

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

AN APPLICATION BY TOWANTIC ENERGY, LLC	:	DOCKET NO. 192B
FOR A CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED FOR THE	:	
CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF A PROPOSED ELECTRIC	:	
GENERATING FACILITY LOCATED NORTH OF	:	
THE PROKOP ROAD AND TOWANTIC HILL ROAD	:	FEBRUARY 24, 2015
INTERSECTION IN THE TOWN OF OXFORD,	:	
CONNECTICUT	:	

**TOWN OF MIDDLEBURY SECOND SET OF  
INTERROGATORIES DIRECTED TO CPV TOWANTIC, L.L.C.**


1. In response to Town of Middlebury Interrogatory 2, the names and address and qualifications of the applicant’s witnesses were provided, including Mr. Dean Gustafson. Mr. Gustafson identifies himself as a “Professional Soil Scientist” and “Senior Wetland Scientist”.  
Please provide the Council with any additional qualifications of Mr. Gustafson to support his opinion that there will be no adverse impact to the Important Bird Area at Naugatuck State Forest in response to Question CSC-5 (Interrogatories CSC-2, 1/26/15).
  
2. In the response to Question CSC-5 (Interrogatories CSC-2, 1/26/15), Mr. Gustafson stated that the Naugatuck State Forest IBA is “known as a particularly important area for bird species that require early successional habitats.”
  - a. Does that conflict with the February 2012 Important Bird Area Conservation Plan for Naugatuck State Forest , which says that “[t]his IBA was selected because its diverse habitats support a variety of breeding birds identified as endangered, threatened or of special concern in CT...” and that it was recognized for “its shrubland and early to mid-successional forest habitats...” and that “In particular, the IBA offers prime breeding habitat for early successional/shrubland and forest species.”, and that “the size and integrity of the NSF make it especially valuable habitat for area-sensitive forest interior species.”
  - b. What relationship does the discussion of grassland bird habitat have to the potential impact on avifauna in the vicinity of the site or at the Naugatuck State Forest IBA?

- c. Which of the 22 state-listed bird species reported from the Naugatuck State Forest IBA are considered grassland birds?
  - d. Was the absence of any state-listed grassland birds from the NDDB response letter the result of any comprehensive on-site surveys?
  - e. Can utility rights of way and/or abandoned agricultural fields be managed in a way that supports valuable early successional habitats?
  - f. Do shrublands support grassland birds? Are any of them present at or adjacent to the site?
3. Please restate the qualifications of Lynn Gresock and Dean Gustafson to respond to Question CSC-8 and 9 (Interrogatories CSC-2, 1/26/15) regarding impacts on birds from the stacks or their lighting.
4. How much of the total area of the proposed facility's site,
- a. Is currently forested?
  - b. Has a determination been made as to how many large trees will be retained in on the 26 acre site, as recommended by CT DEEP?
  - c. On a percentage basis, how much forest habitat will remain?
  - d. Does the proposed construction sequence prepared by Civill include any seasonal restrictions on tree clearing?
  - e. What impact would removal of this amount of forest have on the ability of the site to support Red Bat, Hoary Bat, or Silver Bat?

5. The DEEP recommendations include avoiding impacts to Eastern Box Turtle be implemented.
  - a. Will barrier-type erosion controls be present during the periods late August through September and March through mid-May when amphibians and reptiles are most active?
  - b. Since it appears that the plan calls for silt fence to be present during these peak times of amphibian and reptile migration, have they been laid out to conform to DEEP's recommendation?
  - c. Does the erosion control plan specify only products that do not have netting?
  - d. Will rip-rap be covered with native stream bank material?
  - e. Does the proposed construction sequence include any measures to protect the state-listed Eastern Box Turtle?
  
6. Based on the relationship of the proposed facility to the abutting spectra natural gas compression station:
  - a. Comment on whether Wetland 1 be avoided by shifting the project onto Lot 9B by lot line revision of Lot 9?
  - b. Could the Stormwater Basin A be relocated onto Lot 9B, even if the driveway to the compressor plant remained in place?
  
7. Is the power plant considered a Land Use or Activity with Potential for Higher Pollutant Loads as per CT DEEP 2004 Stormwater Manual?
  
  
8. Are trees to be planted around the stormwater basins sufficient to shade the entire basins?

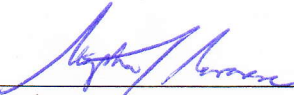
9. If trees are not to be planted around the stormwater basins, what is the mechanism by which stormwater will be cooled, as stated in you Stormwater Management and Erosion Control Report?
  
10. Will dewatering be required for the proposed facilities?
  
11. Do the plans call for disposal of dewatering wastes by infiltration into the ground?
  
12. Are the soils and underlying tills restricted in their capacity for infiltration?
  
13. In comparing the predicted concentration PM2.5 contour map LFE-Connecticut CSC 2-Q and Windrose Plot:
  - a. Please identify the wind direction and velocity factored into the model.
  - b. Does the wind speed vary the levels of concentration?
  - c. Please provide PM2.5 contour plan map wind speed of 3.1 mph (50% of the 6.2 mph average) predicted in the Windrose Plot.
  - d. Please provide PM2.5 contour plan map wind speed of 9.3 mph (150% of the 6.2 mph average) predicted in the Windrose Plot.

RESPECTFULLY SUBMITTED,  
TOWN OF MIDDLEBURY

By:   
Stephen L. Savarese  
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**Certification**

This is to certify that the foregoing was mailed or electronically delivered on the 24<sup>nd</sup> day of February, 2015 on the Acting Executive Director of the Connecticut Siting Council, applicant, parties, and intervenors on the attached service list.

  
Stephen L. Savarese  
Commissioner of the Superior Court

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	CPV Towantic, L.L.C.	Franca L. DeRosa, Esq. Philip M. Small, Esq. Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 (860) 509-6500 (860) 509-6501 – fax <a href="mailto:fderosa@brownrudnick.com">fderosa@brownrudnick.com</a> <a href="mailto:psmall@brownrudnick.com">psmall@brownrudnick.com</a>
<b>Party</b>	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: 203-888-4976 <a href="mailto:zoarmonster@sbcglobal.net">zoarmonster@sbcglobal.net</a>  Peter Thomas 72 Towantic Hill Rd. Oxford, CT 06478 203-720-1536	
<b>Intervenor</b>	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 <a href="mailto:Dangelo.middlebury@snet.net">Dangelo.middlebury@snet.net</a>  Stephen L. Savarese, Esq. 103 South Main Street Newtown, CT 06470 203-270-0077 <a href="mailto:attystephensavarese@gmail.com">attystephensavarese@gmail.com</a>
<b>Intervenor</b>	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 <a href="mailto:gibels@nu.com">gibels@nu.com</a>

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  <a href="mailto:morisjr@nu.com">morisjr@nu.com</a></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  <a href="mailto:bernacr@nu.com">bernacr@nu.com</a></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  <a href="mailto:paccess@nu.com">paccess@nu.com</a></p> <p>Jeffery D. Cochran  Northeast Utilities Service Company  107 Selden Street  Berlin, CT 06037  860-665-3548  <a href="mailto:cochrjd@nu.com">cochrjd@nu.com</a></p>
<b>Party</b>	Town of Oxford	Kevin W. Condon, Esq. Condon & Savitt PC P.O. Box 570 Ansonia, CT 06401 203-734-2511 <a href="mailto:condonsavitt@comcast.net">condonsavitt@comcast.net</a>
<b>Party</b>	Naugatuck Valley Chapter Trout Unlimited	Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 <a href="mailto:johnnytroutseed@charter.net">johnnytroutseed@charter.net</a>

<b>Intervenor</b>	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 <a href="mailto:selectman@southbury-ct.gov">selectman@southbury-ct.gov</a> (203) 262-0647 (203) 264-9762 – fax
<b>Party</b>	The Pomperaug River Watershed Coalition	Len DeJong, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 <a href="mailto:LDeJong@pomperaug.org">LDeJong@pomperaug.org</a>
<b>Intervenor (approved 06/07/06)</b>	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax <a href="mailto:ray@ctcombustion.com">ray@ctcombustion.com</a>	
<b>Intervenor (approved 10/10/06)</b>	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 <a href="mailto:jmalcynsky@gaffneybennett.com">jmalcynsky@gaffneybennett.com</a>
<b>Intervenor (Approved on November 13, 2014)</b>	Borough of Naugatuck and Borough of Naugatuck Water Pollution Control Authority	Edward G. Fitzpatrick, Esq. Alicia K. Perillo, Esq. Fitzpatrick, Mariano, Santos, Sousa, PC 203 Church Street Naugatuck, CT 06770 203-729-4555 <a href="mailto:Fitz@fmslaw.org">Fitz@fmslaw.org</a> <a href="mailto:alicia@fmslaw.org">alicia@fmslaw.org</a>  Ronald Merancy, Chairman Water Pollution Control Authority 229 Church Street Naugatuck, CT 06770 203-720-7000 <a href="mailto:Rjm62156@aol.com">Rjm62156@aol.com</a>



<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Wayne McCormack 593 Putting Green Lane Oxford, CT 06478 <a href="mailto:wayne@waynemccormack.com">wayne@waynemccormack.com</a>	
<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Naugatuck River Revival Group, Inc.	Kevin R. Zak, President Naugatuck River Revival Group, Inc. 132 Radnor Avenue Naugatuck, CT 06770 <a href="mailto:kznrrg@sbcglobal.net">kznrrg@sbcglobal.net</a> 203-530-7850
<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Westover Hills Subdivision Homeowners	Chester Cornacchia Westover Hills Subdivision Homeowners 53 Graham Ridge Road Naugatuck, CT 06770 203-206-9927 <a href="mailto:cc@necsonline.com">cc@necsonline.com</a>
<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Westover School	Kate J. Truini Alice Hallaran Westover School 1237 Whittemore Road Middlebury, CT 06762 203-758-2423 <a href="mailto:katruini@westoverschool.org">katruini@westoverschool.org</a> <a href="mailto:ahallaran@westoverschool.org">ahallaran@westoverschool.org</a>
<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Greenfields, LLC and Marian Larkin	Edward S. Hill, Esq. Cappalli & Hill, LLC 325 Highland Avenue Cheshire, CT 06410 203-272-2607 <a href="mailto:ehill@cappalihill.com">ehill@cappalihill.com</a>
<b>Intervenor</b> <i>(Approved on  January 8, 2015)</i>	Lake Quassapaug Association, LLC	Ingrid Manning, Vice President Lake Quassapaug Association, LLC P.O. Box 285 Middlebury, CT 06762 203-758-1692 <a href="mailto:Ingridmanning2@gmail.com">Ingridmanning2@gmail.com</a>

<b>Intervenor</b> <b>(Approved on</b> <b>January 8, 2015)</b>	Middlebury Land Trust, Inc.	W. Scott Peterson, M.D., President Middlebury Land Trust, Inc. 317 Tranquility Road Middlebury, CT 06762 203-574-2020 <a href="mailto:wsp@aya.yale.edu">wsp@aya.yale.edu</a>
<b>Intervenor</b> <b>(Approved on</b> <b>January 15, 2015)</b>	Quassy Amusement Park	George Frantzis Quassy Amusement Park P.O. Box 1107 Middlebury, CT 06762 203-758-2913 ext 108 <a href="mailto:george@quassy.com">george@quassy.com</a>
<b>Intervenor</b> <b>(Approved on</b> <b>January 15, 2015)</b>	Middlebury Bridle Land Association	Nancy Vaughan Middlebury Bridle Land Association 61 Sandy Hill Road Middlebury, CT 06762 203-598-0697 <a href="mailto:ndzijavaughan@gmail.com">ndzijavaughan@gmail.com</a>
<b>Intervenor</b> <b>(Approved on</b> <b>January 15, 2015)</b>	Dennis Kocyla 28 Benz Street Ansonia, CT 06401 203-736-7182 <a href="mailto:Dennis3141@yahoo.com">Dennis3141@yahoo.com</a>	
<b>Intervenor</b> <b>(Approved on</b> <b>January 15, 2015)</b>	Naugatuck Valley Audubon Society	Sophie Zyla Jeff Ruhloff Carl Almonte Naugatuck Valley Audubon Society 17 Stoddard Place Beacon Falls, CT 06403 203-888-7945 <a href="mailto:NVASeditor@mail.com">NVASeditor@mail.com</a>
<b>Intervenor</b> <b>(Approved on</b> <b>January 15, 2015)</b>	Oxford Flying Club	Burton L. Stevens Oxford Flying Club, Inc. P.O. Box 371 Woodbury, CT 06798 203-236-5158 <a href="mailto:bstevens@snet.net">bstevens@snet.net</a>