

November 10, 2014

State of Connecticut
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

file copy

RECEIVED
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CONNECTICUT
SITING COUNCIL

Attn: Melanie A. Bachman, Acting Executive Director

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 Megawatt 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 Bachman,

I begin this Comment by saying I'm a bit confused with the above "*Re: Docket 192B*". Quoting your Notice dated November 4, 2014 to Parties and Intervenors: The caption states the motion is to reopen the "*June 23, 1999 Certificate*". The Docket number of that Certificate is #192, not #192B. Also, the applicant making the Motion/Petition is CPV Towantic LLC (hereinafter referred to as "CPV") not "*Towantic Energy LLC*". Further, the June 23, 1999 Certificate was, and is, for a 512 MW rated plant, not a "*785 MW*" plant.

I received a packet at my home on November 5, 2014, mailed by the applicant on November 3, 2014, as postmarked. On November 6, 2014, at 3:35 p.m., I received your notice and request "*to submit comment or statements of position in writing to the Council with respect to whether the Motion to Reopen and Modify the Certificate should be granted or denied by the close of business on or before November 12, 2014*". This allows a mere five (5) working days for parties and intervenors to respond with their comments to a 3" thick submission by the applicant, which has had two and one-half 2 1/2 years to truss up and assemble. How could parties and intervenors objectively read through the documents in that minute time window, much less have ample time to do research and due diligence, and then prepare an accurate and meaningful comment for Connecticut Siting Council (Council) consideration? A vote by the Council to reopen a fifteen year old Docket, based on changed conditions or any other offering, is not an insignificant proceeding. We are discussing what would become the second largest base-load electric generating plant in the State!

A Council decision to reopen any Docket must be based on the merit of the request. The fact that a significant amount of the Motion to Reopen documentation by CPV is unauthored, is very detrimental to its credibility and probative value.

You may recall my Comment of October 29, 2010 (copy attached) which is relative and pertinent to this Comment, in that another extension of time is being requested, which would take this siting out to 20 years from its Certification. In the 2010 Comment, I specifically made note of Council credibility on pg. #2. One must ask just what the Council means when it uses verbiage as “*with the condition that the facility be completed by January 24, 2011*” and “*to be completed no later than January 24, 2011*”. Are these terms mandates that have consequences, or are they merely evidence that the Council makes the rules but in this case doesn’t enforce them.

The project received Council Certification in 1999, but it hasn’t been built by the various Certificate holders for a variety of selfish reasons. Once again, I state emphatically that never in the history of electrical generating plant sitings in Connecticut, pre or post Connecticut Siting Council, has such a banking of a Certificate been so repeatedly blatant and inconsequential. It would be an insult to the fair minded people of Connecticut to grant yet another breadth of life into this fiasco siting; and perhaps they should start asking WHY, particularly when CPV threatens that the plant may not be built at all unless the Council meets with its requests.....; unconscionable!

The Council has its own rationale for denying the Request To Reopen, notably among them its current stated policy in its Annual Loads and Forecasts publications of moving away from base-load power plants, with positive emphasis on smaller, peaking load and renewable energy powered plants; not fossil fuel burning plants. Surely CPV must be fully aware of Council dictates and policy.

It appears CPV is taking up where its predecessors left off; in misleading the Council and the public about certain issues. For instance, I refer you to CPV’s Quarterly Progress Report dated March 30, 2012, where it states under fourth asterisk, “*The applications were withdrawn on February 7th in connection with the aforementioned acquisition*”. I have researched the record, and find no documentation whatsoever where CPV shared with the Council that its *Application for Extension of Time of the Determination* was denied by the Federal Aviation Administration (FAA) because of aviation safety concerns. Withdrawing after denial serves no purpose, but when so elicited can be quite misleading. Did CPV also fail to share with the Council that recent FAA studies have vindicated the position I have maintained throughout Docket 192; that the stack emissions would present unacceptable hazards to the operations at Waterbury/Oxford Airport, and that the plant stack emissions are considered by the FAA to be incompatible with the airport? (please see attached FAA Position Paper dated July 8, 2014). Is the Council now willing to gamble aviation safety at the Waterbury/Oxford Airport in favor of this plant siting with the record it has established for itself?

It is time, no, *it is way past time*, to let this inappropriate and erroneously sited plant die its natural death by not granting any more extensions of time, conditions, modifications or by accepting more promises to be broken.

I respectfully ask the Council to grant a reasonable amount of time for parties and intervenors to do their due diligence with respect to CPV’s submission for Motion to

Reopen. The holiday period is quickly approaching (Thanksgiving, Christmas and New Year), with people traveling. Therefore I ask the Council to remand from any vote on reopening until after January, 2015. However, should the Council vote to reopen, it should not be a narrow reopening as requested by CPV. It should follow the same decision made by the Council on November 17, 2005, where, under its own motion, the Council wisely reopened Docket 192 under Conn. Gen. Stat. §4-181 a(b), and provided both supporters and opponents of the Certificate with opportunity for due process with respect to any changed conditions.

Thank you for your kind attention and consideration.

Respectfully,

Raymond Pietrorazio
764 Charcoal Ave.
Middlebury, CT 06762

Enclosures

cc: Service list Docket #192
CPV Towantic LLC, Andrew J. Bazinet

CERTIFICATE OF SERVICE

This is to certify that on this tenth day of November, 2014, the attached
Comment to:

PETITION OF CPV TOWANTIC,LLC (f.k.a. TOWANTIC ENERGY,
LLC) TO REOPEN AND MODIFY THE DECISION IN DOCKET #192
DUE TO CHANGED CONDITIONS

was sent to all persons on the attached service list.

By: 
Raymond Pietrorazio

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Towantic Energy, L.L.C.	John W. Cannavino Cummings & Lockwood LLC Six Landmark Square Stamford, CT 06901 (203) 351-4447 (203) 708-3849 –fax jcannavino@cl-law.com
Party	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: 203-888-4976 zoarmonster@sbcglobal.net	
Intervenor	Town of Middlebury	Attorney Dana A. D'Angelo Law Offices of Dana D'Angelo, LLC 20 Woodside Avenue Middlebury, CT 06762 (203) 598-3336 (203) 598-7283 – fax Dangelo.middlebury@snet.net Raymond Pietrorazio, Town Representative 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax ray@ctcombustion.com
Intervenor	The Connecticut Light and Power Company (CL&P)	Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 –fax gibels@nu.com

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	CL&P continued...	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com</p> <p>Stella Pace, Senior Engineer The Connecticut Light and Power Company Transmission and Interconnection Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3569 paccess@nu.com</p>
Party	Town of Oxford	<p>Francis A. Teodosio, Esq. Winnick, Vine, Welch & Teodosio, LLC 481 Oxford Road Oxford, CT 06478 (203) 881-3600 (203) 881-3606 fax</p>

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party	Naugatuck Valley Chapter Trout Unlimited	Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 johnnytroutseed@chartner.net
Intervenor	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 (203) 262-0647 (203) 264-9762 - fax
Party	The Pomperaug River Watershed Coalition	James Belden, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 www.pomperaug.org
Intervenor (approved 06/07/06)	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax ray@ctcombustion.com	
Intervenor (approved 10/10/06)	GE Energy Financial Services, Inc.	Jay F. Malcynsky The Law Offices of Jay F. Malcynsky, P.C. One Liberty Square New Britain, CT 06051 (860) 229-0301 (860) 225-4627 – fax jmalcynsky@gaffneybennett.com pcelarke@gbact.com

Date: February 7, 2013

Docket No. 192

Page 4 of 4

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<i>No status granted Request for intervenor status dated 1/29/13 never taken up because record is closed (considered interested organization-must take up if docket reopened)</i>	Preservation Middlebury	Marian Larkin Acting President of Preservation Middlebury P.O. Box 177 Middlebury, CT 06762



U.S. Department
of Transportation
**Federal Aviation
Administration**

Position Paper

Safety Concerns of Exhaust Plumes

Prepared by:
Federal Aviation Administration
Airport Obstructions Standards Committee Working Group
July 8, 2014

Background:

In 2008, a safety concern was raised to Federal Aviation Administration (FAA) that in some instances exhaust plumes were causing disruption to flights. In addition, California Energy Commission and other organizations were requesting guidance from the FAA on what is the appropriate proximity power plants can be constructed near an airport. The only FAA regulations are on the physical restrictions of the exhaust stack height. There are no FAA regulations protecting for plumes and other emissions from exhaust stacks.

In September 2008, the FAA's Airport Obstruction Standards Committee (AOSC) was tasked to study the impact exhaust plumes may have on flight safety. In 2009, a task was added to an FAA support contract that evaluated the following:

- How much turbulence is created by the Exhaust Plumes?
- Is this turbulence great enough to cause loss of pilot control?
 - If so, what size aircraft are impacted?
- Is there a lack of oxygen causing loss of engine or danger to pilot/passengers?
- Are there harmful health effects to the pilot or passengers in flying through the plume?

In fall 2010, the initial Exhaust Plume Report was completed. After careful review, the AOSC determined that the information in the initial Plume Report needed to be further verified and validated.

In spring 2011, FAA's Federally Funded Research & Development Center operated by the MITRE Corp was tasked to verify and validate the initial study with an agreed upon completion in fall 2012.

MITRE completed their initial task in September 2012 and delivered a study and validated Exhaust Plume model. The study indicates exhaust plumes can create hazards for aircraft in a limited area above the stack in terms of turbulence caused by upward motion of the plume and reduced oxygen content inside the plume. The reduced oxygen is not a danger to pilots, but could cause failure of helicopter engines if hovering over the plume. It also indicated that weather conditions are an important factor in the size of the risk area. The conditions which create the largest risk area are calm winds, low temperatures, and neutral or stable stratification of the atmosphere. The reverse is also true, windy conditions (greater than eight (8) knots) and warmer temperatures, the risk area is minimized.

An industry meeting was hosted by the FAA in January 2013 in which MITRE briefed on the initial study and explained their Exhaust Plume Model. Industry recommended that the Plume Model be updated to include light sport aircraft and when an aircraft crosses over the plume while already in a turn.

The industry group also expressed a desire for the FAA to take affirmative action from the results of the plume model to declare plumes as hazards, as they do with structures under Part 77. The industry group believes preemptive planning is very important for preventing construction of plume emitting facilities in the vicinity of airports. They reiterated a desire for the FAA to declare them hazards as an aid to empower the State's position in that regard.

Final Steps:

1. The FAA Office of Airports will update Advisory Circular (AC)150/5190-4, Airport Land Use Compatibility Planning, to address the compatibility of exhaust plumes near airports; scheduled to be completed by Fall of 2014.
2. The FAA Office of Aviation Safety will further update the Aeronautical Information Manual (AIM) to provide pilots information regarding the potential hazards over exhaust plumes; scheduled to be completed in Fall of 2014.
3. The FAA tasked the MITRE Corporation to update the Exhaust Plume Model to include the industry recommendations, as well as make it a fully executable that can run on a personal computer. The Model will be available the Fall of 2014. How to access the model will be outlined in the AC 150/5190-4.

Conclusion:

After a thorough analysis, the FAA has determined the overall risk associated with thermal exhaust plumes in causing a disruption of flight is very unlikely. However, the FAA determined that thermal exhaust plumes in the vicinity of airports may pose a unique hazard to aircraft in critical phases of flight and therefore are incompatible. We recommend that airport owners, in cooperation with local communities, follow the guidance outlined in Advisory Circular (AC)150/5190-4, Airport Land Use Compatibility Planning.

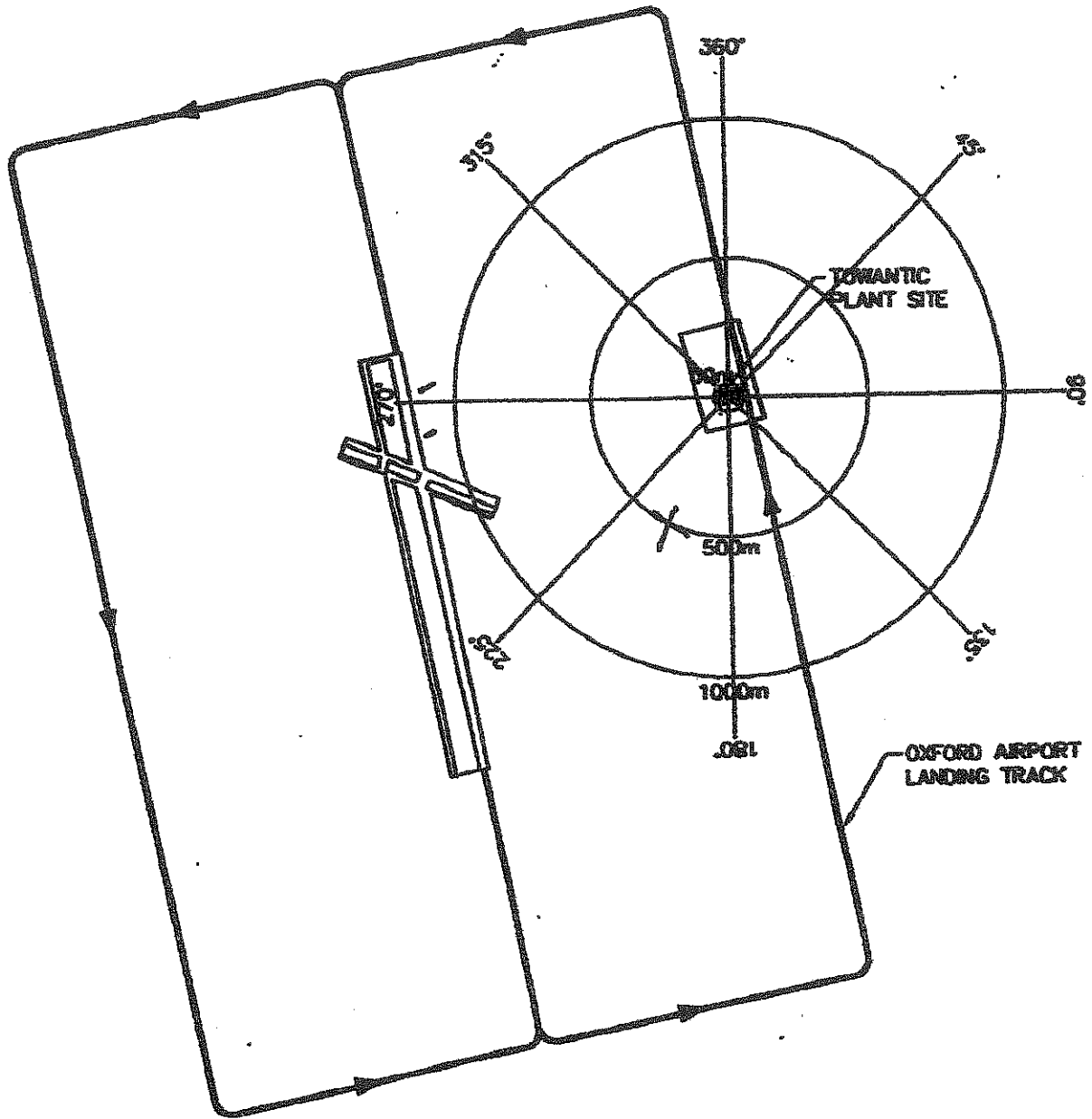
The information and recommendation provided in this Position Paper supersedes any previous studies or reports on thermal exhaust plumes completed by the FAA.

Prepared by:

Federal Aviation Administration
 Airport Obstructions Standards Committee Working Group
 John Speckin, Regions and Center Operations
 Patrick Zelechowski, Flight Standards
 John Bordy, Flight Standards
 Robert Bonanni, Airports
 John Page, Air Traffic Organization
 Ron Singletary, Air Traffic Organization

cc: 2

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DLL No. 25

OXFORD ENERGY CORPORATION
 TOWANTIC ENERGY PROJECT
 TOWANTIC STACK PLUME
 ORIENTATION

12-00697\07000\Drawings
 2511-SK-3

October 29, 2010

The Honorable Daniel F. Caruso, Chairman
Connecticut Siting Council
Ten Franklin Square New Britain, CT 06051

Re: Comment to :

Towantic Energy, LLC Request for Extension of the Certificate date, per request in its letter to you dated October 20, 2010 (Request)

Docket No. 192 Towantic Energy LLC Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a 512 Megawatt Electric Generating Facility Located Approximately 4,000 feet north of Prokop Road and Towantic Hill Road Intersection in the Town of Oxford, Connecticut (the "Certificate")

Dear Chairman Caruso,

I have been duly noticed of the above Request. I herein advise the Connecticut Siting Council (Council) that I oppose any such extension, for all the reasons previously stated by me at various times in this Docket; and particularly in view that Towantic Energy LLC (Towantic) and General Electric Energy Financial Services (GEEFS) pledged to the Council they would have this plant built and operating by January 24, 2011. This assurance was a foremost condition upon which the Council granted the last extension in 2008. Council members stated emphatically in 2007 that this Docket has gone on much too long without construction, or even a date certain. It was apparent to all parties at the hearings that the four-year extension was granted with the Council being reassured by Towantic/GEEFS that by January 24, 2011, another 512 megawatts would be available to the grid by completion of the Towantic plant.

Indeed, this is evident from the very first paragraph of the Request, I quote:

"As you may recall, on January 18, 2007, the Connecticut Siting Council ("Council") granted Towantic Energy, LLC ("Towantic") an extension of time for the construction of the Towantic project with the condition "that the construction of the facility be completed by January 24, 2011", (emphasis added).

What this latest Request represents is a phenomenal exercise of certificate banking. In addition, it certainly is precedent-setting, with no previous Docket extensions on record equaling Towantic's. The self-serving excuses offered for continuous delay of construction are not credible to the criteria effecting long-range, base-load power plant sitings. The purported inevitable demise of existing generators due to age, obsolescence, and inefficiency was offered as a key element for public need (please see Findings of Fact,

Docket 192, both in 1999 and 2007). It seems for the past eleven years Towantic, and the Council, have seen no pressing need for Towantic to replace "*the older, less efficient*" generating plants, and now Towantic apparently feels another four-year delay is of no consequence either.

Yes, this is an issue that goes to the credibility of Towantic LLC/GEEFS. However, it equally, if not primarily, goes to the credibility of the Council. Questions are raised as to exactly what the Council means when it orders a facility to be completed "*no later than January 24, 2011*" (*emphasis added*)

I ask the Council to be true to its statutory charge, and not be persuaded by self-centered interests such as financial guarantees, and attempting to take advantage of ISO New England's Forward Capacity Market situation, which program did not even exist when Towantic's Certificate was issued in 1999.

Power plants are sited by the Connecticut Siting Council to best serve the people of Connecticut (*'benefit to the public vs: environmental damage'*). Respecting Docket 192, only Towantic has been well-served by repeated extensions; not the people of Connecticut.

The Towantic LLC Energy Center Certificate issued by the Council should be allowed to expire by the Council denying any further extension of time.

Thank you for your kind attention and consideration..

Respectfully,

Raymond Pietrorazio
40 Whittemore Road
Middlebury, CT 096762

cc: Docket 192 Service list

Attorney General Richard Blumenthal