, natural beauty, to protect the environment, personal health or environmental values...

Therefore, CFE should be granted full party status in NTE's Application process.

Contention of CFE

It is CFE's contention that NTE's Application to the Siting Council cannot be properly reviewed by the regulatory authority without consideration of the environmental impacts of all of the component parts of the proposed project and, specifically, consideration of the substantial, potential, and adverse environmental impacts that the replacement of a 50 year old natural gas distribution pipeline owned by Eversource with a new, larger pipeline in environmentally sensitive areas may cause. KEC simply cannot operate without the expansion of the Eversource natural gas distribution pipeline and other interconnections. The power plant is not a stand-alone facility. Therefore, the totality of the project and potential environmental impacts from the construction and installation of all essential components of the project must be adequately presented to the Siting Council to avoid the improper segmentation of this project and the potential damage to the environment and destruction of natural resources from the assessment of such a project in a piecemeal fashion.

The KEC facility will be located in an environmentally sensitive area. NTE proposes to construct a 550 MW generating plant on a 63-acre parcel that currently is zoned as a Killingly Rural Development district. Such districts pose "physical obstacles to development. . . these physical restrictions make it necessary to limit permitted uses." The KEC facility contains physical obstacles to development such as steep slopes, extensive inland wetlands and watercourses, vernal pools and a man-made pond. The wetlands are associated with the Quinebaug River located immediately to the west of the proposed power plant.

NTE also proposes to install an electric switchyard on a 10- acre parcel that is also in the Rural Development district. This property is mostly undeveloped woodlands, with open fields, old rural farm buildings, stone walls, and a family cemetery. The proposed power plant and switchyard property do not have the infrastructure necessary to support such development.

The existing Eversource natural gas distribution pipeline extends from the Algonquin Gas Transmission Co.'s mainline in Pomfret, approximately 2 miles northwest of the proposed KEC site, to Lake Road in Killingly, at which point the pipeline turns eastward along Lake Road, passing the proposed KEC site. In order to operate the KEC facility, NTE must connect to the Eversource distribution pipeline that runs from the Algonquin mainline to Lake Road. The Application states that the generation plant and switchyard will require Eversource to replace the

50 year old pipeline line with a new, larger pipeline capable of providing 3.9 million cubic feet of natural gas per hour at a minimum pressure of 550 pounds per square inch over the course of 2.8 miles. According to NTE's Application, in the replacement of the existing pipeline Eversource will need to perform the following work: (a) remove acres of vegetation; (b) excavate, remove the existing pipeline and replace it with an upgraded 14-inch natural gas pipeline (replacement pipeline) rated for 700 psi through wetlands, protected open space, woodlands, and a public multi-use trail; and (c) cross the expanse of the Quinnebaug River. There are also four interconnections associated with the construction of these facilities. They consist of a natural gas pipe line interconnection at the KEC facility, electric transmission interconnection, a water pipe interconnection, and a wastewater pipeline interconnection.

Although inextricably essential components for an operational power generation plant, the natural gas pipeline replacement and these other components of the project are not part of this Application. NET's Application simply states that these components are associated with KEC but that they are anticipated to be permitted, constructed, owned, and operated by others.¹ In a brief discussion of the community and environmental considerations of these interconnections, NTE concludes that construction of these components will have no significant impact on natural resources. As for the 2.8 mile replacement pipeline, NTE simply states that because the replacement pipeline will be installed in an established Eversource right of way, environmental impacts are expected to be minimal.²

NTE's Application to the Siting Council cannot be approved without considering the environmental impacts of the Eversource natural gas distribution pipeline replacement and expansion. Because KEC cannot operate without the expanded natural gas pipeline, the Application improperly segments the proposed project to lessen the potential environmental impacts of the generating facility, switchyard, and pipeline construction by deferring key components to a later time when additional applications are to be filed by others. It is CFE's contention that there must be an analysis of the totality of the environmental impacts associated with the entire project, including the replacement pipeline and other interconnections, before approval can be granted for the siting of the electric generating plant and switchyard. In its application, NTE concludes that this project will have no significant impact on natural resources. The omission of essential components of NTE's proposed project makes its Application incomplete and it improperly segments the entirety of its proposed project to the detriment of the environment and natural resources in this area.

¹ NTE Connecticut Application for a Certificate of Environmental Compatibility and Public Need, Attachment II, Section 8.0, p. 166.

² NTE Connecticut Application for a Certificate of Environmental Compatibility and Public Need, Attachment II, Section 8.12, p. 167.

Relief sought by CFE

CFE asks that NTE's Application in Docket No. 470 be denied in its entirety as incomplete or, in the alternative, be stayed until such time as the Eversource distribution pipeline replacement application and the applications for the interconnections are filed with the Siting Council and that all Applications be consolidated for a complete review and analysis of the potential adverse environmental impacts of the entire project.

Statutory or other authority therefore

CFE is entitled to participate as a party in this proceeding pursuant to Sections 4-177a and 16-50n (a) (3) of the Connecticut General Statutes.

Nature of the evidence that the petitioner intends to present

Presently, CFE seeks authority to cross examine witnesses, and participate in oral argument and submit memorandum of law on the issue of the issue of the environmental impact and the improper segmentation of NTE's project.

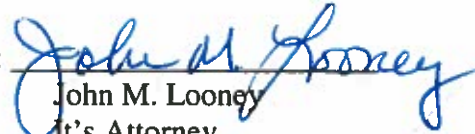
Other comments for CSC consideration

None.

Respectfully Submitted,

Connecticut Fund for the Environment

By:

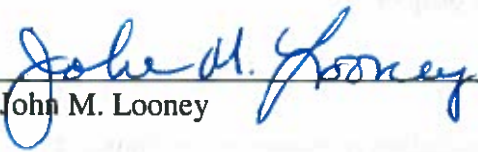


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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing document was delivered via electronic mail to persons on the attached service list on October 26, 2016.

By: 
John M. Looney

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
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Party & CEPA Intervenor (Approved 9/29/16)	<input checked="" type="checkbox"/> E-mail	Not Another Power Plant	<p>John Bashaw, Esq. Mary Intel Miller, Esq. Reid and Riege, P.C. One Financial Plaza, 21st Floor Hartford, CT 06103 jbashaw@rrlawpc.com mmiller@rrlawpc.com</p>
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