

## Transcript of the Hearing of

Date: February 10, 2015

Volume: 4

Case: SITING COUNCIL - DOCKET 192B

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# STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

Docket No. 192B

CPV Towantic, 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 MW Dual-Fuel Combine Cycle Electric
Generating Facility Located North of the
Prokop Road and Towantic Hill Road
Intersection in the Town of Oxford,
Connecticut

Continued Public Hearing held at the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut, Tuesday, February 10, 2015, beginning at 11:00 a.m.

Held Before:

SENATOR JAMES J. MURPHY,

Vice Chairman

	Page 362		Page 364
1	Appearances:	1	Appearances (Cont'd.):
2	Council Members:	2	For Greenfields, LLC and Marian Larkin:
3	DR. BARBARA C. BELL	3	CAPPALLI & HILL, LLC
4	ROBERT HANNON, DEEP Designee	4	325 Highland Avenue
5	PHILIP T. ASHTON	5	Cheshire, Connecticut 06410
6	DR. MICHAEL W. KLEMENS	6	BY: EDWARD S. HILL, ESQ.
7	DAVID LYNCH	7	B1. EDWARD S. HIEL, ESQ.
8	DAVID LINCH	8	Also present
9	Council Staff:	9	Also present:
			LEN DEJONG,
10	MELANIE BACHMAN, ESQ.	10	Pomperaug River Watershed Coalition
11	Executive Director and	11	WEND GAR
12	Staff Attorney	12	KEVIN ZAK,
13		13	Naugatuck River Revival Group
14	MICHAEL PERRONE,	14	
15	Siting Analyst	15	EDWARD EDELSON,
16		16	Town of Southbury
17	For CPV Towantic, LLC:	17	
18	BROWN RUDNICK, LLP	18	JEFF RUHOLFF,
19	185 Asylum Street	19	Naugatuck Valley Audubon Society
20	Hartford, Connecticut 06103	20	
21	BY: PHILIP M. SMALL, ESQ.	21	WAYNE McCORMACK,
22	FRANCA L. DeROSA, ESQ.	22	Naugatuck Resident
23		23	
24		24	KATE TRUINI,
25		25	Westover School
	Page 363		Page 365
1		1	Page 365 THE VICE CHAIRMAN: Ladies and
1 2	Appearances (Cont'd.):	1 2	THE VICE CHAIRMAN: Ladies and
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2 (Pages 362 to 365)

	Dago 266		Daga 260
_	Page 366		Page 368
1	rendered in this docket.	1	did have a few other requests for extensions.
2	On June 23, 1999, the Council	2	And we had granted a 30-day extension to the
3	considered and approved granting a	3	requesting entities to March 3rd for
4	certificate to CPV Towantic, LLC's	4	submission of prefiled testimony and
5	predecessor for the construction, maintenance	5	responses to any interrogatories. That
6	and operation of a 512 megawatt natural	6	extension was meant to apply across the board
7	gas-fired combined cycle facility located	7	to all parties and intervenors, including the
8	north of the Prokop Road and Towantic Hill	8	certificate holder. We also have a pending
9 10	Road intersection in the Town of Oxford,	9	request from the Naugatuck Valley Audubon
	Connecticut. On March the 1st, 2001, the	10	Society for a 30-day extension.
11	Council considered and approved final site	11	So, to make it clear, and we
12	plans for this facility. The certificate for	12	will follow up with a memo tomorrow after the
13	this facility is scheduled to expire June the	13 14	hearing, an extension for 30 days is granted
14	1st, 2016.		to all parties and intervenors to submit
15	A verbatim transcript will be	15 16	interrogatories to the certificate holder or
16	made of this hearing and deposited with the		any other party or intervenor on or before
17	town clerk's office in the Oxford and	17	February 24th, and that responses to the
18	Middlebury Town Halls for the convenience of	18	interrogatories and any additional prefile
19	the public.	19	testimony by any party or intervenor is due
20	We will proceed in accordance	20	on or before March 3rd.
21 22	with the prepared agenda, copies of which are	21 22	THE VICE CHAIRMAN: Thank you,
	available here.	23	Attorney Bachman.
23 24	And just so, before we start,	24	What's the Council's pleasure
25	we understand the wavelength for today, it's	25	on this request?  MR. ASHTON: Move approval of
45	basically as of the last hearing, which was	25	MR. ASHTON: Move approval of
	Page 367		Page 369
1		1	
1 2	held here. We will break for lunch at	1 2	the extension.
2	held here. We will break for lunch at approximately one o'clock, and that break	2	the extension.  DR. BELL: Second.
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3 (Pages 366 to 369)

	Page 370		Page 372
1	that in the spirit of what the director said.	1	opposed?
2	THE VICE CHAIRMAN: Which	2	(No response.)
3	means that would be denied because we're	3	THE VICE CHAIRMAN: The second
4	giving everybody 30 days.	4	item we have is a request from the Naugatuck
5	MR. ASHTON: Right. Right.	5	Valley Audubon Society for an extension to
6		6	file evidence and testimony received February
7	Otherwise, this thing is going to keep on	7	5th, and that's for 30 days.
8	going on and on like waves breaking on the	8	MR. ASHTON: I move the
9	shore.	9	
	THE VICE CHAIRMAN: Okay. So		approval.
10	the motion before us, who seconded it?	10	THE VICE CHAIRMAN: For 30
11	DR. BELL: I did.	11	days?
12	THE VICE CHAIRMAN: As I	12	MR. ASHTON: Yes.
13	understand it, the motion before us is to	13	DR. BELL: And I'll second.
14	deny the request for the 90 days by these	14	THE VICE CHAIRMAN: Any
15	co-applicants; is that correct?	15	discussion on that?
16	MR. ASHTON: And approve the	16	DR. KLEMENS: Is it the 30-day
17	30-day, as the director outlined.	17	that's tracking the other ones or a different
18	THE VICE CHAIRMAN: We'll get	18	30-day?
19	to that.	19	MS. BACHMAN: That's 30 day to
20	MR. ASHTON: Okay. Do you	20	March 3rd.
21	want to take it in two pieces?	21	DR. KLEMENS: Okay. So it's
22	THE VICE CHAIRMAN: Yes.	22	not okay. It's for the same one as
23	MR. ASHTON: All right. I'll	23	everybody else?
24	rephrase my motion to deny the request for	24	MS. BACHMAN: Correct.
25	extensions.	25	DR. KLEMENS: Thank you for
	Page 371		Page 373
	5		rage 373
1	THE VICE CHAIRMAN: Okay.	1	the clarification.
1 2		1 2	
	THE VICE CHAIRMAN: Okay.		the clarification.
2	THE VICE CHAIRMAN: Okay. We're only acting on this one first.	2	the clarification.  THE VICE CHAIRMAN: Further
2 3 4 5	THE VICE CHAIRMAN: Okay. We're only acting on this one first. MR. ASHTON: Okay.	2 3	the clarification.  THE VICE CHAIRMAN: Further discussion?  All in favor will signify by saying aye.
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2 3 4 5 6 7 8	THE VICE CHAIRMAN: Okay.  We're only acting on this one first.  MR. ASHTON: Okay.  THE VICE CHAIRMAN: Second?  DR. BELL: Yes.  THE VICE CHAIRMAN: Discussion on that?  DR. KLEMENS: My discussion,	2 3 4 5 6 7 8	the clarification.  THE VICE CHAIRMAN: Further discussion?  All in favor will signify by saying aye.  MR. ASHTON: Aye.  DR. BELL: Aye.  THE VICE CHAIRMAN: Opposed?
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4 (Pages 370 to 373)

	Page 374		Page 376
1	Dr. Bell.	1	premarked 11 and 12 on the hearing agenda.
2	Any discussion?	2	Eleven is the I'm sorry, my apologies, 12
3	Your comments again, I assume,	3	and 13. Twelve is the CPV Towantic's
4	would be included?	4	responses to Council interrogatories, and 13
5	DR. KLEMENS: Yes	5	is CPV Towantic's second late-filed exhibits.
6	THE VICE CHAIRMAN: All those	6	Each member of the panel is
7	in favor will signify by saying aye.	7	listed as a witness for one or more of these
8	MR. ASHTON: Aye.	8	interrogatory responses, so I'm asking the
9		9	
10	DR. BELL: Aye.	10	entire panel were these responses prepared by
	MR. HANNON: Aye.		you or under your direction?
11	MS. BACHMAN: Aye.	11	THE WITNESS (Sellars): Yes.
12	THE VICE CHAIRMAN: Opposed?	12	THE WITNESS (Gresock): Yes.
13	(No response.)	13	THE WITNESS (Bazinet): Yes.
14	THE VICE CHAIRMAN: We will	14	THE WITNESS (Donovan): Yes.
15	return to the appearance of the certificate	15	MR. SMALL: Are there any
16	holder.	16	changes or corrections? Ms. Gresock?
17	Do you have additional	17	THE WITNESS (Gresock): The
18	material?	18	figure that was included in the response for
19	MR. SMALL: We do. First of	19	Interrogatory CSC-14 should also have been
20	all, I'm pleased to announce that	20	attached in the response for the late-filed
21	Mr. Gustafson is with us this time, and I'd	21	Exhibit 2H.
22	like to have him sworn in.	22	MR. SMALL: Are there any
23		23	other changes or corrections? With those, do
24		24	you adopt the late-filed exhibits and the
25		25	interrogatory responses in Exhibits 12 and 13
	Page 375		Page 377
1		1	
1 2	DEAN GUSTAFSON,	1 2	as your testimony here today.
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5 (Pages 374 to 377)

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6 (Pages 378 to 381)

	Page 382		Page 384
- 1		,	
1	well as the velocity, but the flow rate and temperature are the dominant terms.	1	most instances, the taller stack would allow
2 3	MR. PIETRORAZIO: Does the	2 3	for additional dispersion before the plume
4		4	would reach ground level, correct.  MR. PIETRORAZIO: Question six
5	temperature is one of the ingredients to the buoyancy factor?	5	is: The optimum height of the previous stack
5 6		6	
7	THE WITNESS (Sellars): That's correct, the flow rates and the temperature.	7	design for the considerably smaller 512 megawatt plant, the optimum design was 160
8	MR. PIETRORAZIO: So would you	8	feet. Correct?
9	say that the buoyancy is the dominant factor?	9	THE WITNESS (Sellars): I
10	THE WITNESS (Sellars): I'd	10	didn't do the modeling for the prior design,
11	say if you looked at the combination of mass	11	but in reviewing the record, they looked at a
12	flow rate and temperature, then those are the	12	number of different scenarios, including 160
13	factors, correct.	13	feet and as low as 146 feet, and I believe
14	MR. PIETRORAZIO: And what is	14	· · · · · · · · · · · · · · · · · · ·
15		15	there was a 10 or 12 percent difference in those two scenarios in terms of ground level
16	the difference in exit stack temperature between this plant, the new 785 plant, and	16	concentration.
16 17	the previous 512 megawatt plant, the	17	MR. PIETRORAZIO: But you're
18	difference in exit stack temperature?	18	familiar with the finding of fact from the
19	THE WITNESS (Gresock): We	19	1999
20	don't have all of the information about the	20	THE WITNESS (Sellars): I am.
21	previous plant scenarios, but as we reported	21	MR. PIETRORAZIO: And isn't it
22	last time, the 2012 MITRE model that	22	true that the finding of fact stated that the
23	addressed the previous configuration had an	23	optimum height of the chimney was 160 feet?
24	exhaust exit temperature of 201 degrees	24	THE WITNESS (Sellars): The
25	Fahrenheit, and our current project would	25	development and management plan that was
23	ranomon, and our current project would		development and management plan that was
	Page 383		Page 385
1			
	have a comparable exhaust exit temperature of	1	filed subsequent to the finding of facts
2	have a comparable exhaust exit temperature of 183.29 degrees Fahrenheit.	1 2	filed subsequent to the finding of facts included additional modeling analyses that
2			
	183.29 degrees Fahrenheit.	2	included additional modeling analyses that
3	183.29 degrees Fahrenheit. MR. PIETRORAZIO: And those	2	included additional modeling analyses that reflected the 150-foot stack.  MR. PIETRORAZIO: Well, this is an important question. Forgive me. What
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	Daga 206		Dago 200
	Page 386		Page 388
1	MR. PIETRORAZIO: Thank you.	1	Number 10: When a plume exits a stack and
2	It takes me to my next question. The stack	2	then immediately falls to the ground because
3	height, 160 feet, was reduced to 150 feet	3	of insufficient exit velocity, called
4	because of concerns for aviation. Correct?	4	downwash, would concentrations of pollutants
5	THE WITNESS (Sellars): Yes.	5	be increased at ground level?
6	Again, I was not involved in the project at	6	THE WITNESS (Sellars): Okay.
7	that time, so given that the FAA approval,	7	When a plume exits a stack and immediately
8	the most current one, was for 150 feet, it's	8	goes all the way to the ground, that would be
9	fair to assume that that was a factor, yes.	9	called fumigation, not downwash. Downwash
10	MR. PIETRORAZIO: Will a stack	10	has a downward influence on the plume, but a
11	having a wider I'm sorry. Question number	11	plume that would go all the way to the
12	eight: Will a stack having a wider diameter	12	ground, it would be a fumigating plume. So
13	but the same height have a reduction of exit	13	yes, downwash does affect the dispersion.
14	velocity assuming the input is the same?	14	MR. PIETRORAZIO: Well, stack
15 16	THE WITNESS (Sellars): Yes.	15	downwash and terrain downwash and building
16	MR. PIETRORAZIO: Question	16	downwash could all create the same effect of
17	Number 9: Would this reduction of exit	17	a plume with a fair wind with that plume
18	velocity improve or diminish plume	18 19	immediately, as soon as it comes out of the
19	dispersion?		stack, begin to fall to the ground.
20	THE WITNESS (Sellars):	20	THE WITNESS (Sellars): The
21	Additional exit velocity would enhance plume	21	plume would have less plume height with
22	dispersion, but again, as a buoyant stack, it	22	downwash regardless of the cause the
23	is a less important factor than the mass flow	23	downwash, but all of those factors are on the
24	rate and temperature would be.	24	basis of the air quality dispersion model
25	MR. PIETRORAZIO: So the	25	analysis that was performed. So it included
	Page 387		Page 389
1	Page 387	,	Page 389
1	converse of your answer would be the	1	consideration of building and stack induced
2	converse of your answer would be the question was the reduction. So the reduction	2	consideration of building and stack induced downwash, as well as the influence of terrain
2	converse of your answer would be the question was the reduction. So the reduction would of the exit velocity would diminish	2 3	consideration of building and stack induced downwash, as well as the influence of terrain in the modeling. So all of those factors are
2 3 4	converse of your answer would be the question was the reduction. So the reduction would of the exit velocity would diminish plume dispersion. Correct?	2 3 4	consideration of building and stack induced downwash, as well as the influence of terrain in the modeling. So all of those factors are represented in our modeling analysis.
2 3 4 5	converse of your answer would be the question was the reduction. So the reduction would of the exit velocity would diminish plume dispersion. Correct?  THE WITNESS (Donovan): But	2 3 4 5	consideration of building and stack induced downwash, as well as the influence of terrain in the modeling. So all of those factors are represented in our modeling analysis.  MR. PIETRORAZIO: Yes, but the
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8 (Pages 386 to 389)

	Page 390		Page 392
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1	for the plume to go immediately to the ground	1	approved in the 1999 scenario.
2	would be more than downwash. That would be	2	MR. PIETRORAZIO: Thank you.
3	severe. That would be fumigation.	3	That's all I have, Mr. Chairman. Thank you.
4	MR. PIETRORAZIO: Thank you.	4	THE VICE CHAIRMAN: Middlebury
5	Question 11: Would this cause deposition of	5	Land Trust?
6	pollutants on the ground, on the ground	6	(No response.)
7	itself?	7	THE VICE CHAIRMAN: Town of
8	THE WITNESS (Sellars): There	8	Oxford?
9	will be deposition of pollutants on the	9 10	(No response.) THE VICE CHAIRMAN: The
10	ground regardless of the amount of downwash,	11	
11 12	and those are factored into, again, factored	12	Naugatuck Valley Chapter of Trout Unlimited? (No response.)
13	into our air quality impact analysis.  MR. PIETRORAZIO: Thank you.	13	THE VICE CHAIRMAN: The
14	Question 12: If there were	14	Naugatuck River Revival Group, Inc?
15	wetlands in the area of this downwash, would	15	(No response.)
16	there be deposition of pollutants on the	16	THE VICE CHAIRMAN: The
17	wetlands?	17	Pomperaug River Watershed Coalition?
18	THE WITNESS (Sellars): There	18	For the Reporter, would you
19	is deposition of pollutants everywhere,	19	identify yourselves?
20	including on wetlands, and that again is	20	LEN DeJONG: I will.
21	factored into our air quality analysis, as	21	Mr. Chairman, members of the Council, my name
22	well as our soil and vegetation impact	22	is Len DeJong. I'm executive director of the
23	analysis which examine the degree of	23	Pomperaug River Watershed Coalition.
24	deposition as well as uptake by plants and	24	On behalf of the coalition,
25	the influence on soils. So, all of those	25	including its board of directors, staff,
			, , , , , , , , , , , , , , , , , , , ,
	Page 391		Page 393
1	Page 391 factors are accounted for in our air quality	1	Page 393 volunteers and supporters, I would like to
1 2	factors are accounted for in our air quality analysis.	1 2	
	factors are accounted for in our air quality analysis.  MR. PIETRORAZIO: Question		volunteers and supporters, I would like to
2 3 4	factors are accounted for in our air quality analysis.  MR. PIETRORAZIO: Question Number 13: Are the effects of pollutant	2 3 4	volunteers and supporters, I would like to thank the Council for allowing our participation in these proceedings.  As a newcomer to the Council
2 3 4 5	factors are accounted for in our air quality analysis.  MR. PIETRORAZIO: Question Number 13: Are the effects of pollutant depositions on wetlands cumulative?	2 3 4 5	volunteers and supporters, I would like to thank the Council for allowing our participation in these proceedings.  As a newcomer to the Council process, I would especially like to recognize
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9 (Pages 390 to 393)

	Page 394		Page 396
1		1	
1 2	our current testimony, has attempted to update the Council on our research and	1 2	the Heritage Village Water Company the changes were made?
3	findings and underscore the continuing issues	3	THE WITNESS (Bazinet): So,
4	of concern. It is hoped that, in some way	4	the service request to Heritage Village
5	our engagement in these proceedings will	5	cited, during the period April 16th to
6	serve as a helpful tool to both the Council	6	October 15th, the maximum of 150,000 gallons
7	and the Applicant in determining the best	7	per day, during other periods a maximum for
8	path forward in matters pertaining to water	8	218,000 gallons per day, with an average
9	resources.	9	annual projection 66,900 gallons per day.
10	With that, I would like to	10	Average flows during those same periods
11	address the following questions to the	11	corresponding to the 150,000 gallons would be
12	applicant:	12	77,500. During the period January 1st to
13	THE VICE CHAIRMAN:	13	April 15th, 68,500, and during the period
14	Mr. DeJong, would you identify the gentleman	14	October 16th to December 31st, 39,500. Those
15	with you?	15	are the values that were submitted on
16	KEVIN ZAK: My name is Kevin	16	November 20, 2014, and a subsequent
17	Zak. I'm with the Naugatuck River Revival	17	commitment letter was granted. I don't have
18	Group.	18	the date handy. I apologize. On December
19	THE VICE CHAIRMAN: Thank you.	19	23, 2014.
20	Go ahead.	20	MR. DeJONG: Thank you. So
21	CROSS-EXAMINATION	21	we'll use those numbers as the basis for
22	MR. DeJONG: Thank you,	22	discussion going forward. Thank you.
23	Mr. Chairman. I may be the minority here,	23	And that leads to Question
24	but I have still some uncertainty regarding	24	Number 2: As presented in the environmental
25	the proposed water demand, so the first	25	overview, water demands, while using the
	Page 395		Page 397
1	Page 395 series of questions are related to the water	1	Page 397 evaporator coolers, are stated to range from
1 2	series of questions are related to the water demands.	1 2	
	series of questions are related to the water demands.  In the November 20, 2014,		evaporator coolers, are stated to range from 141,408 to 147,168 gallons per day. I'm assuming that the period of operation with
2 3 4	series of questions are related to the water demands.  In the November 20, 2014, water availability request to the Heritage	2 3 4	evaporator coolers, are stated to range from 141,408 to 147,168 gallons per day. I'm assuming that the period of operation with the evaporative coolers is between April 16th
2 3 4 5	series of questions are related to the water demands.  In the November 20, 2014, water availability request to the Heritage Village Water Company, which was submitted in	2 3 4 5	evaporator coolers, are stated to range from 141,408 to 147,168 gallons per day. I'm assuming that the period of operation with the evaporative coolers is between April 16th and October 15th, which corresponds with the
2 3 4 5 6	series of questions are related to the water demands.  In the November 20, 2014, water availability request to the Heritage Village Water Company, which was submitted in response to Pomperaug Interrogatory Number 1,	2 3 4 5 6	evaporator coolers, are stated to range from 141,408 to 147,168 gallons per day. I'm assuming that the period of operation with the evaporative coolers is between April 16th and October 15th, which corresponds with the dates in the submittal letter to Heritage
2 3 4 5 6 7	series of questions are related to the water demands.  In the November 20, 2014, water availability request to the Heritage Village Water Company, which was submitted in response to Pomperaug Interrogatory Number 1, the estimated water demands differ from those	2 3 4 5 6 7	evaporator coolers, are stated to range from 141,408 to 147,168 gallons per day. I'm assuming that the period of operation with the evaporative coolers is between April 16th and October 15th, which corresponds with the dates in the submittal letter to Heritage Village. Please explain why the quantity
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#### Page 398 Page 400 1 1 reflective of average ambient temperatures their system better than we do. I will point 2 2 during those periods and expected dispatch out that this is an interconnect that's being 3 profiles by ISO New England, which would take 3 used to service their entire system, not just 4 into consideration periods of nonoperation as 4 the Towantic project, and it doesn't relate 5 well as periods of operation. 5 solely to the Towantic project. 6 6 MR. DeJONG: Thank you. MR. DeJONG: Thank you. 7 7 Question Number 3: How is the term "average Continue on with the 8 8 day" being used? Is the 66,900 gallons per interconnect. How will Heritage Village 9 9 day stated as the annual average within the Water Company be able to offer you a 10 10 Heritage Village Water Company letter, a true guarantee that the Connecticut Water Company 11 11 average of all water demands throughout the interconnect will be available to you and, as 12 year, including when peak water demand 12 you just correctly mentioned, to others post 13 oil-fired operation is necessary? 13 the 2017 approved diversion date; if not, how 14 THE WITNESS (Bazinet): Yes. 14 will required water demands be met? 15 15 It's total annual projected water usage or THE WITNESS (Bazinet): So, as 16 demand from Heritage Village divided by 365 16 a franchised water company, Heritage Village 17 17 days. has an obligation to serve all of its 18 MR. DeJONG: Next question. 18 customers. So whether that's via an 19 There appears to be an inconsistency -- and 19 interconnect that exists with Connecticut 20 maybe it's just my reading -- in the Towantic 20 Water Company or some new source of supply, 21 information pertaining to the water system 21 it's something that they'll be faced with in 22 interconnect with Connecticut Water Company. 22 their obligation to serve their customer 23 In responding to Pomperaug Interrogatory 23 base, unless that is they decide to waive 24 Number 1, the Heritage Village Water Company 24 their franchise rights and allow a different 25 letter to Towantic calls out the need for the 25 water company within a similar geographic Page 399 Page 401 1 interconnect agreement with Connecticut Water 1 territory -- naturally Connecticut Water 2 Company. In response to Pomperaug 2 comes to mind given the existing 3 Interrogatory Number 2, Towantic indicates 3 interconnect -- to step in and provide 4 the interconnect agreement will not be relied 4 franchise service. 5 upon. Please explain. 5 However, in the event that б THE WITNESS (Bazinet): б that's -- in the event they are not able to 7 Question Number 2 is asking how the facility 7 meet their obligations as a water utility, 8 will meet the 663 to 712 GPM water demand, 8 Citing Council Interrogatory Number 30 9 9 and that will not be met through interconnect recently submitted addresses of a number of 10 agreements with other facilities. We will 10 different alternative options that we would 11 take the 218,000 gallons per day, and then 11 explore in more depth to understand whether 12 any water above and beyond the 218,000 12 or not we could use one of those sources. 13 13 gallons per day, which I think is roughly MR. DeJONG: As a follow-up to equivalent to 150 GPM, will be supplemented 14 14 that question, would it be correct to say 15 through on-site storage. 15 that in the service agreement letter from MR. DeJONG: So I need to come 16 16 Heritage Village they specifically call out the need for the Connecticut Water Company 17 back to that question. Is Towantic saying 17 18 there is a need for the Connecticut Water 18 interconnect to meet your demands? 19 19 Company interconnect? THE WITNESS (Bazinet): So I 20 THE WITNESS (Bazinet): Well, 20 think the December 23rd commitment letter, 21 I think Heritage Village is saying that. 21 the fifth bullet down, pretty clearly 22 MR. DeJONG: And Towantic is 22 explains the commitment and the contingency 23 23 in agreement with that? on the Connecticut Water interconnect to

11 (Pages 398 to 401)

serve not only CPV, but its other customers.

MR. DeJONG: Thank you.

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THE WITNESS (Bazinet): We

would anticipate that Heritage Village knows

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Page 402 Next question: You describe water demand limits as being estimated or expected. Can you discuss whether the values represented are, in fact, actual limits or will upward and, perhaps, downward adjustments be necessary after the plant is operational? THE WITNESS (Bazinet): I'm 

sorry. Can you repeat the reference at the beginning or where do we say it's expected versus --

MR. DeJONG: In the environmental overview words used are "estimated" and "expected" is my recollection.

THE WITNESS (Bazinet): So the maximum daily quantities that we submitted in our water request to Heritage Village are not expected or not -- will not be exceeded is a better word to use. Expected quantities, obviously, change on a daily basis on a minute-by-minute basis depending on what's happening at the facility at a given point in time.

MR. DeJONG: Next question,

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issued the permits for Heritage Village's supply source. We haven't reviewed those in detail to understand what those would be at this point. Furthermore, we're not familiar with Killingly's requirements -- Lake Road's requirements, that is.

MR. DeJONG: That's helpful. Thank you.

Next question, please: You've stated that if the Heritage Village Water Company can at any time, supply more than the estimated water limits that Towantic would accept the same. Please explain the basis for this statement.

THE WITNESS (Bazinet):
Heritage Village has the ability to withdraw up to 2.052 million gallons per day from five wells located in Southbury. In addition to that, they have an interconnection capacity with Connecticut Water which can supply up to an incremental 500,000 gallons per day. The expectation, based on historical demand profile for their system and when that would coincide with the plant's demands, is that they operate well below those permitted

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Village Water Company manage and report on actual use, and will there be a third party to monitor for a compliance? And I'll give you a reference. It's my understanding that б the Killington power facility, which is supplied by the Connecticut Water Company, provides the Department of Public Health, State Department of Public Health, with water facility reports and compliance data.

please: How will Towantic and Heritage

MR. SMALL: Just for clarification, do you mean Killingly, the Lake Road plant in Killingly?

MR. DeJONG: Yes, I do. I misspoke. I apologize.

THE WITNESS (Bazinet): So a couple of elements there. I guess the first is with respect to the supply volumes I presume the question is directed. We've discussed with Heritage Village that they would have metering equipment which would have automatic shut-off valves, which were triggered at our daily maximums. The reporting requirements are going to be dictated by the permitting entities that have

yields and interconnection capacities during the period in which our demands are highest.

So, to the extent that there is sufficient excess water capacity available below the aggregate basis 2.552 million gallons per day, Heritage Village has indicated their willingness to supply that water to the project.

MR. DeJONG: A follow-up to that question. In your conversations with Heritage, was there any discussion about what Heritage uses as a benchmark for letting you know whether or not they can supply more than the estimated water limits; for example, would they look at river flows when they make that determination? And I'm just asking if there were conversations to that effect.

THE WITNESS (Bazinet): I'm not familiar with all of the terms of their permitted withdrawal rights. I suspect that they have conditions that, depending on river flows or other events, that, again, I'm not familiar with the specific conditions, but they may have restrictions on whether or not they can take up to their 2.052 million

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## Page 406

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MR. DeJONG: I apologize for the next question. It's a bit lengthy. The Siting Council, in its opinion on page 3, dated June 23, 1999, in Docket 192 stated. quote, "The Council believes that this river basin" -- and they're referring to the Pomperaug basin -- "could be overused if not carefully measured and regulated and will order that Towantic Energy develop a plan to use on-site water storage facility operation during low flow conditions or whenever determined necessary by local and/or Heritage Village Water Company officials to protect the water quality and quantity."

Please describe what actions Towantic has taken to comply with this statement from the Council for its current application. Will Towantic provide the Siting Council with a water management plan that addresses stated concerns about public water supply and aquatic health protection?

I'm happy to go back over that.

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THE WITNESS (Bazinet): So there are a number of different things that the project has done to minimize its overall water consumption as a project. First off, we're an air cool facility which uses substantially less water than a wet cooled generating facility. In addition, the 1999 approval was permitted with the wet surface air cooler, which is a device that's used to cool auxiliary equipment on the site. We're now using fin-fan coolers, which uses just air, so we've eliminated that supply source altogether for demand point altogether.

Third, we incorporate demineralized water to make up on all of our processes, which has the net effect of reducing overall consumption and discharge.

Lastly, the facility is planned to be equipped with two water storage tanks totaling 875,000 gallons each. And I believe in a recent interrogatory to address an interrogatory issued by the Connecticut DEEP, we've examined the potential for increased storage capacity as well. Those haven't been submitted yet, but they will be

## Page 407

THE WITNESS (Bazinet): The tail end of the question, please.

MR. DeJONG: The last part of the question is will Towantic provide the Siting Council with a water management plan that addresses stated concerns about public water supply and aquatic health protection.

THE WITNESS (Bazinet): I believe the first part of the question was what steps have we taken to -- I'm sorry, can you --

MR. DeJONG: Sure. Again, it's a long question. The Council believes that this river basin could be overused if not carefully measured and regulated and will order that Towantic Energy develop a plan to use on-site water storage for facility operation during low flow conditions or whenever determined necessary by local and/or Heritage Village Water Company officials to protect water quality and quantity. Again, this references back to the 1999 decision. Please describe what actions Towantic has taken to comply with this statement for its

shortly.

Lastly, we are -- or the Applicant has been and will continue to pay for two gauge stations on the Nonnewaug and Weekeepeemee Rivers to monitor river flows, and we've agreed to fund an incremental flow -- instream flow incremental methodology study to, you know, meet the commitments that the project has made in the past but continue to show that as well.

MR. DeJONG: I'd like to come back to the IFIM study and the stream gauge. I have that, actually, as a following question. But I think what you've just commented on are very positive steps forward in terms of water conservation in regards to what the plant usage is, but when I think about a water management plan and coordination with Heritage Village, I think a little broader than that in terms of if there are issues associated with low aquifer levels, low river flows, how is that plan going to be implemented, and how will that work with Heritage Village Water Company? I think that's what, at least, I had in mind

13 (Pages 406 to 409)

current application?

Page 410 Page 412 1 1 when I read about the need for a water Please describe how the 2 2 Heritage Village Water Company and Towantic management plan. 3 3 THE WITNESS (Bazinet): We, will coordinate a required response to water 4 CPV Towantic, is more than willing to work 4 conservation during periods of draught and/or 5 with Heritage Village on such a plan. I 5 high water demands? And perhaps most 6 6 importantly on this question, if Heritage think the reality is that such a plan would 7 7 Village Water Company implements voluntary or take into a number of different 8 8 mandatory water conservation for its considerations that we don't have necessarily 9 9 customers, how will Towantic respond? control over. For example, I think most 10 10 people in your world are familiar with the THE WITNESS (Bazinet): So I 11 11 fact that there are a number of different think you addressed that, in part, in your 12 registered not permitted, diversions that are 12 question. The facility is equipped with two 13 875,000 gallon storage tanks, which could be 13 apparently still on the books and not 14 14 called upon in such an instance to supplement necessarily accounted for to understand 15 15 whether or not those sources are actually the facility's water requirements during 16 pulling water on a daily basis or less 16 those periods. Those periods happen to 17 17 correspond with some of our lower flow frequently, for that matter, but are actual 18 demands on the system, whether they are 18 conditions as a facility, oil being the actually demands or whether they're just 19 19 higher flow conditions and most likely to 20 hypothetical demands. 20 occur in the winter. 21 So there are a number of 21 MR. DeJONG: Again, I just 22 different issues that we would be more than 22 would reiterate that that would be -- in my 23 happy to sit down with Heritage Village, the 23 mind that would be part of a water management 24 Connecticut DEEP and work through as a 24 plan in terms of how Towantic would respond 25 customer of the Heritage Village system, but 25 to the water conservation requirements either Page 411 Page 413 1 we'd emphasize that it's not just CPV 1 set by Heritage Village Water Company or in 2 Towantic that puts, perhaps, this issue on 2 the future because there is, as part of 3 the table. It's the fact that Heritage 3 Public Act 14-163 last year, there is an 4 Village supplies a number of different 4 initiative to move municipalities forward in 5 residential customers, commercial customers, 5 terms of municipal water use and draught б industrial customers in this area of Oxford 6 ordinances. So I believe that should be part 7 that would also be faced with the same 7 of the water management plan, and would ask 8 8 you to consider doing so. issues 9 9 MR. DeJONG: If the Council Next question: With the water 10 deemed it appropriate -- this is a follow-up. 10 demands for oil-fired operations exceeding 11 If the Council deemed it appropriate, would 11 one million gallons and with the stated 12 you be able to provide the Council with a 12 maximum demand being 218,000 gallons per day, 13 draft water management plan for their review? 13 the operation of the facility using the plant THE WITNESS (Bazinet): Yes, 14 14 1.75 million gallons of on-site water storage 15 absolutely. 15 has been identified to be 52 hours, if I have 16 MR. DeJONG: Thank you. 16 that correct. Please confirm that the plant 17 The next question is related 17 will need to shut down operation to comply 18 to water conservation. It's a little 18 due to limitation of water supply? 19 redundant, but let me give it a try. In its 19 THE WITNESS (Bazinet): So 52 20 June 23, 1999 decision and order, the Siting 20 hours or more pending availability and excess 21 Council, in describing an operations plan, 21 supply, as we discussed in one of your prior 22 the Council included a requirement for a, 22 questions from Heritage Village, but yes, 23 quote, a water conservation plan to use 23 after 52 hours, absent any excess supply 24 on-site water storage facility operation 24 availability from Heritage Village, the plant 25 during low flow conditions, end of quote.

14 (Pages 410 to 413)

would need to reset its storage capacity to

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## Page 414

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MR. DeJONG: And in follow-up to that question, in follow-up to the previous question, is there any regulatory authority that can require the facility to continue operation and thereby shift water restrictions to other Heritage Village Water Company customers?

THE WITNESS (Bazinet): None that we're aware of.

MR. DeJONG: Next question: In response to CSC-31, Towantic suggests the possibility for additional water supply from the Heritage Village Water Company during winter due to a decrease in water demands from the Heritage Village Water Company. I believe you just mentioned that earlier.

Towantic goes on to say, quote, More water is likely, end of quote. As reported by the coalition, winter flows, at times, have been below those identified as critical to fish habitat during the winter. How does Towantic justify taking more water during the winter season when it will show that the river is already at risk? Again,

#### Page 416

where we left off in 1999. We have more information today than we did in 1999 regarding critical flows during the six bio periods.

So my reference to this question -- and it's going to be also referenced in the follow-up question -- has to do with the fact that there are critical flow periods that have been identified as a result of the IFIM study. The river is already exhibiting flows that are below those critical factors, so that's why we, as a coalition, are very concerned about, whether it's Towantic or another large potential water user, how that might impact river health.

So I'll go on to the next question. PRWC highlighted in its prefile testimony, the need for a detailed review of how water demands will impact the river ecosystem. In response to Question CSC-33, Towantic argues that additional water withdrawn from the facility will have a small incremental impact on river flows. Has Towantic considered the evidence provided by

## Page 415

another long question.

THE WITNESS (Bazinet): So we don't -- we actually don't provide the permit conditions that Heritage Village is able to withdraw up to 2.052 million gallons per day from ground water sources. And when we look at our withdrawal from the Heritage Village system relative -- rather than repeating it, I'll direct you to Connecticut Siting Council Interrogatory Number 33, which I think in part addresses the point that you're raising. And under its 1 in 100 conditions, our facility's average demand would represent less than 1.3 percent reduction in stream flow, and that's all within the permitted safe yields of the Heritage Village system.

(Whereupon, Mr. Lynch entered the hearing room.)

MR. DeJONG: I think it's important to note here, just to tag onto this question, you had mentioned the IFIM study and your willingness to fund that study. We actually -- the coalition actually moved forward in funding that study. That's a completed study, and that's an update to

## Page 417

the coalition that indicates that river

2 flows, at times, are already below critical

flows identified within the coalition

4 submitted exhibits, both for overwintering

5 and rearing and growth periods. Kind of just

6 restating what I've said that we have now

7 known conditions in the river that we did not

8 know in 1999, based upon the IFIM study that 9

the Council strongly recommended be 10

completed, that suggests that the river is

11 already exhibiting critical flows, have you

12 considered what your impact withdrawals would 13

be on the overwintering and rearing and 14

growth bio periods, which are the two most

significantly impacted critical flow periods?

THE WITNESS (Bazinet): So the data that I just mentioned to you in your last question was from the 2010 USGS study titled "Estimation of the Effects of Land Use and Groundwater Withdrawals on Stream Flow for the Pomperaug River in Connecticut." It cited that even in under one in a hundred conditions of 7.3 cubic feet per second of stream flow -- I'm not sure if that's synonymous with critical or what. I believe

15 (Pages 414 to 417)

#### Page 418 Page 420 1 the term was rare -- the facility's average 1 parent company to the Heritage Village Water 2 2 demand would represent less than 1.3 percent Company, has a diversion permit for 3 3 reduction of stream flow under rare withdrawing water from the river and the 4 conditions. 4 ponds for irrigation of its golf course. 5 5 DEEP has a flow restriction in terms of if I'm not going to profess to 6 6 know whether that falls above or below the river is flowing at a specific flow 7 7 critical in terms of the scale of severity, level, that diversion permit is no longer --8 8 that diversion is no longer usable by the but the data that you're asking about is data 9 9 quoted from this USGS study that you Heritage Development Corporation. I've got 10 10 referenced. to stress it's not the Heritage Water 11 MR. DeJONG: And I think it's 11 Company. It's the Heritage Development 12 fair to do that. The coalition will provide 12 Corporation, the parent. 13 some additional study in regards to the USGS, 13 What I'm suggesting is that 14 14 knowing that DEEP has permitted the Heritage which in itself served as an exhibit in 15 15 regards to how much water is currently being Development Corporation and placed a 16 diverted and how much water is allowed to be 16 restriction on the flow suggests to me that 17 17 DEEP recognizes the concerns that we've tried diverted and how that study was developed. 18 This is information that was forthcoming. 18 to share with you regarding flow on the 19 And so your comment is appropriate for the 19 Pomperaug. And as we have stated in our 20 information you have in hand now, but we'll 20 testimony, and I'm restating now, would it be 21 be providing you with some additional 21 reasonable for the Applicant to request information from DEEP to confirm what 22 information on it. 22 23 Mr. Chairman, I have three 23 Mr. Bazinet just talked about, and that's the 24 24 registered diversions versus the permitted more questions. 25 25 diversions versus those diversions that are In granting the Heritage Page 419 Page 421 1 Development Group -- that's the parent 1 being utilized? 2 2 company to the Heritage Village Water MR. SMALL: Mr. Chairman, I'm 3 Company -- a diversion permit for ponds and 3 not sure how we can answer this. There's a 4 Pomperaug River withdrawals for golf course 4 combination of legal questions in there, 5 irrigation, DEEP has placed a river flow 5 information that we don't know much about. б restriction on the ability of Heritage to 6 Heritage Village Water Company is a 7 utilize that diversion; in other words, if 7 franchised water company with obligations to 8 the river is flowing below our set point, 8 serve and restrictions on anybody in its 9 9 franchise area getting water elsewhere. The then the diversion cannot be used. 10 With the understanding that 10 Heritage Development Company is a company --11 the DEEP has provided comment to the Citing 11 at least I'm not aware. I'm not sure if our 12 Council, would it be reasonable to request 12 witness panel is -- it's a very different 13 13 legal situation. Additionally, Heritage that DEEP officials be further called upon to review both registered and permitted 14 Village Water Company has registered 14 15 15 diversions, which it uses to meet its public diversions within the basin to assist with 16 service obligations. This Heritage 16 the understanding whether Towantic 17 out-of-basin water demands will have an 17 Development Company certainly is not a public 18 18 utility, and it's also obtaining diversion adverse impact on the river? 19 19 permits, which are a very different animal So restating -- it's a long 20 question. 20 than registered diversions. So, I don't 21 21 think it's a question my witnesses can MR. SMALL: Can you restate 22 that? I think I had trouble following that, 22 answer. and I think my witnesses may have as well. 23 23 I don't know where we would 24 MR. DeJONG: Sure. The 24 start and whether we should be asking DEEP --25 25 and also just even being asked to -- the Heritage Development Group, which is the

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1	question should we be asking DEEP for	1	Company's legal right to supply water to the
2	information. So I guess I'm reluctant to	2	facility. However, it is believed that the
3	object, but we just can't answer it. I don't	3	intent of the question was directed to water
4	think it's a question our witnesses can	4	sources and not water suppliers. Would it
5	answer.	5	not be possible for Heritage Village Water
6	MR. DeJONG: Mr. Chairman,	6	Company to maintain its exclusive service
7	would it be helpful if the coalition	7	area by purchasing water for the proposed
8	submitted an interrogatory on this issue?	8	facility from another provider such as
9	THE VICE CHAIRMAN: I'm not	9	Aquarion Water Company's system that has
10	sure that an interrogatory does very much	10	exclusive service area rights with the
11	because I really think that what, as I	11	southern tier of Oxford in a similar way that
12 13	understood the question, you're asking the	12 13	Heritage Village Water Company purchased
14	Applicant to ask DEEP if it has this information on diversions and what have you.	14	water through the identified Connecticut Water Company interconnect in Middlebury?
15	And so, I assume the answer is no, they don't	15	And I should make mention of
16	have the information. And whether they	16	the fact for full disclosure, that I am a
17	should ask DEEP for it and query whether or	17	30-year retired employee of Aquarion Water
18	not if DEEP thought it was significant enough	18	Company when I asked this question.
19	because they wouldn't have provided this	19	THE WITNESS (Bazinet): I
20	information as a part of their review when	20	suspect the answer to the question is yes. I
21	they gave us their report, I really don't	21	presume not and I should probably be
22	know. I guess the question is do you want to	22	deferring to counsel on this but that it
23	ask DEEP if they have this information?	23	would be subject to some PURA approval
24	MR. SMALL: Well, I mean, if	24	similar to the current situation with
25	you have that information, you can provide it	25	Connecticut Water and Heritage Village.
	Page 423		Page 425
1		1	
1 2	Page 423 in the record.  THE VICE CHAIRMAN: I assume	1 2	MR. SMALL: Just to clarify as
	in the record.		
2	in the record.  THE VICE CHAIRMAN: I assume	2	MR. SMALL: Just to clarify as counsel, Heritage Village can serve its
2 3	in the record.  THE VICE CHAIRMAN: I assume they don't have it.	2	MR. SMALL: Just to clarify as counsel, Heritage Village can serve its customers as a franchise utility any way it
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	Page 426		Page 428
1	a decision for Heritage Water to make and not	1	hours is if you ran those tanks totally and
2	for them. They ask Heritage for the water,	2	did not replace any of the water?
3	and it's up to Heritage to decide where to	3	THE WITNESS (Bazinet): It's
4	get it.	4	assuming that you are replacing the water as
5	-	5	
6	MR. SMALL: That's correct, Mr. Chairman.	6	you're using it.
7			MR. HANNON: So, if you're
	MR. DeJONG: I agree,	7	replacing the water as you're using it, then
8	Mr. Chairman. I'm just trying to clarify the	8	there is no 52 hour cap?
9	point that	9	THE WITNESS (Bazinet): Right.
10	THE VICE CHAIRMAN: There may	10	You're only replacing at a rate of 150 or so
11	be other sources available	11	GPM, and you're consuming at a rate of
12	MR. DeJONG: there may be	12	somewhere between 600 and 700 GPM.
13	other sources.	13	MR. HANNON: Okay. So it
14	THE VICE CHAIRMAN: but	14	might extend it a little bit?
15	it's not for them to be looking for it. They	15	THE WITNESS (Bazinet): Yes.
16	have to go to Heritage who has the	16	MR. HANNON: Okay. I just
17	jurisdiction to supply the water.	17	wanted to make sure because the way that you
18	MR. DeJONG: Yes. And my last	18	responded, it sounded like you had to use all
19	question, just to reiterate, the instream	19	the water before you could do any refilling
20	flow incremental methodology report, the IFIM	20	of either of the tanks. Okay. Thank you.
21	study, is actually part of the exhibit that	21	THE VICE CHAIRMAN: Dr. Bell.
22	we entered early on, so that report has been	22	DR. BELL: Thank you,
23	completed. It provides updated information	23	Mr. Chair.
24	to where the Council left off in 1999	24	In line with Mr. Hannon's
25	regarding aquatic health of the river. I	25	question trying to clarify this matter of the
	Page 427		Page 429
1	believe I just heard you say that, if the	1	water tanks, where is the water for the water
1 2	believe I just heard you say that, if the Council decided to improve your facility and	1 2	water tanks, where is the water for the water tanks coming from? We discussed Heritage
	believe I just heard you say that, if the Council decided to improve your facility and you had to manage water withdrawal from the		water tanks, where is the water for the water tanks coming from? We discussed Heritage Village and the 218,000 gallons, but I'm
2	believe I just heard you say that, if the Council decided to improve your facility and you had to manage water withdrawal from the Pomperaug Basin, you would look favorably on	2	water tanks, where is the water for the water tanks coming from? We discussed Heritage Village and the 218,000 gallons, but I'm assuming, maybe incorrectly, that CPV would
2 3	believe I just heard you say that, if the Council decided to improve your facility and you had to manage water withdrawal from the Pomperaug Basin, you would look favorably on continuing the funding of these gauges; did I	2 3 4 5	water tanks, where is the water for the water tanks coming from? We discussed Heritage Village and the 218,000 gallons, but I'm assuming, maybe incorrectly, that CPV would go to Aquarion or a company in Massachusetts,
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DR. BELL: And that's per contract with Heritage Village? THI WITNESS (Bazinet): II will be. We are in that process currently. DR. BELL: And if there wasn't enough supply to do what you were saying, which I think I understand, then you would go to some other source? THE WITNESS (Bazinet): We could truck water in. That would obviously be a little more tedious, but we could truck water in, correct.  DR. BELL: Thank you. Thank you, Mr. Chair. THE VICE CHAIRMAN: Thank you very much. THE VICE CHAIRMAN: Thank you. MR. Annon. MR. DelONG: Thank you, MR. Chair. THE VICE CHAIRMAN: Thank you wery much. MR. HANNON: Another question of the demineralized water would be coming from a location off-site. I did not really get a previously was the application stated that provides a response as to where that would be. So are you, in fact, saying that that off-site reportable. They come on the site from other locations and recharge at other locations. DR. KLEMENS: Not grave a number for the low flow, not the worst case scenario, the low flow, a percentage, reduction in surficial water was one point something? THE WITNESS (Bazinet): One seed it, I have a question, the low flow, a percentage, or the water is demineralized on scenario, the low flow, a percentage. DR. KLEMENS: Once we get it, I have a questions, and then the water is demineralized on-site and stored in water storage. DR. KLEMENS: Once we get it, I have a question, and then the will as a question. THE WITNESS (Bazinet): So, the trailer was one point stored in water storage. DR. KLEMENS: Once we get it, I have a question, and then the wither where we with the water is demineralized on-site and stored in water storage. DR. KLEMENS: Once we get it, I have a question, and then the water is demineralized on-site and stored, please. DR. KLEMENS: Once we get it, I have a question, and then the wither where we with the water is demineralized on-site and stored in water storage. DR. KLEMENS: Once we get it, I have a question.  THE WITNESS (Bazinet): So, the many the propose of th		Daga 120		Do 20 422
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	Page 434		Page 436
-		1	_
1	if I get by my nervousness I'm a fish out	1	what negative economic and environmental
2 3	of water here. So, basically, I do need to	2 3	externalities did you consider in your overall analysis of the deposition of
3 4	ask if I will be allowed to ask further	4	pollutants in the surrounding area?
5	questions at another time.	5	THE WITNESS (Sellars): I can
6	THE VICE CHAIRMAN: Yes, you	6	take the first crack at that. One of the
7	will.	7	analyses we did was to look at what the
8	MR. ZAK: So, if I get too	8	impact of introducing the facility into the
9	nervous	9	grid would be, and the result of that is the
10	THE VICE CHAIRMAN: There's	10	displacement of some older, less efficient
11	material that hasn't been filed yet, and	11	and higher emitting units. And we were able
12	there's probably material we haven't even	12	to quantify the emission reductions for
13	dreamt of that will be filed subsequent	13	nitrogen oxides, carbon dioxide and sulfur
14	also	14	dioxide, for example. There will be a
15	MR. ZAK: Probably.	15	reduction regionally of nitrogen oxide
16	THE VICE CHAIRMAN: and so	16	emissions, I believe, of 466 tons per year,
17	everybody will get a crack when we believe	17	beginning in 2018, which will grow to 802
18	everything is before us. But go ahead.	18	tons per year by 2020. For carbon dioxide
19	MR. ZAK: Thank you.	19	there'd be a reduction in regional emissions
20	THE VICE CHAIRMAN: And take	20	of 270,454 tons per year, beginning in 2018,
21	your time.	21	growing to 486,621 tons per year by 2020.
22	CROSS-EXAMINATION	22	And for sulfur dioxide there would be a
23	MR. ZAK: Thank you. Does CPV	23	reduction in regional emissions of 416 tons
24	have a corporate environmental policy?	24	per year, beginning in 2018, growing to 2,466
25	THE WITNESS (Bazinet): We do,	25	tons per year by 2020. So, in terms of those
	D 12F		
	Page 435		Page 437
1	not one I'd be able to quote or	1	environmental externalities, there will be
2	not one I'd be able to quote or MR. ZAK: Do you have any	2	environmental externalities, there will be improvement in air quality on a regional
2	not one I'd be able to quote or MR. ZAK: Do you have any environmental programs that CPV engages in	2 3	environmental externalities, there will be improvement in air quality on a regional basis by the reduction of these emissions.
2 3 4	not one I'd be able to quote or MR. ZAK: Do you have any environmental programs that CPV engages in that I could take to the people to show them	2 3 4	environmental externalities, there will be improvement in air quality on a regional basis by the reduction of these emissions.  MR. ZAK: But correct me if
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20 (Pages 434 to 437)

	Page 438		Page 440
1	MR. ZAK: Uniroyal perhaps	1	knows?
2	THE WITNESS (Bazinet): Yes.	2	THE WITNESS (Bazinet): What
3	MR. ZAK: with their	3	I'm saying is that we've consulted with DEEP
4	stacks?	4	on the potential presence of certain species,
5	Can you give me a very brief	5	none of which you've mentioned, and they've
6	description of what you know and the CPV	6	listed a number of different species that may
7	knows of that history?	7	potentially be present on the site but, no, I
8	THE WITNESS (Bazinet): I'd	8	don't believe
9	hesitate to do that at all. You probably	9	MR. ZAK: Not on the site.
10	have the details a lot better than I do.	10	I'm sorry. I meant within a general a
11	MR. ZAK: Well, if I may, it's	11	reasonable distance as the crow flies, so to
12	in general the Naugatuck River Valley,	12	speak, up to 10 miles.
13	including Oxford, the towns, 14 towns	13	THE WITNESS (Bazinet): I'd
14	surrounding 11 along with the Naugatuck river	14	refer you to Exhibit 1, Appendix F, which
15	itself, experienced serious pollution in the	15	documents the Threatened and Endangered
16	course of its history, and since the Clean	16	Species Agency correspondence.
17	Water Act and Clean Air Act it has made	17	MR. ZAK: And say that again,
18	significant advancements in a positive way.	18	please. Exhibit what?
19	However, it still is very impaired, and it	19	THE WITNESS (Bazinet):
20	has displayed still serious air pollutants	20	Exhibit 1 of the petition filing on
21	specifically, which range, from time to time,	21	November 3rd, Appendix F.
22	in the top ten worst counties in the country.	22	MR. ZAK: Okay. I do not
23	So, let me go on to another	23	believe I have that in front of me, but if
24	area. Can you tell me how many, if any, any	24	you can is there anything specific that I
25	eagles' nests are within a 10-mile radius of	25	mentioned? Does that answer the questions
	ŭ		•
	Page 439		
	rage 137		Page 441
1		1	
1 2	the plant? THE WITNESS (Bazinet): No, we	1 2	I I'm sorry, I'm a little I'm a slow
	the plant?		
2	the plant? THE WITNESS (Bazinet): No, we	2	I I'm sorry, I'm a little I'm a slow study, so please bear with me.
2 3	the plant?  THE WITNESS (Bazinet): No, we don't have that information available.	2 3	I I'm sorry, I'm a little I'm a slow study, so please bear with me. THE WITNESS (Bazinet): So,
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2 3 4 5	the plant?  THE WITNESS (Bazinet): No, we don't have that information available.  MR. ZAK: Can you tell me how many turkey vulture nests may be within close proximity, say a couple of miles, up to 10 miles, from the plant?	2 3 4 5	I I'm sorry, I'm a little I'm a slow study, so please bear with me.  THE WITNESS (Bazinet): So, the species that you mentioned are not on that.  MR. ZAK: Okay.  THE WITNESS (Bazinet): But
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#### Page 442 Page 444 1 1 said it would not experience any adverse interest has been the PM2.5 or fine 2 2 impact resulting from the proposed particulate emissions. The maximum impact of 3 development of the facility. The conclusion 3 the plant on that facility on that state 4 that the subject property's open field does 4 forest would be .05 micrograms per cubic 5 not support significant grassland bird 5 meter, and that assumes year-round firing of 6 6 oil, even though we wouldn't be allowed to do habitat is further supported by the DEEP 7 7 so, a very, very conservative analysis. That natural diversity database. 8 8 translates to four-tenths of 1 percent of the Back to the first sentence national ambient air quality standard and 9 9 about "not experience any adverse impact 10 10 about zero point 5 percent of the existing resulting from the proposed development of 11 11 the facility," is that the actual building of background levels. 12 the facility? Is that what it's talking 12 We also did screening of the 13 13 about? impact of the facility on plant soils and 14 14 animals everywhere, and basically the THE WITNESS (Gustafson): Yes, 15 15 it's essentially modelable of that habitat. facility has an insignificant impact to any 16 16 Dean Gustafson, by the way. of those parameters, even at its point of 17 17 maximum impact, which the state forest would MR. ZAK: So, in other words, 18 when you're building, that's directly related 18 be a tiny fraction of that impact. MR. ZAK: I'm sorry. Can you 19 to just building the facility and the grounds 19 20 touching your property? 20 go back to your statement just a second ago. 21 THE WITNESS (Gustafson): 21 You said everywhere --2.2 22 THE WITNESS (Sellars): We did That's correct. 23 23 a -- the analysis is based on the point of MR. ZAK: Okay. So it doesn't 24 24 maximum impact, which is the highest modeled address future noise, correct, from the 25 25 concentration that would result from the plant? There is noise, a certain amount of Page 443 Page 445 1 noise, quote, for lack of a better word, 1 facility. That point of maximum impact 2 noise pollution from the plant, correct, 2 occurs very, very close to the property fence 3 after it's built going on to 30 years from 3 line, and it drops off remarkably with 4 now? 4 distance in all directions. 5 THE WITNESS (Gustafson): That 5 MR. ZAK: You're referring to 6 response is specific to the removal of the б the map that was just submitted we received 7 habitat, but there is a separate noise study 7 in the mail yesterday --8 THE WITNESS (Sellars): That that's been submitted as part of the 8 9 9 was an isopleth of concentrations, correct. application. 10 10 MR. ZAK: Exactly. Okay. And MR. ZAK: And so it also does 11 not refer to the lighting of the facility 11 It's pretty much just referring to PM2.5. 12 over the next 30 years. Correct? 12 Correct? THE WITNESS (Gustafson): 13 13 THE WITNESS (Sellars): 14 14 Correct, but a similar relationship occurs That's correct. 15 MR. ZAK: And it does not 15 with all the pollutants. 16 include the future effluent that is coming 16 MR. ZAK: Including ground out of that plant for the next 30 years. 17 17 level ozone? 18 Correct? 18 THE WITNESS (Sellars): Ground 19 19 THE WITNESS (Gustafson): That level ozone is really formulated on a 20 response does not incorporate that, but there 20 regional basis, so the facility will have 21 is a separate air study that's been done. 21 very, very insignificant impact on ground 22 THE WITNESS (Sellars): That's 22 level ozone anywhere in this area. The ozone 23 23 levels are formed by the contributions of correct. The air quality impact analysis to 24 24 precursor emissions from a large distance the closest point on the state forest, we 25 25 since it's a photochemical reaction that looked at all the pollutants and of most

	Page 446		Page 448
1	occurs over a great period of distance and	1	expected operational lifetime of the plant?
2	time. So this facility would have pretty	2	THE WITNESS (Bazinet): So
3	negligible impact on ground level ozone	3	we've provided a more formal answer to the
4	concentrations.	4	same question in Westover interrogatory
5	MR. ZAK: What analysis has	5	responses. I believe it's Question Number 9.
6	your company done on the current emissions in	6	It goes on to say that the expected life of
7	the Naugatuck Valley?	7	the facility is in excess of 35 to 40 years.
8	THE WITNESS (Sellars): Well,	8	MR. RUHLOFF: And in your
9	we've included in our analysis monitored	9	corporate experience now with wind and with
10	background levels that occur in a number of	10	gas, do you see this being a continued best
11	receptors around the state, as well as	11	means of creating clean energy over that
12	cumulative impact analyses for certain	12	lifetime?
13	pollutants, as directed by the Department of	13	THE WITNESS (Bazinet): I'm
14	Energy and Environmental Protection.	14	sorry. It was Question Number 7, by the way,
15	MR. ZAK: Thank you. No	15	not Number 9.
16	further questions. Thank you.	16	MR. RUHLOFF: Thank you.
17	THE VICE CHAIRMAN: Thank you,	17	THE WITNESS (Bazinet): And
18	Mr. Zak.	18	I'm sorry, can you please repeat that
19	Next will be Lake Quassapaug	19	question?
20	Association.	20	MR. RUHLOFF: From your
21	(No response.)	21	experience as building and managing both wind
22	The Middlebury Bridle Land	22	plants and gas plants, do you see a gas plant
23 24	Association.	23 24	continuing to be the best method of providing
25	(No response.) THE VICE CHAIRMAN: Town of	25	clean energy for the lifetime of this plant? THE WITNESS (Bazinet): So, as
23	THE VICE CHAIRMAN. TOWN OF	23	THE WITNESS (Baziliet). 50, as
	Page 447		
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	Page 450		Page 452
1	saying, per the Department of Energy and	1	DR. KLEMENS: Thank you.
2	Environmental Protection, they are not	2	Thank you, Mr. Chairman.
3	finding grassland birds to be expected.	3	THE VICE CHAIRMAN: Okay.
4	That's also referenced from the Audubon IBA	4	Dennis Kocyla, K-o-c-y-l-a.
5	information. Have there been any wildlife	5	(No response.)
6	surveys of any kind of any detail on the site	6	THE VICE CHAIRMAN: Town of
7	or its immediate surroundings?	7	Southbury?
8	THE WITNESS (Gustafson): Not	8	(No response.)
9	that I've been not that we've addressed.	9	THE VICE CHAIRMAN: GE Energy
10	THE WITNESS (Gresock): The	10	Financial Services?
11	prior application for the currently approved	11	(No response.)
12	configuration did include a number of	12	The Borough of Naugatuck Water
13	wildlife surveys back at that time.	13	Pollution Control Authority?
14	MR. RUHLOFF: I guess it would	14	Wayne McCormack?
15	be an open request. Where would that	15	WAYNE McCORMACK: I have no
16	information be available? I have not found	16	questions.
17	anything relating to an environment impact	17	THE VICE CHAIRMAN: Thank you.
18	statement from 1999.	18	The Westover School?
19	MR. SMALL: It would be in the	19	KATE TRUINI: My name is Kate
20	Siting Council files, the copy of the	20	Truini. I am the director of environmental
21	application and the copy of everything else	21	sustainability programs at Westover School.
22	in their files, and they're part of this	22	We're a small all-girls independent school
23	record too.	23	located on the green in Middlebury,
24	MR. RUHLOFF: All right. Now,	24	Connecticut. The interrogatories we
25	is that available on line then somewhere, or	25	submitted were formulated by students in a
	Page 451		Page 453
	Page 451	١.	Page 453
1	would I need to come here?	1	sustainability energy course, and I have
2	would I need to come here? THE VICE CHAIRMAN: I'm	2	sustainability energy course, and I have additional questions regarding NOx and some
2	would I need to come here?  THE VICE CHAIRMAN: I'm informed you'd have to come here. It's not	2 3	sustainability energy course, and I have additional questions regarding NOx and some of the items in Exhibit 1 around page 25.
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24 (Pages 450 to 453)

#### Page 454 Page 456 1 1 nonattainment area, in an area that does not putting into the air 234 tons of NOx, one ton 2 2 attain the ambient air quality standards, per offset, and over what time period? 3 3 that a new facility is allowed to degrade air THE WITNESS (Sellars): The 4 and still be approved. The ambient air 4 facility will emit 196.2 tons per year of 5 quality standard is the health-based 5 nitrogen oxide emissions compared to the 6 6 statistic that's based on levels set by EPA originally-approved facility that was 7 7 for the protection of the health of the most emitting 246 tons per year. 8 8 MS. TRUINI: Can you say that sensitive segments of the population, 9 9 typically chronic asthmatics, emphysemics, second number again? 10 10 the elderly, children. THE WITNESS (Sellars): Sure. 11 They also adopt prevention of 11 The facility that was approved in 1999 would 12 significant deterioration increments which 12 have emitted 246 tons per year of nitrogen 13 13 oxides. The annual emissions of the proposed are for areas that currently attain the 14 14 facility is 196.2 tons per year. Now, the ambient air quality standard. These are the 15 levels of degradation in air quality that are 15 offsets are required to be obtained at a ratio of 1.2 to 1. So there are 177 16 determined to be insignificant. 16 17 17 MS. TRUINI: Thank you. previously acquired offsets, and an 18 I'm aware that Connecticut is 18 additional 57 tons of offsets would be 19 now designated unclassifiable attainment in 19 required for the facility to receive its air 20 regard to NO2. In December, this coming 20 permit. 21 December, there will be new data. Do you 21 MS. TRUINI: Can you say that 22 think that that will affect the status of the 22 one more time? Can you repeat that one more 23 plant's impact right now? 23 time? I understand the 1.2 to 1 ratio. 24 THE WITNESS (Sellars): There 24 THE WITNESS (Sellars): Sure. 25 will be new data from monitors that are 25 The facility calculates a total, let's call Page 455 Page 457 1 placed very specifically close to roadways 1 it, potential to emit. So this is assuming 2 that will determine what the values are in 2 that it operates at its maximum allowable 3 those areas. I do not anticipate a change in 3 condition over the course of the year. So 4 attainment designation. 4 that would be the full 720 hours of oil 5 MS. TRUINI: Or ambient 5 operation. The plant would be running 8,760 6 background levels? б hours a year flat out at 100 percent load 7 THE WITNESS (Sellars): 7 under its maximum conditions. If you looked 8 Correct. 8 at that, the total that it could potentially 9 9 MS. TRUINI: And that same emit would be 192.2 tons per year. So, we 10 answer would not affect levels of NO2 putting 10 would need 1.2 times that in total nitrogen 11 it over that NAQS? 11 oxide offsets to satisfy the EPA's Cap and 12 THE WITNESS (Sellars): The 12 Trade Program. The project previously 13 13 ambient air quality standard for NO2, on an acquired 177 tons of offsets, and it will annual basis, is 100 micrograms per cubic 14 14 acquire 57 additional tons prior to 15 15 meter, and currently at the monitor deemed to operation. 16 be most representative of the area where the 16 MS. TRUINI: These offsets 17 facility is proposed to be located has a 17 will come from the regional airshed, New 18 background concentration of 21 micrograms per 18 Britain. Can you explain the size of that 19 19 regional airshed, and is that in surrounding cubic meter, so it's a small fraction of 20 that. 20 towns in Connecticut? 21 MS. TRUINI: From that page 26 21 THE WITNESS (Sellars): Sure. 22 regarding offsets for NOx, due to changed 22 The offsets, in order to be approved, have to 23 23 meet a number of tests. Among them is they conditions, you're required to obtain 57 more 24 offsets. That would be a total of 237 24 have to be from a source that is either shut 25 offsets. And does that mean that you're 25 down or reduces its emissions beyond what

25 (Pages 454 to 457)

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## Page 458

1 would be legally required in the same 2 nonattainment area as the project or an 3

adjacent nonattainment area of equal or

higher nonattainment severity. So the entire

Northeast of the United States is

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nonattainment for ozone. Some areas are more severely nonattainment than others.

7 8 So the offsets would need to

come from the same nonattainment area which covers Southwestern Connecticut and it goes into Long Island and New York City or an adjacent area that was equal or more severe in ozone nonattainment severity.

MS. TRUINI: How do the offsets work? Is NOx removed from the air, is it nitrogen fixing bacteria?

THE WITNESS (Sellars): The offsets are created from something called "the emission reduction credit." So, when a facility that currently emits nitrogen oxides either shuts down or voluntarily establishes controls on its emissions and reduces actual emissions, not a paper reduction in permitted emissions, but reduces the actual amount of emissions, it can apply for an emission

## Page 460

that something that would happen when it's being built?

THE WITNESS (Sellars): For the 177 tons of offsets it currently has, those emission reduction credits were certified as having met those obligations, and for the additional 57 tons of offsets, they would have to be certified by the Department of Energy and Environmental Protection as meeting those requirements.

MS. TRUINI: So, by running this plant, it looks like the NOx levels in our area would be doubling. Is there any --

Are there initiatives in the local area of Oxford that would be addressing NOx levels here?

THE WITNESS (Sellars): Well, there will be two things to keep in consideration. One is the nitrogen oxide offsets are really required because the facility is located in an area that does not attain the National Ambient Air Quality Standard for ozone, and nitrogen oxide is one of the precursors of ozone. Ozone is a

## Page 459

reduction credit. So, in order to be approved, they have to meet the tests of -they have to be real, real reductions, so it's reduction from the actual emissions.

You have to be quantifiable, so they have to have demonstrated and proven what their emissions were. They have to be permanent, so it has to be a permanent reduction. So the facility that was creating the emission reduction credits would have to surrender its air permit or take an additional restriction of its air permit. And then finally they have to be federally enforceable, so they would have to be established as a condition on the donor sources permit.

And they have to be surplus. That means they have to be above and beyond any requirement that otherwise would be applying to the facility. So, if a facility was required to reduce its emissions, it can't get credit for those emission reduction credits.

MS. TRUINI: And has the proposed plant met those standards, or is

## Page 461

regional pollutant. And in addition to those offsets, as I mentioned a little earlier today, the facility will be displacing the operation of older, less efficient, higher emitting facilities, and that would result in a net reduction in nitrogen oxides.

So, first of all, one of the things that you have to -- if you look at just nitrogen oxides for nitrogen dioxide, I guess I would disagree it would be doubling the impact or the nitrogen oxide levels in the area. If you look on page 25 of Exhibit 1, you see what the impact concentration is.

So, on an annual basis, for example, for nitrogen dioxide, the project's maximum impact would be 1.4 micrograms per cubic meter. This compares to an ambient background level of 21 micrograms per cubic meter compared to the 1.4, and then you add the background plus the impact and compare that to the ambient air quality standard, which is 100 micrograms per cubic meter.

So we have to basically meet two tasks. One, we can't cause or contribute

26 (Pages 458 to 461)

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## Page 462

1 to an impact that would result in a violation 2 of the ambient air quality standard. And in 3 addition, EPA has established something 4 called PSD increments, prevention of

significant deterioration increments, and they've determined basically how much

7 degradation can be allowed in an area that 8

currently attains the ambient air quality 9 standard before the impact of the facility 10 would be significant and not be allowed, and

11 that increment is 25 micrograms per cubic 12 meter.

13 It's also very important to 14 note that all of that math and where the 15 impacts are based on the maximum modeled 16 impact of the facility, and the annual 17 concentrations that I've given you, the 18 maximum impact occurs very, very close to the 19 property line of the facility, and it also 20 incorporates a number of very, very

21 conservative assumptions in terms of how the 22 facility will operate over the course of the

23 year. So it's based on that maximum 24 potential to emit.

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In this case the impact would

Page 464

the original design and the need to consider regional effects, how will this affect pH of rainfall moving forward?

THE WITNESS (Sellars): Sure. As you know, sulfur dioxide is an acid rain contributor. And the facility's maximum impact for sulfur dioxide, on an annual basis, is .03 micrograms per cubic meter compared to an existing background of 29 micrograms per cubic meter, so it would have a negligible effect on the overall sulfur burden in the atmosphere and therefore would be expected to have a negligible effect on acid deposition.

In addition, because acid deposition like ozone, is a regional issue, it's imperative to look at the impact of the facility on a holistic basis on the region in terms of what the overall sulfur burden would be in the region. And because this facility would be dispatched ahead of older, less efficient, higher emitting units, there would be a net reduction in SO2 in the region of 416 tons per year in 2018, growing to 2,466 tons per year in 2020. So, you'd have to

## Page 463

be based on, assuming that the facility was burning oil year-round, even though that

2 3 would not be allowed, the concentrations drop

4 off very, very rapidly from that point of

5 maximum impact. So, across the entire area, 6

the impact will be much less. For example, 7 at your school if you looked at, say, PM2.5

impacts, the maximum at Westover School would

9 be four-tenths of 1 percent of existing

10 level, something like that, so very, very 11 small. And a similar relationship would 12 occur relative to all of the other pollutants

13 as well.

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THE VICE CHAIRMAN:

15 Ms. Truini, do you have much more? 16 MS. TRUINI: I don't. I have

17 one more.

18 THE VICE CHAIRMAN: Okay. Why 19 don't we wrap up with you before we break.

20 MS. TRUINI: Actually two

21 more.

22 THE VICE CHAIRMAN: Well,

23 we'll give you two.

24 MS. TRUINI: With SO2, H2SO4, 25

NOx increasing with the new plant relative to

## Page 465

look at it as basically a net benefit in terms of that acid deposition.

MS. TRUINI: Thank you.

My closing question: I think Westover is the only school with intervenor status, and so I feel kind of obligated to ask about are you familiar with the Harvard study correlating exposure of pregnant woman in their third trimester to PM2.5 and risks of autism? Is there anything else that I should be aware of about effective possible emissions on developing bodies? I'm specifically concerned with teenage girls.

THE WITNESS (Sellars): Sure. When the United States Environmental Protection Agency adopts those ambient air quality standards, they look at a wide range of epidemiological studies, and they are to take into account all of those things. So, we are relying on EPA's ambient air quality standards as our basis. And because the facility in terms of, you know, its burden on particulate emissions would be a lot lower than what was originally proposed and such an insignificant fraction of those ambient air

27 (Pages 462 to 465)

	Page 466		Page 468
1	quality standards, particularly at a location	1	MS. LARKIN: This is
2	like where your school is, it's, in fact, a	2	Exhibit A, and this is mostly Middlebury,
3	small percentage of the natural year-to-year	3	Connecticut, the power plant.
4	variation in observed levels in the area,	4	THE VICE CHAIRMAN: If you're
5	we'd have to conclude that it really is going	5	going to do most of the questioning, why
6	to have no effect on the health of your	6	don't you take the microphone.
7	students.	7	MS. LARKIN: We're calling
8	MS. TRUINI: Thank you.	8	this Exhibit A dated yesterday, the power
9	That's all.	9	plant location on it, and this is Middlebury
10	THE VICE CHAIRMAN: Thank you	10	with some Oxford on it, and this is the
11	very much. We'll break now for lunch and	11	southwest corner of Middlebury, and the
12	resume at 1:55.	12	shaded area is actually land that my family
13	(Whereupon, the witnesses were	13	owns in Middlebury, Connecticut, and it's
14	excused, and a recess for lunch was taken at	14	just under 1,000 acres.
15	1:06 p.m.)	15	MR. SMALL: And is this
16	,	16	document part of the record at this point?
17		17	Did you intend to offer it into the record?
18		18	MS. LARKIN: It may be. You
19		19	may enter it if you like. I'd be happy to
20		20	enter it.
21		21	THE VICE CHAIRMAN: Any
22		22	objection?
23		23	MS. LARKIN: If you were to
24		24	take this map, which is part of your book,
25		25	this is your topo map. This is just a
	Page 467		Page 469
1		1	
1 2	Page 467 AFTERNOON SESSION. 1:57 P.M.	1 2	partial view. I shaded the area that is our
	AFTERNOON SESSION.	1 2 3	partial view. I shaded the area that is our property with the a piece of our property.
2	AFTERNOON SESSION.	2	partial view. I shaded the area that is our
2	AFTERNOON SESSION. 1:57 P.M.	2	partial view. I shaded the area that is our property with the a piece of our property. Our property actually exceeds and extends up
2 3 4	AFTERNOON SESSION. 1:57 P.M. DEAN GUSTAFSON,	2 3 4	partial view. I shaded the area that is our property with the a piece of our property. Our property actually exceeds and extends up to here. You can enter that too because
2 3 4 5	AFTERNOON SESSION. 1:57 P.M.  DEAN GUSTAFSON, FREDERICK SELLARS,	2 3 4 5	partial view. I shaded the area that is our property with the a piece of our property. Our property actually exceeds and extends up to here. You can enter that too because that's already in the record.
2 3 4 5 6	AFTERNOON SESSION. 1:57 P.M.  DEAN GUSTAFSON, FREDERICK SELLARS, LYNN GRESOCK,	2 3 4 5 6	partial view. I shaded the area that is our property with the a piece of our property. Our property actually exceeds and extends up to here. You can enter that too because that's already in the record.  MR. SMALL: I just think it
2 3 4 5 6 7 8	AFTERNOON SESSION. 1:57 P.M.  DEAN GUSTAFSON, FREDERICK SELLARS, LYNN GRESOCK, ANDREW BAZINET, JON DONOVAN, DANIELLE POWERS,	2 3 4 5 6 7 8 9	partial view. I shaded the area that is our property with the a piece of our property. Our property actually exceeds and extends up to here. You can enter that too because that's already in the record.  MR. SMALL: I just think it should be submitted and then taken in as an exhibit, but for presentation purposes, no objection.
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28 (Pages 466 to 469)

	Page 470		Page 472
1	impacts against our real estate, the	1	no extraordinary pollutants in that water
2	environment and the air by the proposal of	2	from the power plant?
3	this power plant.	3	THE WITNESS (Bazinet): No.
4	MR. SMALL: Again, we're	4	MS. LARKIN: And is there
5	objecting. Mr. Chairman, we're objecting to	5	ammonia in that effluent?
6	a statement. If they have questions, please	6	THE WITNESS (Bazinet): No.
7	let Ms. Larkin ask us questions.	7	MS. LARKIN: No ammonia
8	CROSS-EXAMINATION	8	whatsoever. Okay.
9	MS. LARKIN: All right. Do	9	As far as the pollutants by
10	you know how many acres the Larkins own in	10	air, how far do you say that they will
11	Middlebury and Oxford, please?	11	extend?
12	THE WITNESS (Bazinet): You	12	THE WITNESS (Sellars): The
13	just stated for the record just under 1,000	13	pollutants by air, we modeled a grade of
14	acres.	14	several miles around the facility. As I
15	MS. LARKIN: Uh-huh. And the	15	testified earlier, the point of maximum
16	Applicant owns how many acres?	16	impact is very, very close to the property
17	THE WITNESS (Bazinet): So we	17	fence line, and the concentrations drop off
18	own 20 acres with an option to purchase an	18	rapidly with distance as you move away from
19	additional 6.2 acres.	19	the fence line. And there's an exhibit
20	MR. ASHTON: So you've got 20	20	that's been filed, Late-File 2Q, which
21	plus possibly 22?	21	provides isopleths of what the concentrations
22	THE WITNESS (Bazinet): Plus	22	are as you move away from the facility.
23	6.2.	23	MS. LARKIN: Well, would you
24	MS. LARKIN: Is it true that	24	say that the air pollution extends throughout
25	the Applicant will be sending pollutants by	25	our property? I can tell you from here that
	Page 471		Page 473
1	Page 471 air and pipe beyond the boundaries of its 26	1	Page 473
2		1 2	
	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes.		that's MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm
2 3 4	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from	2	that's MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea
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2 3 4 5 6	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of	2 3 4 5 6	that's MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars.
2 3 4 5 6 7	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.	2 3 4 5 6 7	that's MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're
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2 3 4 5 6 7 8 9	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre	2 3 4 5 6 7 8	that's  MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have
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2 3 4 5 6 7 8 9 10	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre site before they are finally disposed of in some manner?	2 3 4 5 6 7 8 9 10	that's  MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have permission to do so, I'm happy to. Okay, 1,000 feet, 2,000, and
2 3 4 5 6 7 8 9 10 11	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre site before they are finally disposed of in some manner?  THE WITNESS (Sellars): I'm	2 3 4 5 6 7 8 9 10 11	MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have permission to do so, I'm happy to. Okay, 1,000 feet, 2,000, and on and on, 1,000 foot increments.
2 3 4 5 6 7 8 9 10 11 12	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre site before they are finally disposed of in some manner?  THE WITNESS (Sellars): I'm not aware of any liquid pollutants.	2 3 4 5 6 7 8 9 10 11 12	MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have permission to do so, I'm happy to. Okay, 1,000 feet, 2,000, and on and on, 1,000 foot increments. MR. ASHTON: And that's from?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre site before they are finally disposed of in some manner?  THE WITNESS (Sellars): I'm not aware of any liquid pollutants.  MS. LARKIN: What is it that goes to the Naugatuck septic sewer plant, is that not a liquid?  THE WITNESS (Bazinet): The water that's discharged from the project site	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have permission to do so, I'm happy to. Okay, 1,000 feet, 2,000, and on and on, 1,000 foot increments. MR. ASHTON: And that's from? MS. LARKIN: From the power plant site from MR. ASHTON: Okay. And the power plant site is at the left center on that diagram?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	air and pipe beyond the boundaries of its 26 acres?  THE WITNESS (Sellars): Yes. The facility will be seeking a permit from the Department of Energy and Environmental Protection, and will admit products of combustion, yes.  MS. LARKIN: And how far do the liquid pollutants go from the 26-acre site before they are finally disposed of in some manner?  THE WITNESS (Sellars): I'm not aware of any liquid pollutants.  MS. LARKIN: What is it that goes to the Naugatuck septic sewer plant, is that not a liquid?  THE WITNESS (Bazinet): The water that's discharged from the project site to the Oxford water pollution control system	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ASHTON: Ms. Larkin, I have a request. I have good eyesight. I'm an engineer. I haven't got the foggiest idea what that Exhibit A is. I don't know what the white lines are. They look like isobars. Would you kindly explain that, if you're going to refer to it?  MS. LARKIN: As long as I have permission to do so, I'm happy to. Okay, 1,000 feet, 2,000, and on and on, 1,000 foot increments. MR. ASHTON: And that's from? MS. LARKIN: From the power plant site from MR. ASHTON: Okay. And the power plant site is at the left center on that diagram? MS. LARKIN: Yes.
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#### Page 474 Page 476 1 1 this shaded area. This is Route 84. We go Now, would it be possible for 2 2 over Route 84. This is Westover School right you to keep your pollutants inside the 3 here, that land here, for instance. 3 boundaries of your 26 acres? 4 MR. ASHTON: And those are 4 THE WITNESS (Sellars): No. 5 1,000 foot increments? 5 No facility, regardless of how small, would 6 6 possibly be able to do that. Even a house MS. LARKIN: Thousand foot 7 increments. 7 could not do that. 8 8 MR. ASHTON: Thank you very MS. LARKIN: Could you use 9 9 much. less natural resources in the way of water 10 10 MR. LYNCH: Could you give the and drinking water? THE WITNESS (Bazinet): We've 11 direction -- this is an audio tape. What 11 12 direction is your property from the site? 12 taken a number of pretty significant measures 13 MS. LARKIN: It's north and 13 to reduce the overall consumption of water 14 14 from the facility, and we've evaluated other east. 15 MR. LYNCH: Thank you. 15 methods of storage, other sources of water. 16 MR. ASHTON: North and east. 16 There may be other methods that we haven't 17 17 yet explored, and we're willing to explore Where is north on that map? 18 MS. LARKIN: North is this 18 those methods, but we feel as if we've done a 19 19 pretty exhaustive and thorough job of trying way. 20 MR. ASHTON: That's a little 20 to minimize the overall consumption relative 21 different. 21 to the prior approved facility. 22 22 MS. LARKIN: What could you do MS. LARKIN: Let me do it this 23 23 more? Is there something you could do more way. 24 MR. ASHTON: Leave it the way 24 about? You said you were looking at other 25 25 things. it was. Page 475 Page 477 1 MS. LARKIN: Which do you 1 THE WITNESS (Bazinet): No. I 2 like? 2 think I said that I'd be willing to look at 3 THE VICE CHAIRMAN: Leave it 3 other things that we haven't yet looked at, 4 the way it was. We'll turn our head to look 4 but none of which I have at the tip of my 5 in the other direction. 5 tongue. б MR. ASHTON: So, north is to 6 MS. LARKIN: Okay. I'm 7 the right, as you have the map displayed on 7 wondering whether -- well, your plant, you 8 the board. The plant site is at the left and 8 say that your plant will have minimum visual 9 9 south of your property generally by 2,000 to impact, but is it not true that on an 10 4,000, 5,000 feet, something like that. 10 830-foot leveled by you-all site, that MS. LARKIN: I can tell you 11 11 150-foot tall stacks with plumes emanating this increment says 4,000 right here. The 12 12 from them, sometimes opaque steam and smoke, closest we are is about -- I can't read it. 13 wouldn't that have a fairly great visual 13 14 Sorry -- 2,000. So that's like 2,500 to our 14 impact? 15 15 THE WITNESS (Gresock): There property right here. 16 16 MR. ASHTON: Okay. And what will be locations in the community from which 17 is your property, is it open space? 17 the facility will be visible. One of the 18 MS. LARKIN: A lot of it is 18 things that this project configuration does 19 19 is try to reduce that visual impact by open space. We have a lot of forest land and reducing the height of a number of structures 20 a lot of farmland. 20 21 MR. ASHTON: Thank you. 21 at the facility. 22 MS. LARKIN: So I was going to 22 MS. LARKIN: Do you think you 23 23 could possibly plant some trees -- evergreens ask you whether you knew which increment our 24 property falls into, and I just told you the 24 would be nice -- to block the plant so that 25 25 it would be less visible from all directions, answer so...

#### Page 478 Page 480 1 1 specifically our direction? understand that you dropped it by one foot. 2 2 THE WITNESS (Gresock): Why have you dropped it by one foot since the 3 3 Generally speaking, there are a lot of 1999 proposal? 4 existing trees in the community that do block 4 THE WITNESS (Bazinet): So, 5 the lines of sight from a lot of locations 5 the reality -- there was actually a small 6 6 that surround the facility. difference, if I recall, between the northern 7 7 MS. LARKIN: But those are end of the site and the southern end of the 8 8 site. It wasn't graded flat at 830 and a mostly deciduous trees on your site. I don't 9 think there's one pine tree up there that I 9 10 10 saw. Could you put pine trees up there so no MS. LARKIN: Okay. 11 one would have to see as much of it for real 11 THE WITNESS (Bazinet): But 12 estate values alone right there? 12 there are a number of different factors that 13 THE WITNESS (Bazinet): So 13 contributed to reducing the overall site 14 14 footprint from, you know, a height standpoint we're more than willing to incorporate tools, 15 you know, to visually mitigate the facility 15 as well as visually. 16 16 sight lines. In fact, the current MS. LARKIN: Okay. So, it's 17 17 not a big deal, you're telling me, just development and management plan considers 18 that as much as possible of the existing 18 evening it out. Okay. 19 vegetation on the northern end of the site 19 So, when you factor in the 20 will be retained to do exactly that. I don't 20 height of the stacks with the elevation, how 21 know that there's any tree -- and I'm not an 21 high is that, that the top of the stacks 22 expert in this particular realm -- that could 22 would be from sea level, how many feet? 23 be planted to shield entirely the stacks 23 THE WITNESS (Bazinet): Nine 24 proposed for this location. 24 hundred and eighty feet above mean sea level. 25 25 MS. LARKIN: Are you familiar MS. LARKIN: It might help you Page 479 Page 481 1 to know that pine trees do like to be on the 1 with the hills in the Middlebury, Southbury, 2 north slopes and northeast slopes, so that 2 Woodbury, Naugatuck, Oxford area and how tall 3 could help you realize more blockage. 3 they are? 4 THE WITNESS (Bazinet): If I 4 THE WITNESS (Gresock): We 5 could direct you to condition 2E of the 5 don't have the exact heights, but we know 6 original D&M plan, dated I think it's October 6 there are hills, and some of them are taller 7 2001. 7 than the stacks. 8 8 MS. LARKIN: We say that MS. LARKIN: Sorry, is that in 9 9 here? perhaps Andrew Mountain is taller, but 10 THE WITNESS (Bazinet): It's 10 perhaps none of the others are taller, 11 part of the existing Docket 192B. 11 particularly since they don't have stacks on 12 MR. SMALL: So it would be in 12 them with plumes on top of that. 13 THE WITNESS (Bazinet): The 13 the Siting Council files. topography of the land, as you go east of the 14 THE WITNESS (Bazinet): Which 14 15 15 site, actually exceeds 980. has a landscaping plan which does include 16 16 MS. LARKIN: How far east? evergreens. 17 17 Where? MS. LARKIN: And are they tall 18 18 THE WITNESS (Bazinet): We evergreens? They're like cathedral-type 19 19 could provide a reference point for you, if pines. 20 THE WITNESS (Bazinet): 20 you'd like. MS. LARKIN: Because our land 21 Without reviewing each of the details here, I 21 22 reference that exhibit and, you know, you 22 doesn't exceed 980 for sure, so we go to 23 23 will be able to find all the details in that. about 820. We see eye to eye with you in 24 MS. LARKIN: Could you lower 24 some places. Sorry. 25 25 MR. SMALL: Let's have your plant some? I mean, I already

	Page 482		Page 484
1	questions, not editorial comments.	1	THE WITNESS (Gresock): I have
2	MS. LARKIN: I'm sorry.	2	no idea.
3	MR. SMALL: But if you want,	3	MS. LARKIN: Was it quite
4	we can provide a late-filed exhibit with	4	lengthy like in terms of 20 miles, 50 miles?
5	elevations.	5	THE WITNESS (Gresock): I have
6		6	no idea.
7	MS. LARKIN: Elevations. That	7	MS. LARKIN: Did it seem to be
8	would be great. That would be great.		
	Can you tell me how, when the	8	as far as the eye could see?
9	plumes go up before they completely disperse,	9	THE WITNESS (Gresock): I
10	how high are those plumes going to go? I	10	can't answer that question.
11	mean, of course, it depends on wind	11	MS. LARKIN: I'm sorry.
12	condition, but when they're all mixed up with	12	And it was a beautiful view.
13	the atmosphere, how high are those going to	13	Correct?
14	go for visibility reasons?	14	THE WITNESS (Gresock): It was
15	THE WITNESS (Gresock): The	15	a clear day, yes.
16	modeling that we've done has been air	16	MS. LARKIN: So, when it comes
17	dispersion modeling and hasn't identified the	17	to real estate, would you agree that a
18	heights of the stacks of the plumes. But	18	beautiful view is something that would make
19	looking at the MITRE modeling that was done	19	the value of your real estate higher?
20	back in 2012 for the prior project	20	MR. SMALL: Could you restate
21	configuration, we spoke last time about a	21	that question because I'm not sure I
22	median height of the plume above the stack	22	understand it?
23	that had been identified from 28 to 29 feet,	23	MS. LARKIN: I am saying that
24	and then, obviously, under certain weather	24	the view from the power plant was beautiful,
25	conditions it would be taller. The 99th	25	and real estate value is, is it not, often
	Page 483		Page 485
1		1	
1 2	percentile value they identified was 344 to	1 2	predicated on a higher value on a
2	percentile value they identified was 344 to 532 feet, and the range really reflected the	2	predicated on a higher value on a beautiful view?
2	percentile value they identified was 344 to 532 feet, and the range really reflected the difference between stable and unstable wind	2 3	predicated on a higher value on a beautiful view?  MR. SMALL: Mr. Chairman, none
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2 3 4 5	percentile value they identified was 344 to 532 feet, and the range really reflected the difference between stable and unstable wind conditions.  MS. LARKIN: So what was your	2 3 4 5	predicated on a higher value on a beautiful view? MR. SMALL: Mr. Chairman, none of our witnesses are real estate appraisers, real estate experts, et cetera, so we don't
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32 (Pages 482 to 485)

	Dama 400		Daga 400
	Page 486		Page 488
1	you to make an effort to do that. I	1	Council's charge. But I would advise perhaps
2	understand	2	you should look at 16-50p, which lists all of
3	MS. LARKIN: I'm trying to.	3	the criteria this Council has considered.
4	I'm just not an attorney. I do not know how	4	MS. LARKIN: I have a quick
5	to do this.	5	question on visibility. Then why are
6	THE VICE CHAIRMAN: I	6	balloons even tethered to the site for us to
7	appreciate that.	7	see where the stacks will be? Why does that
8	MS. LARKIN: Okay.	8	even happen if it doesn't matter?
9	So this is sort of hard for me	9	THE VICE CHAIRMAN: That's
10	to do here. So would it surprise you that	10	really not the real estate value. That's the
11	realtors will be writing in to you all, the	11	visual impact for the surrounding area.
12	Siting Council, and the Applicant, about the	12	MS. LARKIN: And as that
13	values of real estate that would be	13	reflects on real estate. Sorry. I have a
14	diminished by looking at the plant, if they	14	broker's license. All right. Let's go
15	don't see the plant there or the stacks but	15	ahead.
16	the plumes, and they will be writing in, so	16	So, when you put that up for
17	we will be hearing from people who are local	17 18	educational reasons for whatever, the balloon
18	experts.		is quite small, and I would say that oh,
19 20	Do you know	19 20	no.
	THE VICE CHAIRMAN: For the	21	May I show you what 22 feet look like? I have a tape, Chairman Stein.
21	record, real estate values is not one of the	21	* '
22	items that can be taken into account in	23	MR. SMALL: Objection. What's
23	making the decision.	24	the purpose of this?
24 25	MS. LARKIN: Oh, really?	25	THE VICE CHAIRMAN: What's the
⊿5	Okay. Well, then we can talk about pollution	25	purpose of this?
	Page 487		Page 489
1		1	Page 489
1 2	and water. Okay.	1 2	MS. LARKIN: Because the
2	and water. Okay.  Can you tell me why I mean,	2	MS. LARKIN: Because the balloon is only 5 feet, and the stacks, of
2	and water. Okay.  Can you tell me why I mean, I'm sorry. Can you tell me why real estate	2 3	MS. LARKIN: Because the balloon is only 5 feet, and the stacks, of which there are two, are way out.
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#### Page 490 Page 492 1 1 absolutely would. of those screening levels. So it is my 2 2 MS. LARKIN: Really? Okay. opinion that this facility will not have a 3 3 So would you prefer living significant adverse impact on people, plants, 4 next to a solar plant, if you were given the 4 animals, soils, vegetation, wildlife. 5 choice, or a wind plant, or a fossil fuel 5 MS. LARKIN: When the EPA does 6 б plant would be okay to live next to -- be all a study like that, do they study it as far as 7 7 right? I don't mean "next to," within a that the impacts are mixed in and everything 8 mile. 8 is evenly distributed, in other words, the 9 9 THE WITNESS (Gresock): As a pollution is evenly distributed over the 10 10 personal question, yes. area, or do they take into consideration that 11 MS. LARKIN: You would. All 11 some of that pollution will always go to 12 right. 12 wherever the air depression is at the time, 13 13 right? Are you aware that the 14 14 pollution can actually impact living things, THE WITNESS (Sellars): Our 15 15 you know, all creatures, humans? modeling determines where the concentrations 16 THE WITNESS (Sellars): As 16 will be the highest, and we take that highest 17 17 part of our analyses, we did a pretty maximum predicted impact level and compare 18 comprehensive air quality impact analyses, 18 those to thresholds that have been 19 and you have to compare your impacts to 19 established for the protection of humans, metrics that relate to whether there's an 20 20 plants, animals and vegetation. 21 impact to animals, vegetation, soils and, 21 MS. LARKIN: Do we have maps 22 most importantly, human beings. So, the 22 of where those spots are with their 23 United States Environmental Protection Agency 23 concentrations? 24 has set national ambient air quality 24 THE WITNESS (Sellars): Yes. 25 standards for the protection of public 25 They've been filed as part of our exhibit Page 491 Page 493 1 health. They've also established secondary 1 number --2 ambient air quality standards for the 2 MS. LARKIN: All right. 3 protection of public welfare, including 3 MR. SMALL: It was filed as 4 impacts to animals, plants, et cetera, and 4 Late-File Exhibit 2Q filed on February 5th. 5 wildlife. 5 MS. LARKIN: Okay. 6 In addition to that, as part 6 THE WITNESS (Sellars): And 7 of our air permit application, in addition to 7 what that exhibit shows is, even at the point 8 demonstrating that our impacts are a small 8 of maximum impact, the facility's maximum 9 9 impacts are a small fraction not only of the fraction of those ambient air quality 10 standards and would not threaten the area's 10 ambient air quality standards, but of 11 ability to comply with those standards, we're 11 existing levels of those pollutants that are 12 12 in the atmosphere right now, and in fact, in required to do an analysis of what the impact 13 13 is on soils, vegetation, and wildlife. And most cases, they're an insignificant fraction 14 using the United States Environmental 14 of the natural year-to-year variation in the 15 15 Protection Agency screening criteria that measured levels. 16 16 look at various sensitive wildlife species, MS. LARKIN: Do you know that 17 17 as well as plant life, we do an analysis and exposure from air pollution can cause soil to 18 18 become unproductive? Did you know that? compare the screening levels. If you exceed 19 19 those screening levels, then more THE WITNESS (Sellars): I'm 20 sophisticated analyses would be required. 20 quite aware. Having been the coauthor of the 21 A facility's maximum impacts 21 United States Department of Energy's Acid 22 22 very, very conservatively modeled, assuming Rain Information Book, I've been studying 23 23 operating scenarios that we couldn't possibly this for about 35 years. 24 24 operate under for conservatism, result in MS. LARKIN: Good. 25 25 THE WITNESS (Sellars): And impacts that are a very, very small fraction

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#### Page 494 Page 496 1 the exposure of those soils to significant 1 MS. LARKIN: So you can assure 2 2 concentrations of air pollutants can have a me that we won't have any difficulty having 3 deleterious effect, which is why you do a 3 our trees grow and our hay grow and our crops 4 screening against the soil criteria, and it 4 being okay? 5 looks at the deposition rates onto the soil, 5 THE WITNESS (Sellars): If 6 6 as well as what the impact -- the uptake your hay grows now, your hay will grow fine 7 7 rates of the plants that would be in those in the future. 8 8 MS. LARKIN: Okay. So, being soils are, and the maximum impact at this 9 facility is a tiny fraction of those 9 that we're so close to the plant and knowing 10 10 screening levels. that there have been some Richter scale magnitude explosions, not only -- we're 11 11 MS. LARKIN: So there is a UVA 12 12 talking about gas fuel explosions of 1.1 study, have you seen that, that, for 13 instance, timber trees, a timber crop, can 13 magnitude near the San Francisco Airport and 14 over 5 magnitude at the Middletown plant, 14 lose 30 percent of its growth from being 15 15 exposed to air pollution? Kleen Energy, which was felt all the way to 16 THE WITNESS (Sellars): To 16 New York State, would it be fair to say that 17 17 what level of air pollution? there's an unease to the residents of --18 MS. LARKIN: I don't have that 18 well, us, for instance, and people nearby, 19 answer. Can you tell me? 19 particularly of a possible -- obviously, it's 20 THE WITNESS (Sellars): I 20 a supposition -- possible conflagration given 21 21 that there's a compressor gas station next think that's what's --2.2 MS. LARKIN: Can you tell me? 22 door and fuel stored on site, and so on? 23 23 MR. SMALL: I'm going to THE WITNESS (Sellars): That 24 24 object to the question just in the sense of is what those screening levels are based on. 25 25 we can't answer a question whether people They're based on those kinds of studies that Page 495 Page 497 1 determine what the impact would be on -- when 1 have an unease. If the question is meant to 2 the impact would be significant, 2 be is this facility safe, I believe we can 3 significantly affect vegetation. So, if 3 answer that. you're looking at the pollutants themselves, 4 4 MS. LARKIN: Would it be fair 5 they are ubiquitous in the environment. You 5 to say to you that would it be something that б emitted them on the way here in your car, and 6 you could understand that I wouldn't feel 7 your house emits them. So it's all a matter 7 safe? 8 of concentration. It's a matter of how much 8 MR. SMALL: That's total 9 and what those concentrations are and how 9 speculation. 10 those concentrations compare to the 10 MS. LARKIN: Well --11 sensitivity thresholds either of vegetation 11 MR. SMALL: If you want, we 12 12 can answer the question with respect to the or of people. 13 MS. LARKIN: All right. But 13 safety of the plant. If you want to know 14 given our close proximity, doesn't that mean 14 what people's perception is, I'm going to 15 that we're affected more than others would 15 object and ask the Chair to rule. 16 16 MS. LARKIN: But accidents do 17 THE WITNESS (Sellars): You 17 happen, though, don't they, right? 18 would be affected less than somebody closer 18 THE VICE CHAIRMAN: We all 19 19 and more than somebody farther away, but the know that. 20 levels, even at the point of maximum impact, 20 Dr. Klemens. 21 are a small, insignificant fraction of the 21 DR. KLEMENS: Can I ask a 22 ambient air quality standards that have been 22 question? 23 23 set to protect people and the secondary There's a gas line there now. 24 standards that are set to protect plants, 24 So I guess the question is, is by placing a 25 animals and wildlife. 25 plant there increasing the chance of

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## Page 498 Page 500 1 explosion or not, or is it what it is now? 1 do have a gas line on our property? 2 2 MS. LARKIN: And the gas lines THE WITNESS (Bazinet): I'm 3 3 expanding -not sure. I know there are pieces of the 4 DR. KLEMENS: That's a 4 pipeline that are being upgraded to 42 5 question for the Applicant. 5 inches. I'm not sure which sections of the 6 6 THE WITNESS (Bazinet): I pipe are being done. So I'm not sure how to 7 7 answer your question. All I can say is that mean, we will, and we do, as a company across 8 8 we could operate the entire plant on either many different parts of the country, put into 9 9 place many different precautions to avoid any one of the pipelines with or without the 10 10 such incident. Does the risk increase? I upgrade. 11 honestly don't know the answer to that 11 MS. LARKIN: So the more fuel, 12 question, but what I can say today is that 12 the bigger the fire; would that be right? 13 there's the presence of a gas pipeline. 13 THE WITNESS (Bazinet): I'm 14 14 There is a facility that compresses and sorry. I'm not sure of the question you're 15 handles that gas on a daily basis. And 15 asking. 16 assuming that appropriate measures and safety 16 MS. LARKIN: Well, if there 17 17 precautions are put into place, the were an accident and the accident were fed by 18 likelihood of an event ever occurring is 18 a great deal of fuel, there would be an even 19 very, very small. 19 bigger problem? 20 For example, the Nevas and 20 THE WITNESS (Donovan): Is the 21 Thomas Commission recommendations will be 21 question related to the utility? 22 implemented on a facility like this to ensure 22 MS. LARKIN: It's related to 23 that gas is not used for pipe cleaning. So, 23 the fact that there are multiple fuels on two 24 I think measures of that nature are going to 24 sites side by side, and either one could 25 be put in place, will be outlined in our 25 conflagrate the other, and the more fuel Page 499 Page 501 1 development and management plan as we 1 there is, the more damage, the bigger the 2 proceed, and the risk analysis piece, I'm not 2 explosion, whatever. I'm not a munitions 3 sure I'm qualified to do that but --3 expert. 4 DR. KLEMENS: Thank you. 4 THE WITNESS (Donovan): This 5 MS. LARKIN: Do you know that 5 isn't munitions, and I can't really speak for 6 the pipeline that's there now is going to be 6 the utility, but generally those pipelines 7 expanded in diameter? 7 are operated with very fast-acting control 8 THE WITNESS (Bazinet): There 8 valves to slam shut in the event of a loss of 9 9 are modifications being made to the Algonquin pressure. 10 system based on their current project that 10 MS. LARKIN: Are you familiar 11 was approved by FERC, correct. 11 with the PG&E explosion -- I think it was 12 MS. LARKIN: Is your plant 12 2010 -- east of the airport, a 20-some-odd 13 13 going to be serviceable, operational inch gas line with a poor weld exploded, and supposedly when the pipeline expands, or can 45 homes were destroyed, eight people were 14 14 you operate on the smaller size pipe now, 15 killed, 52 were injured, and PG&E did not 15 16 which is like 24 or 30? Which is it, 24 or 16 turn that gas off for 95 minutes? THE WITNESS (Bazinet): So we 17 17 30 inches now? 18 18 are familiar with it. I'm not sure how THE WITNESS (Bazinet): It's 19 26 and 30. And we can operate off of either. 19 applicable that is to this particular 20 MS. LARKIN: Okay. So the 42 20 scenario, and in no case does the presence of 21 inches will have more gas go through it, but 21 our facility exacerbate that. 22 you don't necessarily need it, you don't need 22 MS. LARKIN: Mr. Chairman, may 23 the 42 inches because that's what it's going 23 I address economics in this conversation? 24 to because we get letters to this effect that 24 Yes, I think --25 25 they're doing this on our property because we All right. Do you know that

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Page 504 Page 502 1 there's a large horse industry in 1 MS. LARKIN: You don't have 2 2 Connecticut? Are you aware of that? any horseback riders in your group. Okay. 3 THE WITNESS (Bazinet): We're 3 A question I have is: If we 4 aware that, based on various submittals to 4 are polluted now greatly, as Connecticut is 5 this particular proceeding, there is a horse 5 already over the limits EPA-wise, why is it 6 6 industry in Connecticut. Large, I think, is that this plant would be a good idea here? 7 a pretty subjective term, but other than 7 THE WITNESS (Sellars): As I 8 8 that, yes. testified earlier, the facility will displace 9 MS. LARKIN: Do you know that 9 the operation of older, less efficient and 10 10 there are more horses per capita in higher emitting power plants across the 11 Connecticut than any other state? Do you 11 region, and as a result, there will be a net 12 know that as a fact? 12 reduction in air pollution in the region by a 13 THE WITNESS (Bazinet): I 13 significant amount. 14 14 don't know that as a fact. In addition to that, the only 15 MS. LARKIN: And the economic 15 pollutant for which the area is not attaining 16 value of that would be fairly large to the 16 the national ambient air quality standards is 17 state with sales of goods and, you know? 17 ground level ozone. Ozone is a regional 18 MR. SMALL: Your prefile 18 pollutant, and because the facility is 19 testimony did mention that. We haven't had a 19 locating in an ozone nonattainment area, it's 20 chance to explore or cross-examine. 20 in addition to that displacement benefit 21 MS. LARKIN: Are you aware 21 required to actually get offsets of nitrogen 22 that there are -- well, you are aware of the 2.2 oxide emissions, which are the precursor to 23 Larkin State Bridle Trail existence? 23 ozone. So twice we'll reduce emissions. 24 THE WITNESS (Bazinet): Yes. 24 We'll have to get offsets equal to 1.2 times 25 25 our total tons per year of nitrogen oxide MS. LARKIN: And are you aware Page 503 Page 505 1 that there are multiple trails that connect 1 emissions in the same ozone nonattainment 2 to that, including the use of both the gas 2 area or an adjacent area equal or higher 3 line and the transmission lines as bridle 3 ozone nonattainment severity plus the 4 trails, those right-of-ways are used for 4 displacement. So, if you add those two 5 benefits together, there will be a net those purposes; are you aware of that? 5 6 THE WITNESS (Bazinet): I б reduction in burden on air pollution. 7 wasn't personally aware of that, no. 7 MS. LARKIN: Are you talking 8 MS. LARKIN: Okay. You are 8 about the carbon credits that you're 9 aware that horseback riding is a recreational 9 purchasing elsewhere? 10 event and enjoying the outdoors, and so 10 THE WITNESS (Sellars): No, 11 forth, would that be correct, and that one 11 I'm not talking about carbon credits. I'm 12 12 talking about nitrogen oxide offsets, which would -- well, okay. Go ahead. Sorry. It's 13 13 are the precursor to ozone. In addition to recreation. 14 that, the facility itself will displace 14 THE WITNESS (Bazinet): Yes. emissions of nitrogen oxides by reducing the 15 MS. LARKIN: Is there 15 16 16 operation of older, less efficient, higher something you can do to make riding as 17 enjoyable as it is now after the plant was 17 emitting units in the region. 18 put in place? I'm talking in reference to 18 MS. LARKIN: And isn't that --19 19 noise pollution, air pollution, visibility, you're reading into the future. It's like a 20 across the board? 20 supposition --21 21 MR. SMALL: I'm going to THE WITNESS (Sellars): I 22 object on the ground the word "enjoyable," 22 wouldn't consider it a supposition. I would 23 23 consider it a mathematical model based on the again, is so subjective. I don't think the 24 witnesses could properly answer that 24 dispatch or in the dispatch queue of the 25 25 facilities. They are dispatched in order by question.

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	Page 506		Page 508
1	the grid operator generally in direct		And since ozone is a regional pollutant, its
2	proportion to its marginal cost, which is		formation is over a very, very broad area.
3	directly related to the plant's efficiency.	2 3	It results from a photochemical atmospheric
4	So we've done analyses and modeling of what	4	reaction of precursor pollutants. So the
5	the future in 2018 to 2020 dispatch would	5	levels of ozone in Connecticut are
6	look like with and without the facility, and		determined, in large part, by the emissions
7	7 with the facility there will be a significant		of those precursors in New Jersey, New York,
8	8 reduction in emissions of all of the		Pennsylvania, and places further up wind.
9	pollutants that we looked at.	9	In terms of carbon credits,
10	MS. LARKIN: I do understand	10	the facility has to buy allowances of CO2,
11	that water bodies do die from pollutants, I	11	like all power plants in the Northeast, and
12	mean, the life in them die, and I think it	12	that's related to global warming. And global
13	affects human health, correct, these	13	warming is a global pollutant, not a regional
14	pollutants do, there are many studies that		pollutant or a local pollutant, a global
15			pollutant, which is why planting trees in the
16	THE WITNESS (Sellars): Yes,	16	Amazon will offset CO2 emissions in New York
17	which is the basis of the ambient air quality	17	City. The basis is the global concentration
18	standards. And because emissions, on a	18	of CO2 in the atmosphere.
19	regional basis, affect water bodies, the fact	19	In addition to that, because
20	that there will be less emissions on a	20	the facility is a power plant over 25
21	regional basis with the plant than without	21	megawatts, it has to participate in a cap and
22	the plant points to its environmental	22	trade program for sulfur dioxide emissions as
23	benefit.	23	part of the acid rain program. So it will be
24	MS. LARKIN: Okay. I wonder	24	required to participate in that program.
25	if any of you have read Dr. Klemens'	25	Acid rain, like ozone, is formed over a
	Page 507		Page 509
1		1	
1 2	testimony from 1999 for the energy	1 2	regional area and through a number of chain
1 2 3			regional area and through a number of chain of atmospheric chemistry reactions. So the
2	testimony from 1999 for the energy application. And would you please do so and	2	regional area and through a number of chain
2 3 4 5	testimony from 1999 for the energy application. And would you please do so and have it reflect into what your thinking is	2 3 4 5	regional area and through a number of chain of atmospheric chemistry reactions. So the pH of the rain in Connecticut is determined
2 3 4	testimony from 1999 for the energy application. And would you please do so and have it reflect into what your thinking is here, please? Is that possible? Would you do that?  MR. SMALL: Would you file	2 3 4	regional area and through a number of chain of atmospheric chemistry reactions. So the pH of the rain in Connecticut is determined by all of the sources basically from Ohio eastward, be they local, midrange, or long distance.
2 3 4 5 6 7	testimony from 1999 for the energy application. And would you please do so and have it reflect into what your thinking is here, please? Is that possible? Would you do that?  MR. SMALL: Would you file that, and that can be a late-filed exhibit	2 3 4 5 6 7	regional area and through a number of chain of atmospheric chemistry reactions. So the pH of the rain in Connecticut is determined by all of the sources basically from Ohio eastward, be they local, midrange, or long distance.  MS. LARKIN: The key question
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38 (Pages 506 to 509)

the offsetting factors. Those levels are

25

25

offsets relate to the formation of ozone.

## Page 510 Page 512 1 then compared to the ambient air quality 1 But if this plant has a life of 20 to 30 2 2 standards which are set for the protection of years, isn't that a huge amount of pollution 3 3 the health of the most sensitive segments of to dump in an area that's whatever, two miles 4 the population, and we're a tiny fraction of 4 out, three miles out, that's a huge amount, 5 those, and therefore, we can conclude that 5 am I wrong, because over time you have 6 6 the facility is not going to have a effects -- because over time you have 7 significant adverse impact on health. 7 effects. 8 MS. LARKIN: Were you at the 8 THE WITNESS (Sellars): Over 9 public hearing in Oxford? 9 time you have to look at the total emissions, 10 10 THE WITNESS (Sellars): I was. and we've projected as far as we can into the 11 MS. LARKIN: Did you hear the 11 future based on what we know right now in 12 doctor who had just gotten off an airplane 12 terms of what the emissions would be with and 13 and came rushing up to speak about power 13 without the facility, and with the facility 14 14 the emissions will be lower in the region plant pollution? 15 15 THE WITNESS (Sellars): Yes, I than without the facility because we will be 16 displacing older, dirtier facilities. 16 did. 17 17 MS. LARKIN: But this one will MS. LARKIN: Do you remember what he said? 18 18 be here, won't it, it will be right here? 19 THE WITNESS (Sellars): I 19 THE WITNESS (Sellars): I'd 20 remember some of it. I remember there were a 20 rather have this one here for 35 years than 21 number of inaccuracies in what he said. He 21 some of the existing ones. 22 was a -- if it's the right person, there was 22 MS. LARKIN: But most of us in 23 a number of people that spoke, but he seemed 23 this room, would you agree, live here that 24 to be confused about the use of offsets 24 are against the plant? 25 basically to demonstrate compliance. 25 Okay. So, ozone. How do they Page 511 Page 513 1 MS. LARKIN: Did he not speak 1 affect pollination -- how does it affect 2 about research? He's a researcher. 2 pollination, do you know? 3 THE WITNESS (Sellars): Yes. 3 THE WITNESS (Sellars): I'm 4 Okay. 4 not familiar with pollination itself. Ozone 5 MS. LARKIN: He's a doctor 5 basically is an ambient air quality standard б researcher, physician researcher. 6 because of its impact on humans and the 7 THE WITNESS (Sellars): Okay. 7 environment. 8 MS. LARKIN: And maybe some of 8 MS. LARKIN: Right. And NOx, 9 the other people were there. Did he not 9 when it comes in contact with X, it becomes 10 refer to the high incidence of cancers, lung 10 ozone; am I right? 11 disease, emphysema, asthma, heart attacks, 11 THE WITNESS (Sellars): NOx is 12 MIs, from proximity to power plants? 12 a precursor to ozone --13 THE WITNESS (Sellars): He 13 MS. LARKIN: Right. THE WITNESS (Sellars): --14 did. And that's one of the inaccuracies in 14 15 what he was talking about. All power plants 15 when emitted with volatile organic compounds 16 16 and strong sunlight over a long exposure are not the same. There are a number of 17 power plants that emit thousands of times 17 period and over considerable distance and 18 more emissions per megawatt hour than this 18 time. 19 19 facility does. You can't lump them all MS. LARKIN: So do you have an 20 together. Exposure to diesel exhaust has all 20 understanding of how important pollination is 21 of those same problems that he talked about. 21 to all of us? 22 That doesn't mean that if you bought a 22 THE WITNESS (Sellars): I do. diesel-powered Volkswagen Rabbit that you 23 23 MS. LARKIN: Okay. And you do 24 would wipe out the population of Oxford. 24 know that the bees are having a hard time 25 MS. LARKIN: I understand. 25 because of ozone, you know that? It's part

	Page 514		Page 516
1	of a study.	1	DR. KLEMENS: Go closer to the
2	THE WITNESS (Sellars): Bees	2	mike.
3	are having a hard time for a number of	3	MS. LARKIN: Okay. So, do you
4	reasons, and I would not pin it directly on	4	think that you can in any way well, never
5	ozone.	5	mind.
6	MS. LARKIN: Okay. But it's	6	Wouldn't it make more sense to
7	one of the reasons.	7	not have a fossil fuel plant here at all
8	THE WITNESS (Sellars): It may	8	being that it pollutes as opposed to being a
9	be one of a multitude of reasons, but there's	9	green energy type?
10	something far more severe going on with bee	10	THE WITNESS (Bazinet): So,
11	populations right now than ozone.	11	Mr. Sellars has tried to answer the question
12	MS. LARKIN: How about overall	12	with respect to pollution on a number of
13	pollution?	13	different occasions and over the last 10 or
14	THE WITNESS (Sellars): Again,	14	15 minutes. The location of the facility is
15	a number of stressors on bee populations	15	based on a number of different factors, and
16	right now, pesticides, herbicides, a number	16	we think this location is ideally suited for
17	of things are causing a decline in the bee	17	a power plant, and I think that's probably
18	population.	18	even more evidenced by the fact that the
19	MS. LARKIN: So wouldn't it	19	facility was recently awarded a capacity
20	be	20	supply obligation demonstrating the need for
21	THE WITNESS (Sellars): And	21	such a facility through the ISO New England
22	given that the ozone levels have not	22	forward-capacity market.
23	significantly varied over the last 30 years,	23	There's just a number of
24	if any, they've gone down in a lot of areas	24	different factors driving this particular
25	and gone up slightly in a lot of areas, I	25	location and the overall need for a facility
			,
	Page 515		
	rage 313		Page 517
1		1	Page 517 like this, and I think Mr. Sellers did his
1 2	think it would be pretty hard to pin the most recent decline in bee population on ozone	1 2	
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2	think it would be pretty hard to pin the most recent decline in bee population on ozone	2	like this, and I think Mr. Sellers did his best to address your questions with regard to
2	think it would be pretty hard to pin the most recent decline in bee population on ozone since the levels have not changed.	2 3	like this, and I think Mr. Sellers did his best to address your questions with regard to pollution.
2 3 4	think it would be pretty hard to pin the most recent decline in bee population on ozone since the levels have not changed.  MS. LARKIN: I guess you haven't seen the UVA study that says that the bees can no longer scent the scent of the	2 3 4	like this, and I think Mr. Sellers did his best to address your questions with regard to pollution.  MS. LARKIN: When did that
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40 (Pages 514 to 517)

	Page 518		Page 520
1	reduction in electric rates, a reduction in	1	know that we necessarily agree with the
2	overall emissions in the region. It involves	2	characterization of "difficulty," but
3	a number of different jobs and economic base	3	MS. LARKIN: I'm sorry. Okay.
4	that's created in the state of Connecticut.	4	Well, we'll go back to that.
5	There's a study that was performed by UConn's	5	MR. SMALL: Mr. Bazinet can
6	Connecticut Center for Economic Analysis	6	answer the question.
7	related to the regional economic impact of a	7	THE WITNESS (Bazinet):
8	facility like this. Those are all a number	8	Actually, can you repeat the question? I
9	of different ways in which your family, you	9	apologize.
10	in particular, will benefit from a facility	10	MS. LARKIN: I don't know how
11	like this. We've pardon me for a minute.	11	to measure this, but in my view, wouldn't the
12	(Pause.)	12	benefit to not only the state to ourselves
13	THE WITNESS (Bazinet): We've	13	locally, but also to the state, be greater,
14	provided some analysis on the impacts to an	14	larger from our clean, truly clean and truly
15	individual ratepayer and recently filed,	15	green 953 acres?
16	dated 1/30/15, late-filed Exhibit 2J.	16	THE WITNESS (Bazinet): We
17	MS. LARKIN: Now, I don't know	17	just answered that question.
18	how you would measure this, but if I said to	18	MS. LARKIN: Is that the wrong
19	you that there's a much larger benefit	19	question?
20	locally, if not statewide, from our truly	20	THE WITNESS (Bazinet): Yes,
21	green, truly clean 953 plus or minus acres,	21	you're on the next question after that.
22	would you agree with that?	22	Sorry.
23	MR. LYNCH: Could you please	23	MS. LARKIN: All right.
24	keep your voice up?	24	Sorry. Sorry. Is there a gap in your water
25	MS. LARKIN: Yes. Sorry.	25	supply? Let's start there. Do you have a
	Page 519		Page 521
1		1	
1 2	MR. SMALL: Could you repeat	1 2	THE VICE CHAIRMAN: The
2	MR. SMALL: Could you repeat the question?	2	THE VICE CHAIRMAN: The question was whether you were going to drill
2	MR. SMALL: Could you repeat the question?  MS. LARKIN: I just said would	2 3	THE VICE CHAIRMAN: The question was whether you were going to drill wells.
2 3 4	MR. SMALL: Could you repeat the question?  MS. LARKIN: I just said would you be surprised if I said to you or would	2 3 4	THE VICE CHAIRMAN: The question was whether you were going to drill wells.  THE WITNESS (Bazinet): We do
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2 3 4 5 6 7	MR. SMALL: Could you repeat the question?  MS. LARKIN: I just said would you be surprised if I said to you or would you and I said I didn't know how to measure this but if I said to you that I believe that there's a much larger benefit	2 3 4 5 6	THE VICE CHAIRMAN: The question was whether you were going to drill wells.  THE WITNESS (Bazinet): We do not intend to drill wells, no.  MS. LARKIN: You won't. Okay. That's a good.
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	Page 522		Page 524
1	years.	1	nobody was operating on oil.
2	MS. LARKIN: You mentioned	2	MS. LARKIN: But gas
3	that.	3	curtailment does happen in the winter so,
4	THE WITNESS (Bazinet): Right.	4	right, usually?
5	And we safely concluded that, out of 15	5	THE WITNESS (Bazinet): Gas
6	separate dispatch requests, we would have	6	curtailment is possible during the winter,
7	been called on from ISO New England, we would	7	correct.
8	have satisfied all 15, but on two occasions	8	MS. LARKIN: And you're
9	the 52 hours wouldn't have been sufficient to	9	talking about the cold weather in the winter,
10	last the entire dispatch request.	10	okay, and being able to operate. Okay.
11	MS. LARKIN: Do you think you	11	So I just want to ask you
12	should go back further in time to see how	12	about the definition of the word "local."
13	cold it's been, you know, other weather other	13	You talk about a regional benefit of this
14	years?	14	power plant, and you also talk about a local
15	THE WITNESS (Bazinet): That's	15	benefit. How many miles is local? What do
16	over the last 25 years.	16	you mean by local? What does local mean?
17	MS. LARKIN: Okay. So, when	17	Massachusetts border?
18	you run out at 52 hours I thought it was	18	THE WITNESS (Bazinet): You
19	48. It's now 52, right, that you can run on?	19	have to maybe characterize your question a
20	THE WITNESS (Bazinet): It's	20	little more specifically in terms of which
21	52. We've recently answered that in a	21	benefit you're referring to.
22	question as well.	22	MS. LARKIN: Well, when I talk
23	MS. LARKIN: I'm sorry. So,	23	about local, I can say that I mean like 15
24	once you're through with the 52 hours on-site	24	miles, we might drive somewhere to dinner or
25	storage, then you have to truck things in?	25	something, you know. I don't know what you
23	storage, then you have to truck things in:	23	something, you know. I don't know what you
	Page 523		Page 525
1		1	
1 2	THE WITNESS (Bazinet): No.	1 2	mean by local.
2	THE WITNESS (Bazinet): No. We will either operate on gas or not at all.	2	mean by local.  THE WITNESS (Bazinet): With
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Page 526 Page 528 1 pretty big. So what's your --1 reference levels in making sure that plants, 2 2 THE WITNESS (Bazinet): With power plants' offers reflect those reference 3 3 respect to ratepayer benefits, it can be levels. 4 pretty big, correct. 4 MS. LARKIN: So how are we 5 MS. LARKIN: Now, when you 5 assured -- as beneficiaries of the low 6 6 talk about rates, how does the ISO pool or prices, how are we assured we're going to get 7 the pool, NEPOOL, do they take the highest 7 the low prices through this process? 8 THE WITNESS (Powers): So this price, and then everybody shares that highest 8 9 price when the people bid; in other words, 9 particular unit, when you take Connecticut 10 10 and you take New England in general, you're how do you save money if they take the high 11 price? 11 stacking up a lot of plants. And you have 12 THE WITNESS (Powers): 12 solar and wind and nuclear on the bottom, and 13 Danielle Powers with Concentric. 13 then you've got some coal, and then in the 14 14 middle you've got this flat stack of So the ISO stacks up all the 15 15 generators based on their demand in any combined-cycle resources, then you go kind of 16 16 particular 15-minute interval. So whichever up the stack with oil units. So what this 17 17 unit is doing is taking, if you're putting generator clears in the stack last is what 18 all of the generators get paid, generally 18 something in the middle of that stack, you're going to knock off the high guy. So he comes 19 speaking. 19 20 MS. LARKIN: So, when people 20 off the stack, and he -- in some hours with a 21 come in with prices, you're clearing a price; 21 set price. Now you're actually coming down 22 22 that supply stack, so your clearing price am I right? 23 THE WITNESS (Powers): Right. 23 will be less because you're putting a more 24 MS. LARKIN: So, if the three 24 efficient resource in that supply stack. 25 of you were power plants and you were putting 25 MS. LARKIN: Does that Page 529 Page 527 1 in your -- what you can sell it for, and you 1 efficient resource mean that the owner of 2 were the lowest, she was the medium, and you 2 that plant makes more money, is a more 3 were the highest, who would NEPOOL choose? 3 profitable situation? THE WITNESS (Powers): 4 4 THE WITNESS (Powers): It 5 Depending on the demand level, if he was the 5 means that when they're dispatched, they're 6 last resource to meet demand, he would set 6 dispatched based on their variable costs, so 7 the price. 7 they would have recovered their variable 8 MS. LARKIN: What do you mean 8 costs, and then there are other pieces of the 9 9 by "last resource"? market that they would have an opportunity to 10 THE WITNESS (Powers): So, if 10 receive compensation for their fixed costs. 11 you had -- say your demand was 100 megawatts, 11 So what we're talking about right now is the 12 and I had 40, she had 30, he had the next 30 12 energy market, and that's purely a variable 13 13 stacked in price, he meets the 100 megawatt cost market. 14 demand, so he clears last. He's the last guy 14 MS. LARKIN: I understand. 15 clearing, so he would set the price for all 15 Okay. All right. Thank you. 16 16 So I think I can say here that three of us. 17 MS. LARKIN: So does that mean 17 I don't know whether it's fair or even polite 18 the bigger the plant, the more influence you 18 to say, but this is in closing, that bluntly 19 have? 19 said --20 THE WITNESS (Powers): No, 20 MR. SMALL: I'm going to 21 because ISO has a lot of rules around what we 21 object. This isn't the time for -- is this a 22 call mitigation, which is making sure that 22 question? 23 generators bid their marginal cost, which is 23 MS. LARKIN: Okay. I'm fine. 24 their variable cost, fuel and variable O&M, 24 No, this is a statement. I thank you very 25 25 and there are rules around what they call much.

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Page 530 Page 532 1 THE VICE CHAIRMAN: You'll 1 NOx allowances are basically for the 2 2 have your opportunity when it's time for you Northeast region. 3 3 to put on your own case. MR. McCORMACK: Thank you. 4 MS. LARKIN: Sorry? 4 Previously Marian Larkin referred to the two 5 THE VICE CHAIRMAN: You'll 5 weather balloons that were flown on January 6 б have an opportunity when you put on your own 15th at the site to indicate the visual 7 7 case subsequently. impact the plant might have. The lighted 8 8 MS. LARKIN: Okay. Good. plant and stacks and the noise, obviously, 9 9 Well, I thank you for allowing me to speak to could not be seen viewing those weather 10 10 you today, and thank you for your answers to balloons. Is there any way for CPV to 11 the questions. 11 simulate the lighting conditions and the 12 THE VICE CHAIRMAN: Thank you, 12 sound conditions for a 48-hour period so the 13 Ms. Larkin. 13 local residents can experience that? THE WITNESS (Gresock): There 14 14 Next is Quassy Amusement Park. 15 (No response.) 15 is no way that I'm aware of that we could THE VICE CHAIRMAN: The Oxford 16 16 simulate the lighted stacks or simulate the 17 17 Flying Club. noise environment, but as you know, the 18 (No response.) 18 noise, in particular, has been modeled in 19 THE VICE CHAIRMAN: And 19 association with the project, and it's very 20 Mr. McCormack, I called on you before, and 20 easy using a lot of hand-held monitoring 21 you indicated at the break that you've 21 devices to determine what the various sound 22 changed your mind, you do have questions, so 22 levels are like based upon other environments 23 come forward. 23 you may be exposed to, and there are many 24 WAYNE McCORMACK: My name is 24 comparison charts, as well, that would 25 Wayne McCormack. I live at 593 Putting Green 25 indicate what one might experience at Page 531 Page 533 1 Lane in Oxford. And I just have a couple of 1 different decibels. 2 questions. 2 MR. McCORMACK: Do you have 3 THE VICE CHAIRMAN: Go ahead. 3 any knowledge at all of a sound wall ever 4 **CROSS-EXAMINATION** 4 being created around a facility? 5 MR. McCORMACK: In some of the 5 THE WITNESS (Gresock): Sound 6 responses earlier, Mr. Sellers referred to 6 walls are one form of sound mitigation that 7 the region a number of times, and I'm 7 can be used, yes. 8 wondering if he could define the region for 8 MR. McCORMACK: Is that a 9 9 me, or does it vary by whether we're talking possibility here? 10 about offsets or carbon credits, or is it the 10 THE WITNESS (Gresock): There 11 same region? 11 are a lot of -- there's a lot of balancing of 12 THE WITNESS (Sellars): Yes, 12 sound that occurs with the design. A sound 13 13 it varies. When I was talking about wall is one measure that might be considered. 14 MR. McCORMACK: The concern displaced emissions, the amount of net 14 15 15 reduction in emissions, that would be tied to would be that once the facility is in place 16 ISO New England since ISO New England 16 and the noise is found problematic to the 17 17 neighbors and the animal life in the area, dispatch is a single grid. what can be done about it? 18 MR. McCORMACK: So all of them 18 19 19 refer to ISO New England? THE WITNESS (Bazinet): So 20 THE WITNESS (Sellars): No. 20 we're going to have an obligation to meet a 21 In the case of the carbon allowances, that's 21 certain measure, and we fully intend to meet 22 22 that obligation. We're going to have to the greenhouse gas initiative that covers a 23 demonstrate compliance with that measure as 23 number of northeastern states, and when I 24 talk about acid rain SO2 allowances, that's 24 well. How we do it, we've proposed a certain 25 25 basically the entire United States, and the set of measures in our noise analysis that

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## Page 534 Page 536 1 1 achieve compliance with that standard. And, results in a reduction of around \$31 per year 2 2 you know, if we can find more effective ways in the total electricity bill in 2024. 3 of doing it, then we'll do that as well. I 3 MR. McCORMACK: Thank you. 4 think what Ms. Gresock was referring to as it 4 That's about what I calculated from my bill. 5 being a possibility, it's definitely a 5 And I will say that doesn't impress me very 6 possibility, so is every other noise measure 6 much, but that's my opinion. Thank you. 7 that we've listed in that exhibit. We're 7 In reference to Marian Larkin's comments 8 8 going to look for the most effective way to about the size or the width of the smoke 9 9 achieve compliance and demonstrate it at the stacks, I do have a simulated photograph of 10 10 end of the day. the smoke stacks taken from my street. The 11 MR. McCORMACK: Demonstrate it 11 simulation was taken from the Athens plant 12 before construction or after construction? 12 and superimposing it over a picture of the 13 THE WITNESS (Bazinet): We're 13 weather balloons. I suspect you're going to 14 14 going to have to do both. direct me to introduce that into evidence 15 MR. McCORMACK: So the 15 rather than to show it to you. 16 neighbors would have the potential to ask for 16 THE VICE CHAIRMAN: You're 17 17 noise mitigation after the fact and expect it pretty astute about that. 18 to be carried out? 18 MR. McCORMACK: Okay. So I 19 THE WITNESS (Bazinet): If 19 will be doing that then. 20 we're not in compliance, absolutely. 20 THE VICE CHAIRMAN: If I 21 MR. McCORMACK: Thank you. 21 weren't, Attorney Small would. 22 You made reference to Exhibit 2.2 MR. SMALL: Correct, 23 2J, the late-filing on the electrical rates. 23 Mr. Chairman. 24 I don't have that file with me. Could you 24 MR. McCORMACK: One final 25 save me some trouble and tell me what your 25 question. It's my impression -- I think I'm Page 535 Page 537 1 findings were for individual or homeowner 1 right -- that it was you who hired the 2 savings? 2 University of Connecticut to do that economic 3 THE WITNESS (Bodell): My name 3 study on the area? 4 is Tanya Bodell. I'm executive director of 4 THE WITNESS (Bazinet): Yes, 5 ENERGYZT. 5 that's correct. б And what we did to calculate, 6 MR. McCORMACK: Is the cost of 7 per the request of staff, on the impact of 7 that study public information? the rates, we looked at 2024, which is pretty 8 8 THE WITNESS (Bazinet): No, it 9 9 much an average year during the 2018 to 2028 isn't. 10 period of time with respect to anticipated 10 MR. McCORMACK: Why is that? 11 energy savings, we took the existing 11 THE WITNESS (Bazinet): Because there's a contract between CPV 12 Connecticut Light and Power bill that was on 12 13 13 their website, we escalated transmission and Towantic and UConn. MR. McCORMACK: UConn is a 14 distribution out to be a nominal number in 14 15 state institution, so shouldn't it be 15 2024, and then we put our nominal savings as 16 16 available -a reduction. The anticipated savings -- so, 17 in 2024, total savings -- actually for the 17 THE WITNESS (Bazinet): If 18 period the total savings are expected to be 18 it's available through UConn measures, then 19 19 per your request, yeah, absolutely. 1.474 billion for the period under MR. McCORMACK: But you don't 20 examination for Connecticut alone, and that 20 care to share it with us? 21 translates into a residential bill reduction 21 22 22 THE WITNESS (Bazinet): No. in 2024, assuming a 700 kilowatt hour per 23 23 month usage -- everybody's use is different, MR. McCORMACK: Okay. Thank 24 but that was the Connecticut average -- that 24 you very much. Thank you, sir. 25 25 THE VICE CHAIRMAN: Thank you. results in a reduction of -- it basically

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	I've been through the list of intervenors for cross-examination, and some did not respond when I called.  Is there any intervenor who's here now who has not had an opportunity to cross-examine at this juncture here today?  (No response.)  THE VICE CHAIRMAN: If not, we'll go off the record for a minute.  (Off-the-record discussion.)  THE VICE CHAIRMAN: My inclination is to call it a day and hit the road and go home. The problem we've run into is we cross-examine, and then more information comes in and we redo it again. So, if we start today, more stuff is coming in, primarily the stuff from Mr. Gustafson who is fortunately with us now and will be able to provide us with the answers to a number of questions, we just have to redo it again and we kind of spin our wheels. And I know that Mr. Perrone has a number of questions, but I think he's going to do them by way of interrogatory, so we all can read them and then, we'll all have them before us.	participation. Drive carefully, and hopefully you'll be home before the sun sets.  MR. SMALL: Thank you,  Mr. Chairman.  (Whereupon, the witnesses were excused, and the above proceedings were adjourned at 3:21 p.m.)  adjourned at 3:21 p.m.)
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	And I guess the 24th is our next 11:00 a.m., on Tuesday, is it? Tuesday the 24th. MR. SMALL: Mr. Chairman, just for clarification, so the 24th will be primarily staff and council member questions? I see Ms. Bachman is nodding her head. MS. BACHMAN: Yes. MR. SMALL: Thank you. THE VICE CHAIRMAN: And if there's time, I would assume that they will move on to others. So the Council announces that it will continue the evidentiary portion of this hearing in New Britain on Tuesday, February 24, 2015, at 11:00 a.m. Note that anyone who has not become a party or intervenor but who desires to make his or her views known to the Council, may file a written statement with the Council until the record closes. Copies of this transcript of the hearing will be filed at the Oxford and Middlebury Town Clerk's Office. Thank you for your	1 CERTIFICATE 2 I hereby certify that the foregoing 180 pages are a complete and accurate 3 computer-aided transcription of my original stenotype notes taken of the Connecticut 4 Siting Council Continued Public Hearing in Re: DOCKET NO. 192B, CPV TOWANTIC, LLC, 5 MOTION TO REOPEN AND MODIFY THE JUNE 23, 1999 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY 6 AND PUBLIC NEED BASED ON CHANGED CONDITIONS PURSUANT TO CONNECTICUT GENERAL STATUTES 7 §4-181A(B) FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A 785 MW DUAL-FUEL COMBINE 8 CYCLE ELECTRIC GENERATING FACILITY LOCATED NORTH OF THE PROKOP ROAD AND TOWANTIC HILL 9 ROAD INTERSECTION IN THE TOWN OF OXFORD, CONNECTICUT, which was held before SENATOR 10 JAMES J. MURPHY, VICE CHAIRMAN, at the Connecticut Siting Council, 10 Franklin 11 Square, New Britain, Connecticut, on February 10, 2015. 12 13 14 15 16 17 Lisa L. Warner, L.S.R. 061 18 Court Reporter 19 UNITED REPORTERS, INC. 20 90 Brainard Road, Suite 103 14 Hartford, Connecticut 06114

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