



Transcript of the Hearing of

Date: March 12, 2015

Volume: I

Case: Docket No. 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 Combined 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, Thursday,
March 12, 2015, beginning at 11:00 a.m.

H e l d B e f o r e :

PHILIP ASHTON, Acting Chairman

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<p>1 Appearances: 2 Council Members: 3 DR. BARBARA C. BELL 4 ROBERT HANNON, DEEP Designee 5 DANIEL P. LYNCH, JR. 6 LARRY LEVESQUE, PURA Designee 7 8 Council Staff: 9 MELANIE BACHMAN, ESQ., 10 Executive Director and 11 Staff Attorney 12 13 FRED O. CUNLIFFE 14 Supervising Siting Analyst 15 16 MICHAEL PERRONE 17 Siting Analyst 18 19 For CPV TOWANTIC, LLC: 20 BROWN RUDNICK, LLP 21 185 Asylum Street 22 Hartford, Connecticut 06103 23 (860) 509-6500 24 By: PHILIP M. SMALL, ESQ. 25</p>	<p>1 Appearances: (Cont'd.) 2 For the Town of Middlebury: 3 RAYMOND PIETRORAZIO 4 5 For the Pomperaug River Watershed 6 Coalition: 7 LEN DeJONG 8 9 For the Naugatuck Valley Audubon 10 Society: 11 JEFF RUHLOFF 12 13 For the Westover Hills Subdivision 14 Homeowners: 15 CHESTER CORNACCHIA 16 17 For Greenfields, LLC, and Marian Larkin: 18 MARIAN LARKIN 19 20 For the Middlebury Land Trust: 21 JEAN PETERSON 22 23 For Naugatuck River Revival Group, Inc.: 24 KEVIN R. ZAK 25</p>
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<p>1 Appearances: (Cont'd.) 2 For the Connecticut Light & Power 3 Company: 4 EVERSOURCE ENERGY 5 107 Selden Street 6 Berlin, Connecticut 06037 7 By: JEFFERY D. COCHRAN, ESQ. 8 9 For the Naugatuck Water Pollution 10 Control Authority: 11 FITZPATRICK, MARIANO, SANTOS, 12 SOUSA, PC 13 203 Church Street 14 Naugatuck, Connecticut 06770 15 (203)729-4555 16 By: ALICIA K. PERILLO, ESQ. 17 18 For the Town of Oxford: 19 CONDON & SAVITT, PC 20 223 Wakelee Avenue 21 Ansonia, Connecticut 06401 22 By: KEVIN W. CONDON, ESQ. 23 24 25</p>	<p>1 Appearances: (Cont'd.) 2 Interested Parties: 3 WAYNE MCCORMACK 4 JAY HALPERN 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 THE CHAIRMAN: Good morning,
2 ladies and gentlemen.
3 This hearing is called to
4 order this Thursday, March 12, 2015, at
5 11:00 a.m. My name is Phil Ashton. I'm the
6 acting chairman of the Connecticut Siting
7 Council. Other Council members here today,
8 on my left, Daniel Lynch, Robert Hannon
9 representing the DEP, Dr. Bell, and Larry
10 Levesque representing the PURA.
11 This hearing is held pursuant
12 to the provisions of Title 16 of the
13 Connecticut General Statutes and of the
14 Uniform Administrative Procedure Act upon a
15 motion to reopen the final decision on a
16 certificate of environmental compatibility
17 and public need held by CPV Towantic, LLC,
18 for the construction, maintenance, and
19 operation of a 785 megawatt dual-fueled
20 combined cycle electric generating facility
21 located north of Prokop Road and Towantic
22 Hill Road intersection in the town of Oxford,
23 Connecticut.
24 On November 13, 2014, the
25 Council, pursuant to a request filed by CPV

1 Towantic, LLC, and the provisions of
2 Connecticut General Statute 41-181 A(B)
3 reopened the final decision rendered in this
4 docket.
5 On June 23, 1999, the Council
6 considered and approved granting a
7 certificate to CPV Towantic, LLC's,
8 predecessor in business for the construction,
9 maintenance and operation of a 512 megawatt
10 natural gas fired combined cycle facility
11 located north of Prokop Hill Road and
12 Towantic Hill Road intersection in the town
13 of Oxford.
14 On March 1, 2001, the Council
15 considered and approved final site plans for
16 this facility. The certificate for this
17 facility is scheduled to expire on June 1,
18 2016.
19 A verbatim transcript will be
20 made of this hearing and deposited with the
21 town clerk's office of Oxford and Middlebury
22 Town Halls for the convenience of the public.
23 We will proceed in accordance with the
24 prepared agenda, copies of which are
25 available here, and they're over on the

1 table, I believe.
2 Just to advise all
3 participants, we expect that we will break
4 for lunch about one o'clock, reconvene at
5 1:45. And we'll go somewhere between 4:30
6 and five o'clock in the afternoon.
7 There are a number of matters
8 we must take up pursuant to the schedule.
9 The first one being the certificate holder
10 filed an objection to party Jay Halpern's
11 interrogatories, and Attorney Bachman may
12 wish to comment.
13 MS. BACHMAN: Thank you,
14 Mr. Chairman. CPV objects to Mr. Halpern's
15 interrogatories on the basis that they seek
16 information that is beyond the scope of the
17 Council's proceedings. The Halpern
18 interrogatories are beyond the scope of this
19 proceeding. The Council's charge is to
20 balance the public benefit with the adverse
21 environmental impacts of the facility, and
22 therefore staff recommends that the objection
23 be sustained.
24 THE CHAIRMAN: Is there so
25 motion?

1 DR. BELL: So moved,
2 Mr. Chairman.
3 MR. LYNCH: Second.
4 THE CHAIRMAN: And a second.
5 Any discussion?
6 All those in favor so signify
7 by saying aye.
8 VOICES: Aye.
9 THE CHAIRMAN: Opposed?
10 The same is carried.
11 Next we have a certificate
12 holder who filed an objection, the
13 certificate holder filed an objection to
14 intervene, Marian Larkin/Greenfields, LLC,
15 interrogatories dated February 24, 2015.
16 Again, Attorney Bachman may wish to comment.
17 MS. BACHMAN: Thank you,
18 Mr. Chairman. CPV objects to the Larkin
19 interrogatories on the basis that they are
20 beyond the scope of the proceeding. The
21 Council charge is, again in this matter is to
22 balance the public benefit against the
23 adverse potential environmental impacts of
24 this facility.
25 During the February 10th

<p style="text-align: right;">Page 10</p> <p>1 hearing, it was explained to Ms. Larkin and 2 her counsel that consideration of the facts 3 on property values are not under this 4 Council's jurisdiction; therefore, staff 5 recommends the objection also be sustained. 6 THE CHAIRMAN: Motion. 7 MR. LYNCH: So moved. 8 THE CHAIRMAN: And a second? 9 DR. BELL: Second. 10 THE CHAIRMAN: Moved and 11 seconded. Any discussion. All those in 12 favor so signify by saying aye. 13 VOICES: Aye. 14 THE CHAIRMAN: Opposed? 15 The same is carried. No 16 abstentions. 17 The third item, the 18 certificate holder filed an objection to the 19 Middlebury Bridle Land Association submission 20 of a YouTube video, dated March 3, 2015. 21 Again, Attorney Bachman, would 22 you care to comment. 23 MS. BACHMAN: Thank you, 24 Mr. Chairman. 25 CPV objects to MBLA's</p>	<p style="text-align: right;">Page 12</p> <p>1 Any abstentions? 2 The same is carried. 3 The next item, Ray Pietrorazio 4 and the Town of Middlebury filed a request 5 for an extension of time dated March 3rd. 6 And Attorney Bachman may wish 7 to comment on that matter. 8 MS. BACHMAN: Thank you, 9 Mr. Chairman. The original prefiled deadline 10 date for this matter was January 8, 2015. On 11 January 16th, the parties and intervenors 12 were given an extension to submit prefiled 13 testimony to February 3rd. 14 In response to requests from 15 some parties and intervenors for an 16 additional extension, the Council granted all 17 parties and intervenors an extension to 18 March 3, 2015. This matter has been pending 19 with the Council since November. This is the 20 fifth public hearing to be held on the 21 matter. 22 Permit review processes of 23 other federal and state agencies with 24 concurrent jurisdictions such as the FAA, the 25 Army Corps of Engineers, and the DEEP are not</p>
<p style="text-align: right;">Page 11</p> <p>1 submission of a YouTube video, as it can't be 2 authenticated and the creator of the video 3 cannot be cross-examined, unlike the video 4 that was submitted by the Naugatuck River 5 Revival Group. 6 Under the Uniform 7 Administrative Procedure Act, as a matter of 8 policy, this Council shall provide for the 9 exclusion of irrelevant, immaterial or unduly 10 repetitious evidence. Staff recommends that 11 the objection be overruled and the video be 12 entered into the record for what it's worth. 13 THE CHAIRMAN: Thank you. Is 14 there a motion to admit? 15 DR. BELL: So moved, Mr. 16 Chairman. 17 THE CHAIRMAN: And a second? 18 MR. HANNON: I'll second. 19 THE CHAIRMAN: Moved and 20 seconded. 21 Any discussion? 22 All those in favor signify by 23 saying aye. 24 VOICES: Aye. 25 THE CHAIRMAN: Opposed?</p>	<p style="text-align: right;">Page 13</p> <p>1 conditions precedent to the Council's final 2 decision in the matter. 3 Certainly, the certificate 4 holder cannot fully apply for any of these 5 additional permits until they have a 6 certificate for the construction, maintenance 7 and operation of the facility from the 8 Council. As part of the 1999 decision 9 rendered for this facility, in the decision 10 in Order Conditions Number 6 and Number 8 11 require the certificate holder to submit the 12 FAA determination and the DEEP permits as 13 they were approved. This scenario is no 14 different than it was in 1999. 15 Staff recommends that this 16 extension of time be denied. 17 THE CHAIRMAN: Is there such a 18 motion? 19 DR. BELL: So moved, 20 Mr. Chairman. 21 THE CHAIRMAN: And a second? 22 MR. HANNON: I'll second. 23 THE CHAIRMAN: Moved and 24 seconded. 25 Any further discussion?</p>

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1 Hearing none, all those in
2 favor so signify by saying aye.
3 VOICES: Aye.
4 THE CHAIRMAN: Opposed?
5 The same is carried.
6 The next item is the Westover
7 Hills Subdivision Homeowners request for an
8 extension of time dated March 3rd, also.
9 Attorney Bachman?
10 MS. BACHMAN: Thank you,
11 Mr. Chairman.
12 Westover Hills Subdivision
13 Homeowners requested an extension of time for
14 an indeterminate period for the same reasons
15 stated in response to Mr. Pietrorazio's and
16 the Town of Middlebury's request for an
17 extension of time, staff recommends this
18 request also be denied.
19 THE CHAIRMAN: Is there such a
20 motion?
21 DR. BELL: So moved,
22 Mr. Chairman.
23 THE CHAIRMAN: And a second?
24 MR. HANNON: I'll second.
25 THE CHAIRMAN: All those in

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1 favor signify by saying aye.
2 VOICES: Aye.
3 THE CHAIRMAN: Opposed?
4 The same is carried.
5 The Town of Middlebury filed a
6 motion for examination of the site dated
7 March 3rd.
8 And Attorney Bachman may wish
9 to comment.
10 MS. BACHMAN: Thank you,
11 Mr. Chairman.
12 It has been well established
13 by the Connecticut Superior Court in the case
14 of Meriden Gas Turbines vs. Connecticut
15 Siting Council, that this Council does not
16 have the Authority to grant or compel access
17 to private property. Staff, therefore,
18 recommends that this motion be denied.
19 THE CHAIRMAN: Is there such a
20 motion by the Council?
21 MR. LYNCH: So moved.
22 THE CHAIRMAN: And a second?
23 DR. BELL: Second.
24 THE CHAIRMAN: Thank you.
25 All those in favor so signify

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1 by saying aye.
2 VOICES: Aye.
3 Opposed?
4 The same is carried.
5 The Borough of Naugatuck Water
6 Pollution Control Agency filed objections to
7 the certificate holder's interrogatories
8 dated March 5th. Again, Attorney Bachman.
9 MS. BACHMAN: Thank you,
10 Mr. Chairman.
11 CPV objects to the Naugatuck,
12 and the water Pollution Control Authority of
13 Naugatuck objects to CPV's interrogatories on
14 the basis that some the requests were overly
15 broad.
16 The Borough and the Water
17 Pollution Control Authority did provide
18 information as to where that request for
19 information is located, and therefore we
20 recommended that the objection be sustained.
21 THE CHAIRMAN: Is there a
22 motion to sustain the objection?
23 MR. HANNON: So moved.
24 THE CHAIRMAN: And a second?
25 DR. BELL: Second.

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1 THE CHAIRMAN: Moved and
2 seconded.
3 Any further discussion?
4 Hearing none, all in favor so
5 signify by saying aye.
6 VOICES: Aye.
7 THE CHAIRMAN: Opposed?
8 The same is carried.
9 The Town of Oxford filed
10 objections to the Town of Middlebury's
11 interrogatories, dated March 9, 2015.
12 Again, Attorney Bachman,
13 please.
14 MS. BACHMAN: Thank you, Mr.
15 Chairman.
16 The Council does not have any
17 jurisdiction over town roads, as was well
18 established in Petitions 983 and 984 with the
19 wind turbines in Colebrook; therefore, the
20 Council staff recommends that the objection
21 be sustained.
22 THE CHAIRMAN: Is there a
23 motion to sustain the objection?
24 DR. BELL: So moved, Mr.
25 Chairman.

1 THE CHAIRMAN: And a second?
2 MR. HANNON: I'll second.
3 THE CHAIRMAN: Any discussion?
4 All those in favor so signify
5 by saying aye.
6 VOICES: Aye.
7 THE CHAIRMAN: Opposed?
8 The same is carried.
9 Lastly, the Town of Oxford
10 filed objections to Wayne McCormack's
11 interrogatories, dated March 9, 2015.
12 Attorney Bachman?
13 MS. BACHMAN: Why thank you,
14 Mr. Chairman.
15 Oxford objects to
16 Mr. McCormack's interrogatories on the basis
17 of relevancy and that they are beyond the
18 scope of this proceeding. Again, the
19 Council's charge here is balance the public
20 benefit against the potential adverse
21 environmental impacts of the facility.
22 The Town of Oxford did provide
23 the location of the information that was
24 requested, and therefore staff recommends
25 that the objection be sustained.

1 THE CHAIRMAN: Is there a
2 motion to sustain the objection?
3 MR. HANNON: So moved.
4 THE CHAIRMAN: And a second?
5 DR. BELL: Second.
6 THE CHAIRMAN: Is there
7 further discussion?
8 If not, all those in favor so
9 signify by saying aye.
10 VOICES: Aye.
11 THE CHAIRMAN: Opposed?
12 The same is carried. And that
13 concludes that.
14 Now, we go to the appearance
15 of Party Jay Halpern to verify the exhibit
16 marked Roman numeral III, Item B-1 on the
17 hearing program.
18 Mr. Halpern?
19 JAY HALPERN: I'm right here.
20 THE CHAIRMAN: Okay. Sorry.
21 MR. HALPERN: I was well
22 placed.
23 THE CHAIRMAN: Attorney
24 Bachman, would you please swear in Mr.
25 Halpern.

1 JAY HALPERN,
2 called as a witness, being first duly
3 sworn by the Executive Director, was
4 examined and testified on his oath as
5 follows:
6 THE CHAIRMAN: Okay.
7 Mr. Halpern, we're going to verify the
8 exhibit you've offered. You've offered the
9 exhibit listed under the hearing program as
10 Roman numeral III-B-1 for identification
11 purposes. Is there any objection to so
12 marking that exhibit?
13 (No response.)
14 THE CHAIRMAN: Hearing none,
15 Mr. Halpern, did you prepare or assist in the
16 preparation of Exhibit III-B-1.
17 THE WITNESS (Halpern):
18 Anything I have submitted has all been done
19 by me.
20 THE CHAIRMAN: Okay.
21 THE WITNESS (Halpern): Can
22 you hear me well enough? I just want to make
23 sure.
24 MS. BACHMAN: Mr. Halpern that
25 microphone, the flat one right by your hand,

1 just pull that --
2 THE WITNESS (Halpern): Do I
3 have to put my ear on the desk to use that?
4 MS. BACHMAN: No. No, just
5 put it a little bit closer and speak into the
6 direction of that microphone.
7 THE WITNESS (Halpern): Okay.
8 Thank you. Can you hear me? Thank you very
9 much. Okay.
10 THE CHAIRMAN: Okay. Good.
11 Do you have any additions or
12 clarifications, deletions or modifications to
13 the document.
14 THE WITNESS (Halpern): None
15 whatsoever. I do respond to --
16 THE CHAIRMAN: Are the
17 exhibits true and accurate to the best of
18 your knowledge?
19 THE WITNESS (Halpern): Yes.
20 THE CHAIRMAN: And do you
21 offer those exhibits as your testimony here
22 today?
23 THE WITNESS (Halpern): And I
24 welcome any questions that they may elicit.
25 THE CHAIRMAN: And you offer

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1 these as full exhibits?
2 THE WITNESS (Halpern): As
3 opposed to empty exhibits, yes.
4 THE CHAIRMAN: Is there any
5 objection to these items previously marked
6 for identification being admitted as full
7 exhibits in these proceedings?
8 (No response.)
9 THE CHAIRMAN: Hearing none,
10 we will so mark it. The exhibits shall be
11 admitted as full exhibits, and are you ready
12 for cross-examination?
13 (Halpern Exhibit III-B-1:
14 Received in evidence - described in index.)
15 THE WITNESS (Halpern):
16 Absolutely.
17 THE CHAIRMAN: Okay. Begin
18 with Mr. Perrone from staff.
19 MR. PERRONE: Thank you
20 Mr. Chairman. I have no questions.
21 THE CHAIRMAN: Okay.
22 Council members, beginning
23 with Mr. Levesque.
24 MR. LEVESQUE: No questions.
25 THE CHAIRMAN: Dr. Bell?

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1 DR. BELL: No questions,
2 Mr. Chairman.
3 THE CHAIRMAN: Mr. Lynch?
4 MR. LYNCH: No questions,
5 Mr. Chairman.
6 THE CHAIRMAN: Counselor?
7 MR. HANNON: I have no
8 questions.
9 THE CHAIRMAN: No questions.
10 Okay.
11 So we'll then go to the
12 parties, the certificate holder, Attorney
13 Small?
14 MR. SMALL: No questions,
15 Mr. Chairman.
16 THE CHAIRMAN: No questions
17 from Attorney Small.
18 The group parties: The Town
19 of Middlebury.
20 MR. SAVARESE: No questions.
21 THE CHAIRMAN: And
22 Mr. Pietrorazio?
23 MR. PIETRORAZIO: No
24 questions.
25 THE CHAIRMAN:

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1 Mr. Pietrorazio? I saw him here.
2 MR. PIETRORAZIO: No
3 questions.
4 THE CHAIRMAN: No questions?
5 No questions.
6 The Middlebury Land Trust.
7 (No response.)
8 THE CHAIRMAN: Not here.
9 MR. COCHRAN: CL&P.
10 Mr. Chairman, we have no
11 questions.
12 THE CHAIRMAN: The Town of
13 Oxford, Attorney Condon.
14 (No response.)
15 THE CHAIRMAN: Not here.
16 The Group parties, Naugatuck
17 Valley Chapter Trout, Pomperaug Valley Water
18 Shed Coalition, Naugatuck River Revival
19 Group, Lake Quassapaug Association,
20 Middlebury Bridle Land Association, Dennis
21 Kocyla, I hope that's pronounced correctly,
22 and Naugatuck Valley Audubon Society. Let's
23 go first, Naugatuck Valley Chapter Trout,
24 Unlimited.
25 (No response.)

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1 THE CHAIRMAN: Not here.
2 Pomperaug River Watershed
3 Coalition.
4 MR. DeJONG: Mr. Chairman, Len
5 DeJong from the Pomperaug River Watershed
6 Coalition.
7 No questions, Mr. Chair.
8 THE CHAIRMAN: Thank you.
9 Naugatuck River Revival Group, Inc.
10 (No response.)
11 THE CHAIRMAN: Nope. Not
12 here.
13 Lake Quassapaug Association,
14 LLC.
15 (No response.)
16 THE CHAIRMAN: Not here.
17 Middlebury Bridle Land Association.
18 MS. PRESTON: Yes. No
19 questions.
20 THE CHAIRMAN: Thank you.
21 Dennis Kocyla?
22 (No response.)
23 THE CHAIRMAN: Naugatuck
24 Valley Audubon Association.
25 MR. RUHLOFF: Jeff Ruhloff,

1 Naugatuck Valley Audubon Society. We have no
2 questions.
3 THE CHAIRMAN: No questions.
4 Thank you.
5 Town of Southbury, First
6 Selectman Edelson.
7 (No response.)
8 THE CHAIRMAN: Not here. GE
9 Energy Financial Services, Inc., Attorney
10 Malcynsky.
11 (No response.)
12 THE CHAIRMAN: Not here.
13 Borough of Naugatuck Water
14 Pollution Control Authority, Attorney
15 Fitzpatrick and Mr. Merancy?
16 MS. PERILLO: Attorney
17 Perillo, Chairman. No questions.
18 THE CHAIRMAN: Wayne
19 McCormack.
20 MR. McCORMACK: No questions,
21 Mr. Chairman.
22 THE CHAIRMAN: Westover
23 School, Ms. Truini and Ms. Hallaran.
24 (No response.)
25 THE CHAIRMAN: Not here.

1 THE CHAIRMAN: You can
2 certainly stay, but you're excused from the
3 witness bench.
4 DR. BELL: Could he say
5 something?
6 THE CHAIRMAN: Oh, could you
7 say something?
8 THE WITNESS (Halpern): Could
9 I say something, yes.
10 THE CHAIRMAN: Well, at risk
11 of having to be cross-examined all over
12 again.
13 THE WITNESS (Halpern): No.
14 This is nothing like that.
15 MR. SMALL: Mr. Chairman, no
16 oral direct testimony is required, and we're
17 going to object to Mr. Halpern is going to
18 try to put something on the record as oral
19 direct testimony. He's had his opportunity
20 to prefile like everybody else, and so, you
21 know, therefore, he should have no
22 opportunity to summarize or otherwise provide
23 direct testimony.
24 THE CHAIRMAN: Okay, Attorney
25 Small. I think the comment is a fair one. I

1 Westover Hills Subdivision
2 Homeowners. Mr. Cornacchia.
3 MR. CORNACCHIA: Chester
4 Cornacchia. No questions.
5 THE CHAIRMAN: Thank you.
6 Marian Larkin and Greenfields,
7 LLC, Attorney Hill.
8 MS. LARKIN: No questions.
9 Quassy Amusement Park,
10 Mr. Frantzis.
11 (No response.)
12 THE CHAIRMAN: Not here.
13 Oxford Flying Club, Mr. Stevens.
14 (No response.)
15 THE CHAIRMAN: Not here. And
16 that's it.
17 I guess we're all through with
18 you, Mr. Halpern. Thank you very much.
19 THE WITNESS (Halpern): That's
20 it?
21 THE CHAIRMAN: That was easy.
22 Wasn't it? You want to go around again just
23 to see if it gets worse?
24 THE WITNESS (Halpern): Am I
25 allowed to say anything?

1 was trying to avoid that.
2 THE WITNESS (Halpern): No,
3 and I understand that very well. All I
4 wanted to conclude with is I understand the
5 limitations of the Council. This is running
6 on 20 years from my participation. I want to
7 thank all of you personally for having put up
8 with a whole lot of generational changes. I
9 respect all of you, and thank you very much.
10 THE CHAIRMAN: Thank you very
11 much.
12 Mr. Small, you want to
13 cross-examine on that, or should we quit
14 while we're ahead?
15 MR. SMALL: No, sir. No
16 cross-examination.
17 THE CHAIRMAN: You're
18 certainly welcome to sit in the audience,
19 Mr. Halpern.
20 THE WITNESS (Halpern): Well,
21 thank you very much.
22 (Witness excused.)
23 THE CHAIRMAN: We have the
24 grouped intervenors Town of Middlebury, Ray
25 Pietrorazio, and the Middlebury Land Trust.

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1 You want to come up on the -- it's your turn.
2 MR. SAVARESE: I have a
3 witness that's in transit for the Town of
4 Middlebury.
5 THE CHAIRMAN: I'm sorry?
6 MR. SAVARESE: The Town of
7 Middlebury would like to pass and let Ray go
8 forward. Are we sitting together as a group?
9 THE CHAIRMAN: Yes.
10 MS. PETERSON: And also the
11 Middlebury Land Trust. I'm representing my
12 husband, who's the president of Middlebury
13 Land Trust, and he's unable to attend today
14 because he's a doctor.
15 THE CHAIRMAN: We've given the
16 24th as a date for your husband, I believe.
17 MS. PETERSON: Thank you.
18 Okay.
19 THE CHAIRMAN: Okay. We'll
20 pass for now and go back to you. Your
21 witness is not here. Is he?
22 MR. SAVARESE: That's correct,
23 but Mr. Pietrorazio is here.
24 THE CHAIRMAN: Well, why don't
25 we just pass, and we'll do the whole thing at

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1 once. Let's keep it clean. So we'll go on
2 to the next one, which is CL&P.
3 Have we got to go back and
4 correct the name to Eversource Energy on
5 everything that was CL&P?
6 MR. COCHRAN: Yes, it's the
7 Connecticut Light & Power Company doing
8 business as Eversource Energy.
9 THE CHAIRMAN: Let's see. We
10 want to swear in witnesses first.
11 Counselor?
12 MR. COCHRAN: Bill O'Hara is
13 here as a witness on behalf of CL&P, doing
14 business as Eversource Energy.
15 THE CHAIRMAN: Okay. Attorney
16 Bachman will swear him in.
17 W I L L I A M O ' H A R A,
18 called as a witness, being first duly
19 sworn by the Executive Director, was
20 examined and testified on his oath as
21 follows:
22 THE CHAIRMAN: We need to,
23 first of all, verify the exhibits marked as
24 Roman numeral V, Item B-1 through 3 on the
25 hearing program.

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1 Attorney Cochran, can we
2 verify those exhibits.
3 MR. COCHRAN: Sure.
4 Mr. O'Hara, please state your full name and
5 title for the record?
6 THE WITNESS (O'Hara): My name
7 is William O'Hara. I am employed by
8 Northeast Utilities, doing business as
9 Eversource Energy, and my title is manager of
10 transmission interconnections and services.
11 MR. COCHRAN: And would you
12 please state your business address for the
13 record.
14 THE WITNESS (O'Hara): My
15 business address is 56 Prospect Street,
16 Hartford, Connecticut 06103.
17 MR. COCHRAN: Okay.
18 Mr. O'Hara, your prefiled
19 testimony was submitted by the company on
20 January 8th on this proceeding. Was that
21 prefiled testimony prepared by you or under
22 your direction?
23 THE WITNESS (O'Hara): Yes, it
24 was.
25 MR. COCHRAN: Do you have any

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1 corrections or updates to your prefiled
2 testimony?
3 THE WITNESS (O'Hara): No, I
4 do not.
5 MR. COCHRAN: Is your prefiled
6 testimony accurate and correct to the best of
7 your knowledge, and do you adopt it as your
8 testimony in this proceeding?
9 THE WITNESS (O'Hara): Yes, I
10 do.
11 MR. COCHRAN: Mr. O'Hara, you
12 were listed as a witness for the company's
13 three interrogatories responses submitted in
14 this proceeding on January 8th as well,
15 responses RP001, RP002 and RP003. Were those
16 interrogatory responses prepared by you or
17 under your direction?
18 THE WITNESS (O'Hara): Yes,
19 they were.
20 MR. COCHRAN: Do you have any
21 corrections or updates to any of those
22 interrogatory responses?
23 THE WITNESS (O'Hara): I would
24 like to update RP001. That question dealt
25 with the new line that was going by the power

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1 plant, what we call the 1990 line, was asked
2 if any upgrades to that line would be
3 required because of the applicant's power
4 plant.
5 There are no upgrades required
6 to that line. The studies that the ISO has
7 done --
8 A VOICE: We can't quite hear
9 the witness.
10 THE WITNESS (O'Hara): There
11 are no studies required for the -- no
12 upgrades required of the 1990 line and that
13 agrees with my testimony. I -- just, with
14 the question response, I just want to make
15 the Council and the people aware that there
16 are still ongoing studies at ISO New England
17 for the forward capacity market.
18 There may be other lines
19 required to be upgraded in the area, and I
20 didn't want to leave the impression that
21 nothing would ever have to be upgraded for
22 the power plant.
23 THE CHAIRMAN: And just for
24 the understanding of people in the audience,
25 the 1990 line is the new line on a monopole,

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1 single pole with the conductors all on one
2 side of the pole. Is that correct?
3 THE WITNESS (O'Hara): That is
4 correct.
5 THE CHAIRMAN: As contracted,
6 to the lattice tower which bears two circuits
7 and on the east side of the right of way.
8 THE WITNESS (O'Hara): Yes,
9 and I think that's 1575 and the 1585 line, I
10 think. But yes, on the other side of the
11 right of way there's a lattice tower with
12 lines on it, yes.
13 THE CHAIRMAN: Go ahead,
14 Mr. Cochran.
15 MR. COCHRAN: Okay. With
16 that, one update to the response RP001. Are
17 these three responses submitted by the
18 company accurate and correct to the best of
19 your knowledge?
20 THE WITNESS (O'Hara): Yes,
21 they are.
22 MR. COCHRAN: Okay. So for
23 the three exhibits, the first exhibit was the
24 company's prehearing submittal filed on
25 December 18, 2014, that's self-certifying.

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1 And I request that the company's prehearing
2 submittal as well as the prefiled testimony
3 and the three interrogatory responses be
4 accepted as exhibits in this proceeding.
5 THE CHAIRMAN: Are there any
6 objections by anyone to the full admission of
7 those exhibits?
8 (No response.)
9 THE CHAIRMAN: Hearing none,
10 they are so admitted.
11 (CL&P Exhibits V-B-1 through
12 V-B-3: Received in evidence - described in
13 index.)
14 THE CHAIRMAN: We begin with
15 cross-examination of the intervenor by
16 Mr. Perrone.
17 MR. PERRONE: Thank you,
18 Mr. Chairman.
19 CROSS-EXAMINATION
20 MR. PERRONE: So, going
21 forward, the full name is the Connecticut
22 Light & Power Company d/b/a Eversource
23 Energy?
24 MR. COCHRAN: That's correct.
25 THE WITNESS (O'Hara): Yes,

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1 that's correct. Do I answer that or you?
2 MR. COCHRAN: Well, it's a
3 legal issue, so that's fine.
4 MR. PERRONE: And for the
5 transcript, Eversource is one word?
6 THE WITNESS (O'Hara): Correct
7 E, little, versource.
8 MR. PERRONE: I understand you
9 just mentioned that no upgrades would be
10 required for the 1990 line. What about the
11 1585?
12 THE WITNESS (O'Hara): The
13 1585 line is required to be upgraded
14 slightly, and -- and that's per the
15 interconnection agreement between the parties
16 as analyzed by ISO New England.
17 MR. PERRONE: What is the
18 current status or timeline on that upgrade?
19 THE WITNESS (O'Hara): We are
20 currently performing engineering evaluation
21 on that line to see exactly how we will
22 upgrade it. We estimate minimum structure
23 changes and reconductor of the line to a
24 larger size conductor. Once that engineering
25 is done, we'll of course, bring it to the

1 Council for appropriate permissions.
2 MR. PERRONE: Would all CL&P
3 work comply with the most current version of
4 the Council's best management practices for
5 electric and magnetic fields?
6 THE WITNESS (O'Hara): For the
7 substation that's in -- in front of us right
8 now as part of this hearing? Yes, we will
9 comply with that, yes.
10 MR. LYNCH: Could you speak
11 up, please?
12 THE WITNESS (O'Hara): Yes, we
13 will comply with those practices. Yes.
14 MR. LYNCH: Thank you.
15 MR. PERRONE: And for
16 transmission upgrades as well?
17 THE WITNESS (O'Hara): For
18 transmission upgrades we will follow our
19 policies to comply by those practices, but I
20 don't think any are in front of the Council
21 for this application right now.
22 MR. PERRONE: Could you tell
23 us about any potential increases in magnetic
24 field levels that would be anticipated with
25 the plant as far as the transmission that it

1 would connect to, especially given the higher
2 output?
3 THE WITNESS (O'Hara): I -- I
4 would not expect any increase in magnetic
5 fields, but the -- the substation itself will
6 not provide any. We're still doing the work
7 on the 1585 line upgrade, and once we have
8 that completed, we'll -- we'll evaluate the
9 magnetic fields and let you know if there are
10 any increases due to the larger conductor
11 sizes.
12 MR. PERRONE: And turning to
13 the interrogatory responses, RP Number 1,
14 there is a table in here. With the 1585
15 line, there's a section here where it has the
16 summer and winter ratings. It appears in one
17 part of it where the normal LTE ratings are
18 the same, 840, 840, and 1080 and 1080.
19 MR. COCHRAN: Can I go just
20 back. I think that's RP --
21 THE WITNESS (O'Hara): RP002.
22 Correct? Not one.
23 MR. PERRONE: Two. I'm sorry.
24 Okay. There's a section where
25 the summer rating, the normal and the LTE are

1 the same. 840, 840 and then normal and LTE
2 under winter are the same, 1080 and 1080. I
3 was wondering why that is.
4 THE WITNESS (O'Hara): The
5 line ratings are not always limited by the
6 conductor. Sometimes it's a substation
7 component, and in this case, I believe it's a
8 substation component, which would have the
9 same normal and LTE rating which is limiting
10 the line.
11 And I also want to clarify,
12 when you asked about magnetic fields just a
13 moment ago, I think I said the 1575 line. I
14 meant the 1585 line. My error.
15 MR. PERRONE: Understood. And
16 the substation for the plant, would that be
17 owned by CPV, or CL&P?
18 THE WITNESS (O'Hara): The
19 substation will be owned by CL&P doing
20 business as Eversource. I'm just going to
21 say CL&P all the time from now on.
22 THE CHAIRMAN: We'll allow
23 that.
24 THE WITNESS (O'Hara): Thank
25 you very much, Mr. Chair.

1 MR. PERRONE: And would
2 changing from an air insulated station to a
3 gas insulated station introduce complications
4 in terms of ISO's determination of no adverse
5 effect; in other words, the original design
6 was based on air, air insulated?
7 THE WITNESS (O'Hara): The ISO
8 determination of no adverse effect would not
9 be impacted by going to a gas insulated
10 switching station. I think I might have used
11 the term "substation." This is a switching
12 station, because there's no transformation
13 going on. I don't think there would be a
14 change.
15 We would have to go back and
16 let the ISO know that we are modifying it to
17 a gas insulated switching station if that is
18 required by the Council.
19 MR. PERRONE: Does CL&P
20 generally agree with the proposed switchyard
21 design?
22 THE WITNESS (O'Hara): CL&P
23 generally agrees with the proposed air, open
24 air switchyard design, yes.
25 MR. PERRONE: And I understand

1 we have three transmission lines entering and
2 leaving the plant, so a total of six. Would
3 the loss of any of those lines require a full
4 immediate shutdown, or would you be able to
5 operate the plant on less than six?
6 THE WITNESS (O'Hara): ISO New
7 England performed an analysis that looked at
8 the cutting in of the three lines, so you
9 have six transmission lines. And it does an
10 analysis for what they call contingencies,
11 which are line outs, or generators out. And
12 they found that the remaining lines with the
13 single upgrade to the 1585 line, the
14 remaining lines can handle the operation of
15 the plant.
16 MR. PERRONE: Thank you.
17 That's all I have.
18 THE CHAIRMAN: Mr. Levesque,
19 questions?
20 MR. LEVESQUE: No questions.
21 THE CHAIRMAN: Dr. Bell.
22 DR. BELL: No questions,
23 Mr. Chairman.
24 THE CHAIRMAN: Mr. Hannon.
25 MR. HANNON: I have no

1 much. That's all, Mr. Chairman.
2 THE CHAIRMAN: Okay. I have a
3 couple questions. You mentioned the upgrade
4 of the 1785?
5 THE WITNESS (O'Hara): Correct.
6 THE CHAIRMAN: Upgraded from
7 where to where?
8 THE WITNESS (O'Hara): The
9 1875 line will be upgraded from the new
10 switching station north to the substation
11 north, which is Bunker Hill.
12 THE CHAIRMAN: Bunker Hill.
13 THE WITNESS (O'Hara): Bunker
14 Hill.
15 THE CHAIRMAN: So it
16 terminates at Bunker Hill?
17 THE WITNESS (O'Hara):
18 Correct. It's approximately, I believe, six
19 miles.
20 THE CHAIRMAN: I'm sorry?
21 THE WITNESS (O'Hara): I think
22 it's about 6 miles.
23 THE CHAIRMAN: Okay. Where is
24 the ownership break within the proposed
25 substation? You own the lines coming in, I

1 questions. Thank you.
2 THE CHAIRMAN: Mr. Lynch.
3 MR. LYNCH: Just one question,
4 Mr. Chairman. It's more of an in-general
5 question.
6 THE WITNESS (O'Hara):
7 Certainly.
8 MR. LYNCH: Mr. Perrone asked
9 you about magnetic field monitoring, whether
10 for switching stations, substations or for
11 transmission lines. Are those field
12 monitored separately, electric fields and
13 then a magnetic field?
14 THE WITNESS (O'Hara): I think
15 magnetic fields are not monitored on a day.
16 They are modeled, and we use models to
17 predict what they are. And then magnetic
18 field can be measured, but it's a different
19 measurement technique. So it's not the same.
20 MR. LYNCH: That's what I was
21 getting at. I just didn't know the
22 terminology, how they are measured. They are
23 measured separately, though. Correct?
24 THE WITNESS (O'Hara): Correct.
25 MR. LYNCH: Thank you very

1 think.
2 THE WITNESS (O'Hara): We,
3 CL&P, will own the lines coming in and the
4 entire switching station. There will be a
5 disconnect switch between the generator. The
6 three -- the generator plant will have three
7 lines coming into the switching station.
8 There will be a disconnect switch immediately
9 abutting our switching station.
10 THE CHAIRMAN: On the high
11 side of the step-up transformers?
12 THE WITNESS (O'Hara): On the
13 high side of the step-up transformers. CPV
14 Towantic will own that switch. We will own
15 everything from that switch into the
16 switchyard. And that's all contained within
17 the interconnection agreement that's been
18 filed at FERC.
19 THE CHAIRMAN: As you look at
20 the need to modify the transmission system in
21 that area, would you also consider a fourth,
22 adding another circuit on the 1990
23 structures, going back to Stevenson, for
24 example?
25 THE WITNESS (O'Hara): The

1 structures that were designed for the 1990
2 rebuild that just occurred cannot handle two
3 conductors. They weren't designed to handle
4 a conductor on each side.

5 THE CHAIRMAN: Yet they do
6 have mounting, arm mounting sockets on the
7 vacant side?

8 THE WITNESS (O'Hara): But the
9 structure itself is not designed for the
10 weight of the extra circuit right now. And
11 you want to bring an extra line south?

12 THE CHAIRMAN: Well,
13 originally before you rebuilt the 1990, there
14 were four circuits.

15 THE WITNESS (O'Hara): Correct.

16 THE CHAIRMAN: The whole Devon
17 to Bunker/Frost Bridge right of way.

18 THE WITNESS (O'Hara): Right.

19 THE CHAIRMAN: When you
20 rebuilt the 1990 that eliminated two and
21 added the one new on one side of that
22 structure. The new structure does contain
23 the sockets for "added arms," my term, that
24 have never been -- or the arms have never
25 been installed.

1 there to underground them. So we have to
2 install six turning structures, either to
3 turn the line into the station above ground,
4 or to underground the line and bring it in
5 underground.

6 THE CHAIRMAN: The approval
7 before the house today is not for that
8 design. That's something that's coming down
9 the road in a separate application. Is that
10 not correct?

11 MR. COCHRAN: Technically, we
12 would ask for approval to own and operate all
13 equipment in the interconnection, so that is
14 part of what we are seeking approval for.

15 THE CHAIRMAN: Well, we don't
16 have a design for the structures on the right
17 of way, for the dead-end structures on the
18 right of way, I don't believe. But we do
19 have the dead-end structures in the
20 substation, and we have the overhead line.
21 So it's not quite all complete, isn't it?

22 THE WITNESS (O'Hara): I think
23 the location of the -- I'll call them
24 "turning structures" -- that the six turning
25 structures that will be in the right of way,

1 And you're saying then that
2 vertical loading would exceed the capacity of
3 those structures, but the overturning in
4 balance load would not? As you have one
5 circuit on one side it's an overturning --

6 THE WITNESS (O'Hara): Right.
7 Then you have a bending moment on the arm.

8 THE CHAIRMAN: Right.

9 THE WITNESS (O'Hara): But the
10 structures were not designed, engineered to
11 carry the weight on both sides.

12 THE CHAIRMAN: The vertical
13 loading will exceed the load rating of the
14 structure. Is that correct?

15 THE WITNESS (O'Hara): Yes,
16 that is what engineering is telling me. Yes.

17 THE CHAIRMAN: Has there been
18 any consideration of undergrounding the tap
19 lines into the substation from the right of
20 way?

21 THE WITNESS (O'Hara): Is
22 CL&P's practice not to underground a tap line
23 that's that short. The substation will be
24 right next to the right of way. We would
25 have to install six structures anyway right

1 I believe they're going to be located right
2 where they're positioned on the diagrams that
3 the applicant has supplied you.

4 THE CHAIRMAN: Have they been
5 engineered yet?

6 THE WITNESS (O'Hara): They
7 have not been completely engineered yet, no.

8 THE CHAIRMAN: And would you
9 have not considered, or would not consider
10 undergrounding that span into the station?

11 THE WITNESS (O'Hara): It is
12 not something we would normally consider as
13 our preferred choice.

14 THE CHAIRMAN: Okay. Has CL&P
15 undergrounded short sections of transmission
16 lines?

17 THE WITNESS (O'Hara): We have
18 undergrounded short sections -- well, short
19 sections? This would be between two and four
20 hundred feet, so short sections like that, we
21 have undergrounded certain cases where we
22 need to cross a right of way with existing
23 lines and we need to get under and then pop
24 up. So we have done that in order to
25 accommodate crossing multiple lines.

1 In this case we're not doing
2 that. We're bringing all three lines in so
3 there would be no crossing, so we would not
4 normally do that.
5 THE CHAIRMAN: But you have
6 done short sections, is my point.
7 THE WITNESS (O'Hara): We have
8 done short sections because the -- the
9 alternate was to raise, significantly raise a
10 115 structure.
11 THE CHAIRMAN: You're avoiding
12 a conflict. That's what it boils down to.
13 THE WITNESS (O'Hara): A
14 conflict of the lines trying to cross each
15 other, correct.
16 THE CHAIRMAN: There's no
17 technical reason why you can't do that, is
18 there? You've undergrounded transmission for
19 miles. There's no reason why you can't do it
20 for --
21 THE WITNESS (O'Hara): There's
22 no technical reason that would prevent us from
23 undergrounding it. It becomes -- the
24 structure might be a little broader because
25 you have the conductor coming out the side.

1 It would be slightly more visible, and it's
2 increased cost from undergrounding a very
3 short distance.
4 THE CHAIRMAN: Well, you avoid
5 a dead-end cost in the substation, so there
6 are some cost benefits.
7 THE WITNESS (O'Hara): There
8 are some decreases.
9 THE CHAIRMAN: You avoid that
10 broad swath for six circuits coming in, so
11 there's a visibility and, slash,
12 environmental benefit. And in today's world,
13 the technology of undergrounding, using
14 solid-state dielectric is pretty good, isn't
15 it?
16 THE WITNESS (O'Hara): It does
17 exist, and it would allow it to be done.
18 Since the substation immediately abuts the
19 right of way, the line is right there, I'm
20 not -- I would give the Council to say what
21 is a significant visual impact. But the line
22 is there today. I'm just going to turn it
23 and bring it into a substation.
24 THE CHAIRMAN: I get the
25 message you would prefer not to?

1 THE WITNESS (O'Hara): I would
2 prefer not to. Yeah, thank you.
3 THE CHAIRMAN: I think that's
4 it. We'll now go through the parties. See,
5 the first one is Mr. Halpern.
6 Any questions Mr. Thomas?
7 (No response.)
8 THE CHAIRMAN: Not here.
9 I'm sorry. I skipped
10 Mr. Small.
11 MR. SMALL: No questions.
12 THE CHAIRMAN: That was an
13 oversight on --
14 MR. SMALL: No questions.
15 THE CHAIRMAN: Mr. Halpern,
16 you are not represented here?
17 Okay. The group parties,
18 Middlebury, Mr. Pietrorazio, Middlebury Land
19 Trust, any cross-examination.
20 MR. SAVARESE: No question,
21 your Honor.
22 THE CHAIRMAN: No questions.
23 the Town of Oxford.
24 MR. PIETRORAZIO: Excuse me.
25 I have one question.

1 THE CHAIRMAN: Oh, I'm sorry.
2 Come on up here. You can't get off that
3 easy. You have to come up so we can pick it
4 up on the microphone.
5 MR. PIETRORAZIO: I hardly
6 think it's worth it.
7 THE CHAIRMAN: This is modern
8 technology.
9 MR. PIETRORAZIO: And my
10 question is, did I hear correctly that the
11 main switch would be on the high side of the
12 transformer?
13 THE WITNESS (O'Hara): The
14 disconnect switch --
15 MR. PIETRORAZIO: The main
16 disconnect?
17 THE WITNESS (O'Hara): -- that
18 disconnects the power plant from the grid
19 would be on the high side of the transformer
20 immediately abutting the switching station.
21 Yes.
22 MR. PIETRORAZIO: Okay. So
23 that's the 115,000?
24 THE WITNESS (O'Hara): It's a
25 115 kV disconnect switch. Correct.

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1 MR. PIETRORAZIO: Okay. Thank
2 you. That's it.
3 THE CHAIRMAN: Thank you. The
4 Town of Oxford, Attorney Condon.
5 MR. CONDON: No questions,
6 Mr. Chairman.
7 THE CHAIRMAN: Thank you, sir.
8 Group parties. I'll start out
9 with the Naugatuck Valley Chapter Trout,
10 Unlimited.
11 (No response.)
12 THE CHAIRMAN: Not here.
13 Pomperaug River Watershed Coalition.
14 MR. DeJONG: No questions
15 Mr. Chair.
16 THE CHAIRMAN: Thank you.
17 Naugatuck River Revival Group, Inc.
18 MR. ZAK: No questions, your
19 Honor.
20 THE CHAIRMAN: Thank you.
21 Lake Quassapaug Association,
22 LLC?
23 (No response.)
24 THE CHAIRMAN: Not here.
25 Middlebury Bridle Land

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1 Association?
2 MS. PRESTON: No questions,
3 Mr. Chairman.
4 THE CHAIRMAN: No questions.
5 Dennis Kocyla.
6 (No response.)
7 THE CHAIRMAN: Not here.
8 Naugatuck Valley Audubon
9 Association?
10 MR. RUHLOFF: No questions.
11 THE CHAIRMAN: Thank you.
12 Town of Southbury, First
13 Selectman Edelson, good morning.
14 (No response.)
15 THE CHAIRMAN: No. He's not
16 here. I'm sorry.
17 GE Energy Financial Services,
18 Attorney Malcynsky.
19 (No response.)
20 THE CHAIRMAN: Not here.
21 Borough of Naugatuck Water
22 Pollution Control Authority, Attorney
23 Fitzpatrick or Mr. Merancy.
24 MS. PERILLO: No questions,
25 Mr. Chairman.

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1 THE CHAIRMAN: No questions.
2 Mr. McCormack?
3 MR. McCORMACK: No questions,
4 Mr. Chair.
5 THE CHAIRMAN: Thank you.
6 Webster School.
7 (No response.)
8 DR. BELL: Westover.
9 THE CHAIRMAN: Yeah. Westover
10 Hills Subdivision Homeowners, Mr. Cornacchia.
11 MR. CORNACCHIA: No questions.
12 THE CHAIRMAN: Thank you.
13 Marian Larkin and Greenfields,
14 LLC. Attorney Hill and, Ms. Larkin, you're
15 back I believe.
16 MS. LARKIN: I just have a
17 question, and that is --
18 THE CHAIRMAN: Wait a minute.
19 You've got to come up here because we can't
20 hear you, A; and B, we want to record it for
21 posterity. Anywhere at the table.
22 Ms. Larkin, there's a mic
23 right there.
24 MS. LARKIN: This is about
25 burying the lines again. And I'm more

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1 concerned, actually, with the towers as well
2 as what the Chairman is concerned with.
3 So my question is, would you
4 consider bearing the towers -- there are a
5 lot of monopoles in now. Would you consider
6 bearing the CL&P towers at that site as well?
7 MR. COCHRAN: I object to that
8 question. It's not before the Council, the
9 other line.
10 THE CHAIRMAN: Ms. Larkin, if
11 I can, let me help.
12 MS. LARKIN: Okay.
13 THE CHAIRMAN: This is a
14 fairly limited application by CL&P at this
15 time. They're looking for approval of a tap
16 line, so called, into the substation and the
17 substation approval. If there is additional
18 work out on the right of way, that's a
19 separate issue to come before the Council.
20 MS. LARKIN: I understand.
21 Anyway --
22 THE CHAIRMAN: So insofar as
23 your question applies to that other work, I
24 think it's not germane at this time.
25 MS. LARKIN: I understand, but

1 thank you all. Thank you.
2 THE CHAIRMAN: Okay.
3 MS. LARKIN: Yeah. Thanks.
4 THE CHAIRMAN: Thank you very
5 much.
6 Quassy Amusement Park,
7 Mr. Frantzis?
8 (No response.)
9 THE CHAIRMAN: Not here.
10 Oxford Flying Club, Mr. Stevens.
11 (No response.)
12 THE CHAIRMAN: Flown away.
13 Okay.
14 Thank you, Mr. Cochran, et al.
15 You're excused.
16 (Witness excused.)
17 THE CHAIRMAN: The next one is
18 the Town of Oxford. The next party is the
19 Town of Oxford, and Attorney Condon and the
20 First Selectman, Mr. Temple. Help yourself
21 over here at the witness table.
22 That little black box on the
23 edge of the table is the mic.
24 Okay. We begin with the
25 appearance of the party to verify exhibits

1 marked as Roman numeral VI, Item B-1, -2 on
2 the hearing program.
3 And you, Attorney Bachman,
4 please begin by swearing in the witness.
5 G E O R G E R. T E M P L E,
6 called as a witness, being first duly
7 sworn by the Executive Director, was
8 examined and testified on his oath as
9 follows:
10 THE WITNESS (Temple): Before
11 I start, can I get my glasses?
12 THE CHAIRMAN: Can you get
13 your glasses?
14 THE WITNESS (Temple): Yeah.
15 THE CHAIRMAN: I think that's
16 permitted unless there's an objection from
17 some party.
18 MR. CONDON: And for the
19 record, Mr. Chairman, Attorney Kevin Condon
20 for the Town of Oxford.
21 THE CHAIRMAN: We'll get you
22 to earn your keep. Just wait until the
23 selectman gets his glasses.
24 I'm very empathetic to your
25 problem, Mr. Temple. I have the same

1 failing.
2 THE WITNESS (Temple): It's
3 not easy getting old, I'll tell you.
4 THE CHAIRMAN: But it's better
5 than the alternative.
6 Okay. Attorney Condon, would
7 you please verify the exhibits for the Town?
8 MR. CONDON: We verified them,
9 Mr. Chairman.
10 THE CHAIRMAN: I'm sorry?
11 MR. CONDON: Yes. The
12 exhibits that you've listed are the ones that
13 we have, we have submitted. That's correct.
14 THE CHAIRMAN: Yes. Do want
15 to have the witness verify those?
16 MR. CONDON: Are these the
17 exhibits that we provided to the Siting
18 Council?
19 THE CHAIRMAN: You want me to
20 do it?
21 MR. CONDON: You may if you
22 want to, Mr. Chairman. That's fine.
23 THE CHAIRMAN: You've offered
24 the exhibits listed under the hearing program
25 as Roman numeral VI-B-1 through 2 for

1 identification purposes. Is there any
2 objection to identifying these exhibits?
3 THE WITNESS (Temple): No.
4 THE CHAIRMAN: If not, they
5 are so identified. Do you have any
6 additions, clarifications, deletions or
7 modifications to the documents.
8 THE WITNESS (Temple): No.
9 I -- I would stand on my initial statement to
10 the Siting Council that was given in Oxford
11 at the town meeting.
12 THE CHAIRMAN: Okay. We'll go
13 through it here. Are the exhibits true and
14 accurate to the best of your knowledge?
15 THE WITNESS (Temple): Yes,
16 they are, sir.
17 THE CHAIRMAN: And you offer
18 the exhibits as your testimony today?
19 THE WITNESS (Temple): Yes.
20 THE CHAIRMAN: Do you offer
21 them as full exhibits?
22 THE WITNESS (Temple): Yes.
23 THE CHAIRMAN: Is there any
24 objection to the previously marked items for
25 identification being admitted as full

1 exhibits in this proceeding.
2 (No response.)
3 THE CHAIRMAN: Hearing none,
4 the objection shall be admitted as full
5 exhibits. And are you ready for
6 cross-examination?
7 THE WITNESS (Temple): I'm
8 ready. Sure.
9 (Town of Oxford Exhibits
10 VI-B-1 and VI-B-2: Received in evidence -
11 described in index.)
12 THE CHAIRMAN: Okay. Michael?
13 MR. PERRONE: Thank you,
14 Mr. Chairman.
15 CROSS-EXAMINATION
16 MR. PERRONE: What is the
17 status of the E-commerce Road construction?
18 THE WITNESS (Temple):
19 E-commerce Road is begun and, obviously, is
20 not completed. There really has been --
21 mapped out and approved, but it's unapproved
22 at this point, approved as a road.
23 And the -- the plans have been
24 completed, filed with the Town land use
25 boards and approved.

1 MR. PERRONE: Do have a
2 ballpark estimate of when it would be
3 completed?
4 THE WITNESS (Temple): It
5 should be completed within two years in
6 accordance with the Army Corps of Engineers
7 approval permit.
8 MR. PERRONE: Would there be
9 any coordination with CPV and the Town as far
10 as the training of firefighters and emergency
11 services personnel?
12 THE WITNESS (Temple): Yes,
13 sir. We've already talked about that, and
14 there will be cooperation between us and the
15 CPV. I've discussed this with our fire
16 marshal and, slash, chief of -- fire chief,
17 and he -- he's quite secure in the fact that
18 we can handle any difficulty that would come
19 up in those lines.
20 MR. PERRONE: Thank you.
21 That's all I have.
22 THE CHAIRMAN: Mr. Levesque.
23 MR. LEVESQUE: No questions,
24 Mr. Chairman.
25 THE CHAIRMAN: Dr. Bell?

1 DR. BELL: I do have a couple
2 questions, Mr. Chairman. Thank you.
3 Mr. Temple, are you familiar
4 with the Heritage Village Water supply plan
5 that's existing now, which is dated 2009?
6 THE WITNESS (Temple): To a
7 degree. I know I've -- I've discussed this
8 with my counterpart in Southbury,
9 Mr. Edelson, and on several occasions
10 actually. And you know, I -- I believe that
11 there will be no problem with water usage in
12 this project, and I'm -- I don't want to
13 speak for him, but I think he'd probably
14 agree with me.
15 DR. BELL: You're familiar
16 with the projections that go, that are in
17 that plan that cover 2013 and 2020 and on to
18 2050, and so forth?
19 THE WITNESS (Temple): Yes.
20 DR. BELL: Are the figures,
21 the population projections and the
22 development projections there consistent with
23 your population statistics right now, say,
24 and the status of new developments in Oxford
25 right now?

1 THE WITNESS (Temple): You
2 know, right now Oxford is the fastest growing
3 community in the state. And I -- but I -- I
4 don't see any -- any impact, the adverse
5 impact to the Southbury water or the Heritage
6 Water, Pomperaug River Basin from this
7 project or any other project that we would
8 have in -- in our industrial area.
9 DR. BELL: Thank you. And
10 what is the status of the airport expansion
11 plan that was initiated some time ago?
12 THE WITNESS (Temple): Last I
13 heard -- and I'm always the last to know, by
14 the way -- the last I heard they were going
15 to go ahead with constructing another hangar.
16 And -- and you know, we expected to expand on
17 the runway. I think all that is subject to
18 availability of funds with the State, and I
19 don't, you know, I really don't know where
20 that sits.
21 DR. BELL: Thank you. Those
22 are my questions, Mr. Chair.
23 THE CHAIRMAN: Mr. Hannon.
24 MR. HANNON: Thank you,
25 Mr. Chair.

1 The water interconnect, I
2 think it was with Connecticut Water. What is
3 the status of that and how does that impact
4 Oxford?
5 THE WITNESS (Temple): My
6 understanding is -- and -- and my
7 understanding of this is limited, but that --
8 that this proposal will be able to provide
9 more stability to the water supply in the
10 entire region in Southbury, Middlebury and
11 Oxford.
12 So, as far as the status, once
13 again, I don't know. I think that's subject
14 to availability of funds.
15 MR. HANNON: Thank you.
16 THE CHAIRMAN: Mr. Lynch?
17 MR. LYNCH: Just one question.
18 Does the Town of Oxford's fire department or
19 emergency services handle any emergencies at
20 the airport, or is that done by a separate
21 department?
22 THE WITNESS (Temple): To my
23 knowledge, we handle all emergencies at the
24 airport.
25 MR. LYNCH: Thank you.

1 THE CHAIRMAN: Thank you.
2 That's it. I guess you're excused,
3 Mr. Temple -- oh, Mr. Small, I'm sorry.
4 MR. SMALL: I have no
5 questions.
6 THE CHAIRMAN: No questions.
7 Okay. Let me go down the list. Mr. Halpern?
8 (No response.)
9 THE CHAIRMAN: The Town of
10 Middlebury?
11 MR. SAVARESE: No questions.
12 THE CHAIRMAN:
13 Mr. Pietrorazio.
14 MR. PIETRORAZIO: No
15 questions, Mr. Chairman.
16 THE CHAIRMAN: Thank you.
17 Middlebury Land Trust. We're passing on that
18 one.
19 Connecticut Light & Power
20 d/b/a Eversource.
21 MR. COCHRAN: We have no
22 questions, Mr. Chairman.
23 THE CHAIRMAN: Thank you.
24 Naugatuck Valley Trout, Unlimited.
25 (No response.)

1 THE CHAIRMAN: Pomperaug River
2 Watershed Coalition.
3 MR. DeJONG: No questions,
4 Mr. Chairman.
5 THE CHAIRMAN: Thank you.
6 Naugatuck River Revival Group, Inc.
7 MR. ZAK: No questions, your
8 Honor.
9 THE CHAIRMAN: Thank you.
10 Lake Quassapaug Association.
11 (No response.)
12 THE CHAIRMAN: Not here.
13 Middlebury Bridle Land
14 Association.
15 MS. PRESTON: No questions.
16 THE CHAIRMAN: Thank you.
17 Dennis Kocyla.
18 (No response.)
19 THE CHAIRMAN: Not here.
20 Naugatuck Valley Audubon Society.
21 MR. RUHLOFF: No questions,
22 Mr. Chairman.
23 THE CHAIRMAN: Thank you.
24 Town of Southbury, First
25 Selectman Edelson.

1 (No response.)
2 THE CHAIRMAN: Not here.
3 GE financial services,
4 Attorney Malcynsky.
5 (No response.)
6 THE CHAIRMAN: Borough of
7 Naugatuck Water Pollution Control Authority,
8 Attorney Fitzpatrick.
9 MS. PERILLO: No questions
10 Mr. Chairman.
11 THE CHAIRMAN: Okay. Thank
12 you.
13 Wayne McCormack.
14 MR. McCORMACK: I have a
15 question, Mr. Chairman.
16 Thank you, Mr. Chairman.
17 I would just like to ask
18 Mr. Temple if E-commerce Road is going to be
19 completed before CPV is scheduled to start
20 construction?
21 THE WITNESS (Temple): That
22 would be -- that would be the logical thing
23 to do, Mr. McCormack because, you know, I
24 don't know how that area could be cleared.
25 I -- I think that it's going to have to be

1 done in accordance with the approval already
2 on record with the land use boards in Oxford,
3 both inland wetlands, and planning and
4 zoning, so -- and the Army Corps of Engineers
5 plan for that road.

6 So you know, I -- and the
7 answer to your question, being -- being a
8 politician, that's a long way to say, I don't
9 know, but I -- it's -- it would seem the
10 logical way to proceed.

11 MR. McCORMACK: If it weren't
12 completed, wouldn't it make construction
13 traffic very difficult?

14 THE WITNESS (Temple): Yes,
15 and that concerns me. And thank you for
16 bringing that up.

17 MR. McCORMACK: You're
18 welcome. Thank you.

19 Excuse my naivete,
20 Mr. Chairman, but is this also my opportunity
21 to cross-examine regarding my interrogatories
22 that were not objected to?

23 THE CHAIRMAN: Yeah.

24 MR. McCORMACK: Thank you.

25 THE CHAIRMAN: Mr. McCormack,

1 in accordance with the Army Corps of
2 Engineers' approval, that road is to be
3 started by 2016 and completed by 2017, so if
4 that helps.

5 MR. McCORMACK: Any particular
6 time in 2017, Mr. Temple?

7 THE WITNESS (Temple): The
8 permit does list the dates, and if you want
9 the availability of that -- is town hall. If
10 you want it, I'll make sure you get a copy of
11 that, but right now I don't know.

12 MR. McCORMACK: Okay. Thank
13 you.

14 May I precede my questions
15 with a statement to the Council?

16 THE CHAIRMAN: Well, we don't
17 want you to testify at this time. Go ahead.

18 MR. McCORMACK: No. It is a
19 procedural question.

20 THE CHAIRMAN: Okay.

21 MR. McCORMACK: I was under
22 the impression that since the Town, March,
23 where it's six days late in meeting the
24 deadline to responding to my interrogatories,
25 that it would be addressed at this meeting.

1 before you do it, Attorney Hannon has a
2 question.

3 MR. HANNON: Mr. McCormack, I
4 just want to make sure I understand your
5 original question. When you say "the road
6 completed," do you mean completed? Because
7 typically in an area where you may be doing
8 construction, put on the binder course, you
9 know, put down the finish course. So I just
10 want to make sure that I understand what
11 you're referring to when you say "the road
12 being completed."

13 MR. McCORMACK: I'm not an
14 engineer, Mr. Hannon, but my intent is to --
15 we're concerned about construction traffic on
16 some very poor country roads right now that I
17 don't think can handle that traffic. So
18 without a new road to handle the traffic, I
19 think our life is going to be a nightmare for
20 two years. That was the intent of the
21 question.

22 MR. HANNON: Okay. Thank you.

23 THE WITNESS (Temple): Oh,
24 Mr. Chairman, if I -- if I might? It was
25 just pointed out by -- by Counsel that the --

1 And I was surprised to see that so many of my
2 questions and their objections were
3 sustained. I was anticipating a discussion
4 regarding their tardiness.

5 THE CHAIRMAN: I think we want
6 to really try and move forward if we can.

7 MR. McCORMACK: Okay.

8 THE CHAIRMAN: I don't mean to
9 be difficult, but this is a long, long
10 hearing for the Siting Council, and we've got
11 a lot of work to do, so if you could help by
12 moving forward, it will be appreciated.

13 MR. McCORMACK: I will do my
14 best, Mr. Chairman.

15 THE CHAIRMAN: Thank you very
16 much.

17 MR. McCORMACK: Question
18 Number 21 of my interrogatories was: Did the
19 Town of Oxford have discussions with
20 Masonicare regarding the proposed power
21 plant. And the answer was, yes, verbal. May
22 I ask who spoke to whom in those discussions?

23 THE WITNESS (Temple): I spoke
24 to -- I forget his name, but he's the
25 Chairman of Masonicare in Connecticut. And I

1 asked if they would have any objections to a
2 power plant, a gas fired power plant in that
3 area. And the answer was, no.
4 And you know, then of course
5 we had discussions about a pilot program with
6 Masonicare, but other than that, that's --
7 that's where we stood.
8 MR. McCORMACK: Okay. And you
9 don't remember the gentleman's name?
10 THE WITNESS (Temple): I -- I
11 can get that. I'm not -- I remember your
12 name, but I'm not too good on names.
13 MR. McCORMACK: Well, if I
14 could get that at some future date, I would
15 appreciate it.
16 THE WITNESS (Temple):
17 Certainly.
18 MR. McCORMACK: Question
19 Number 25: Have there been any payments from
20 CPV or other interested parties to the Town
21 of Oxford in the form of monetary
22 compensation or goods, slash, services? And
23 the answer is, yes. May I ask you to
24 enumerate on that?
25 THE WITNESS (Temple): Well,

1 as much as I know since I have been in office
2 my predecessor excused the applicant for
3 taxes for, I think, about three years, which
4 is not the way that I wanted to proceed.
5 And so I believe last year
6 they gave us a check for a hundred thousand.
7 They have just given us a check for a hundred
8 thousand.
9 MR. McCORMACK: Is that tax
10 money?
11 THE WITNESS (Temple): Prior
12 to that, General Electric, I believe, was --
13 was the applicant or Calpine, one of them.
14 But they play -- paying a considerable amount
15 of taxes, the million dollar range.
16 And then -- then we did have a
17 fire truck donated to us, which -- which is a
18 pumper. The estimated value on that is about
19 750,000. And -- and at my request they, CPV
20 donated, kindly donated \$20,000 to Lily Park,
21 which was a park we were putting up for small
22 children in Oxford.
23 MR. McCORMACK: Mr. Temple,
24 the two \$100,000 payments that you mentioned,
25 were those tax payments?

1 THE WITNESS (Temple): Yes.
2 We have -- we have a -- we had a new
3 agreement, and that's just for the bare lot
4 right now.
5 THE CHAIRMAN: Mr. Lynch has a
6 question, if we may interrupt?
7 MR. LYNCH: If you don't mind?
8 MR. McCORMACK: No, not at
9 all.
10 MR. LYNCH: Other than the
11 taxes, the fire truck, and the donations, did
12 they come in under any type of host city
13 agreement with the Town of Oxford?
14 THE WITNESS (Temple): No.
15 Well, what -- what it is, is it's going to
16 probably going to be a pilot payment in lieu
17 of taxes because they're so hard to -- I wish
18 I had my assessor here because -- but it's so
19 hard to figure out how much these -- these
20 things are worth, the depreciation and
21 everything else. So we try to get a
22 stabilization agreement which is what we're
23 working on now.
24 MR. LYNCH: Well, what I'm
25 getting at is you, you as the host city,

1 don't have any special agreement with
2 Towantic as far as the host city for the
3 power plant?
4 THE WITNESS (Temple): No.
5 MR. LYNCH: Okay. Thank you.
6 THE CHAIRMAN: Go ahead.
7 MR. McCORMACK: My next
8 question was Number 26, and what
9 representations, either verbal or in writing,
10 has CPV made to Oxford as to future money
11 goods or services that they will be
12 providing? If so, please provide a list of
13 those payments complete with dates, amounts
14 and intended purpose. And there was no
15 answer to that question.
16 THE WITNESS (Temple): Well,
17 that's because the -- the town attorney made
18 a mistake, but --
19 MR. LYNCH: Throw him under
20 the bus.
21 THE WITNESS (Temple): We have
22 been negotiating since we made this since
23 they have renewed the application, or since
24 this application has been here. And I have
25 been negotiating with Andy Bazinet.

1 The prior agreement that the
2 Town of Oxford had would have given us
3 approximately 3 -- an average of \$3 million a
4 year after construction. The agreement that
5 I have negotiated with Mr. Bazinet will give
6 us a \$7 million payment upon breaking ground
7 and 22 years at \$112 million, or about
8 \$5 million a year on the average. And that's
9 all tentative.

10 You know, Mr. Bazinet hasn't
11 fallen off his chair, so he knows that, you
12 know, this is the tenor of our conversation.
13 We're really in the final stages of approving
14 that.

15 MR. McCORMACK: Is that set?
16 Was it 7.6 million upon groundbreaking?

17 THE WITNESS (Temple): Seven.

18 MR. McCORMACK: Is that back
19 taxes?

20 THE WITNESS (Temple): No.
21 Its just, you know, it's hard to say back
22 taxes or what. It's part of the agreement.
23 I want -- wanted to get money immediately
24 because it's going to be a little painful
25 experience during the construction, I can

1 imagine that. It's heavy construction.

2 And you know, for that, you
3 know, I wanted to get a little -- not a
4 little -- a big reward for the Town. So
5 that's kind of where we were thinking of
6 there. The first year, you know, would be
7 somewhat less than 5 million all the way up,
8 and it will be a gradual increase. And
9 then -- but the -- what it's going to average
10 out is, at the end of 22 years, we will
11 receive \$112 million.

12 MR. McCORMACK: But aren't
13 there considerable back taxes owed right now,
14 Mr. Temple?

15 THE WITNESS (Temple): Not to
16 my knowledge.

17 MR. McCORMACK: No?

18 THE WITNESS (Temple): No.

19 MR. McCORMACK: Question
20 Number 27: What are the Town of Oxford's
21 emergency plans to respond to an incident at
22 the proposed power plant such as a fire? And
23 the answer is the Town of Oxford's emergency
24 plan will is respond with full force
25 equipment and all capabilities. And just a

1 quick question. I don't know the size of the
2 Oxford Fire Department. What is full force?

3 THE WITNESS (Temple): We have
4 three departments. We have Quaker Farms,
5 Center Fire Department, and Riverside.
6 And -- and they are very well equipped. I --
7 so -- and the emergency plan will be
8 finalized by our fire marshal, slash, fire
9 chief. And believe me, that will be
10 effective.

11 THE CHAIRMAN: Mr. Lynch?
12 Excuse me.

13 MR. LYNCH: You don't mind me
14 interrupting one more time?

15 MR. McCORMACK: Please.

16 MR. LYNCH: In the case of a
17 major emergency or fire, does the Town have
18 agreements with surrounding towns to bring in
19 fire apparatus?

20 THE WITNESS (Temple): Yes.
21 Yes, we have mutual aid.

22 MR. LYNCH: Thank you.

23 THE WITNESS (Temple): We have
24 mutual aid all the way up to Waterbury.

25 MR. McCORMACK: And does the

1 fire department have hazmat training at this
2 point?

3 THE WITNESS (Temple): Yeah,
4 we have to maintain hazmat training. We have
5 to maintain that just for the airport.

6 MR. McCORMACK: Roughly how
7 many firemen are there?

8 THE WITNESS (Temple): About
9 200. Although I went to the firemen's ball.
10 There were a lot more than that that showed
11 up. So --

12 MR. McCORMACK: Question 32:
13 Please provide the agenda for the October 7,
14 2014, TPZ meeting. And the answer is, "see
15 attached minutes," but there's no agenda with
16 the attached minutes, or at least on my copy
17 there was no agenda.

18 THE WITNESS (Temple): This
19 item wasn't put on the agenda. It was
20 amended on the agenda. And under the FOI
21 laws in the State of Connecticut you can
22 amended the agenda with two thirds of the
23 vote to request something be put on -- on the
24 table, and I believe that's how it was done.

25 MR. McCORMACK: You referring

1 to this item as the presentation by CPV at
2 that, that meeting?
3 THE WITNESS (Temple): Yes, I
4 believe that's -- that's how it was done.
5 MR. McCORMACK: Question
6 Number 33 says: "How is it that CPV was
7 allowed to present at that TPZ meeting
8 without public notice?" So that was your
9 answer, that you just gave me?
10 THE WITNESS (Temple): Yeah.
11 MR. McCORMACK: As a layman, I
12 find that incomprehensible. Why can't that
13 be done at every meeting, have a vote to
14 disrupt the published agenda?
15 THE WITNESS (Temple): I do
16 that just about every board of selectmen
17 meeting.
18 MR. McCORMACK: Really?
19 THE WITNESS (Temple): Yeah.
20 You know, things come up at the last minute.
21 We have, you know, we're required to have an
22 item on the agenda 24 hours, posted 24 hours
23 prior to the -- the meeting. And you
24 would -- you would be very surprised to see
25 how many different items come up at the -- at

1 the last minute, and the only way it can be
2 put on the agenda is two-thirds of the vote
3 and that, we do that all the time.
4 MR. McCORMACK: What were the
5 circumstances that caused CPV to be present
6 at that meeting?
7 THE WITNESS (Temple): I
8 don't -- I'm not land use, and I try to stay
9 away from them. So I really don't attend
10 their meetings, so I -- I really don't know.
11 I had nothing to do with it.
12 MR. McCORMACK: So you know if
13 planning and zoning invited them or they made
14 an appointment?
15 THE WITNESS (Temple): No.
16 The only thing I can say is, I had nothing to
17 do with it. That's, you know, I don't know.
18 MR. McCORMACK: So it could
19 have been planned a month in advance?
20 MR. CONDON: Objection to that
21 question.
22 THE CHAIRMAN:
23 Mr. McCormack, I've let this
24 go a little bit because it's helpful to get
25 an understanding of what goes on, but isn't

1 the internal workings of the Town of Oxford,
2 is that really germane to the issue before
3 this Council? And that's why I'm inclined to
4 sustain the objection.
5 MR. McCORMACK: Well,
6 Mr. Chairman, it's my hope and belief that
7 community acceptance is one of the issues
8 that you will use in your evaluation process.
9 And I think the Town of Oxford has
10 participated in a campaign to create the
11 illusion of community acceptance where, in
12 reality, just the reverse is true.
13 There's a lot of nonacceptance
14 in the community. I cite the many letters
15 you have received to that effect.
16 THE CHAIRMAN: I don't want to
17 get into that debate, but as I've read the
18 minutes that were provided by the Town, the
19 procedure that they followed was not
20 unfamiliar with me, and I've been involved in
21 other towns, and I know what goes on. I've
22 been serving as a volunteer in other towns.
23 And matters do come up that
24 require attention. We may debate whether
25 that would have been wiser, better, what have

1 you, to come up a month ahead of time, but
2 the reality is we are faced, all of us in
3 town government, with surprises that must
4 have some attention. And I'm not sure how
5 far you want to take this, but I'm a little
6 concerned that it not go too far.
7 MR. McCORMACK: Okay. Thank
8 you.
9 That is all my questions,
10 Mr. Chairman. Thank you.
11 THE CHAIRMAN: Thank you,
12 Mr. McCormack.
13 Let's see. Westover school?
14 (No response.)
15 THE CHAIRMAN: Not here.
16 Westover Hills Subdivision,
17 Mr. Cornacchia, cross-examination?
18 MR. CORNACCHIA: No questions.
19 THE CHAIRMAN: No cross.
20 Marian Larkin and Greenfields.
21 Ms. Larkin?
22 MS. LARKIN: No questions.
23 THE CHAIRMAN: No questions.
24 Quassy Amusement Park.
25 (No response.)

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1 THE CHAIRMAN: No one here
2 yet.
3 Oxford Flying Club,
4 Mr. Stevens.
5 (No response.)
6 He's not here. Thank you.
7 You can stand down.
8 THE WITNESS (Temple): Thank
9 you, everyone.
10 (Witness excused.)
11 THE CHAIRMAN: Let's see. The
12 next one is the appearance by the grouped
13 intervenors: Naugatuck Valley Trout,
14 Unlimited; Pomperaug River Watershed
15 Coalition; Naugatuck River Revival Group,
16 Inc; Lake Quassapaug Association; Middlebury
17 Bridle Land Association; Dennis Kocyla; and
18 the Naugatuck Valley Audubon Society.
19 If you would care to come up
20 and join the party. Attorney Bachman, would
21 you please swear in the witnesses?
22
23
24
25

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1 SOPHIE ZYLA,
2 KEVIN ZAK,
3 LEN DeJONG,
4 SYLVIA PRESTON,
5 JEFF RUHLOFF,
6 called as witnesses, being first duly
7 sworn by the Executive Director, were
8 examined and testified on their oaths as
9 follows:
10 THE CHAIRMAN: You have all
11 offered exhibits listed on the hearing
12 program as Roman numeral VII-B-1 through 17
13 for identification purposes. Is there any
14 objection to marking these exhibits for
15 identification purposes at this time?
16 (No response.)
17 (Grouped Intervenor Exhibits
18 VII-B-1 through VII-B-17: Received in
19 evidence - described in index.)
20 THE CHAIRMAN: Hearing none,
21 I'm going to, rather than rattle off your
22 names every time, forgive me, you know who
23 you are.
24 Did you prepare or assist in
25 the preparation of Exhibit VII-B-1 through

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1 17.
2 I have to hear an audible.
3 THE WITNESS (Zak): Yes.
4 THE WITNESS (Zyla): Yes.
5 THE WITNESS (Ruhloff): Yes.
6 THE WITNESS (Preston): Yes,
7 we did.
8 THE WITNESS (DeJong): Yes.
9 THE CHAIRMAN: We've got to
10 record it. A nod is okay at home but not
11 here.
12 Do you have any additions,
13 clarifications, deletions, modifications to
14 those documents?
15 THE WITNESS (Zak): No.
16 THE WITNESS (Zyla): No.
17 THE WITNESS (Ruhloff): No.
18 THE WITNESS (DeJong): No.
19 THE WITNESS (Preston): No, we
20 have no.
21 THE CHAIRMAN: Across the
22 line, no.
23 Are these exhibits true and
24 accurate to the best of your knowledge?
25 THE WITNESS (Zak): Yes.

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1 THE WITNESS (Zyla): Yes.
2 THE WITNESS (Ruhloff): Yes.
3 THE WITNESS (DeJong): Yes.
4 THE WITNESS (Preston): Yes.
5 THE CHAIRMAN: Okay.
6 Do you offer these exhibits as
7 your testimony here today?
8 THE WITNESS (Zak): Yes.
9 THE WITNESS (Zyla): Yes.
10 THE WITNESS (Ruhloff): Yes.
11 THE WITNESS (DeJong): Yes.
12 THE WITNESS (Preston): Yes.
13 THE CHAIRMAN: And do you
14 offer these as full exhibits?
15 THE WITNESS (Zak): Yes.
16 THE WITNESS (Zyla): Yes.
17 THE WITNESS (Ruhloff): Yes.
18 THE WITNESS (DeJong): Yes.
19 THE WITNESS (Preston): Yes.
20 THE CHAIRMAN: Is there any
21 objection to naming them as full exhibits.
22 (No response.)
23 THE CHAIRMAN: Hearing none,
24 they are so designated.
25 Are you ready for

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1 cross-examination?
2 THE WITNESS (Zak): Yes.
3 THE WITNESS (Zyla): Yes.
4 THE WITNESS (Ruhloff): Yes.
5 THE WITNESS (DeJong): Yes.
6 THE WITNESS (Preston): Yes.
7 THE CHAIRMAN: Mr. Perrone,
8 please.
9 MR. PERRONE: Thank you,
10 Mr. Chairman.
11 CROSS-EXAMINATION
12 MR. PERRONE: I'll begin with
13 the Pomperaug River Watershed Coalition.
14 Regarding the prefiled testimony, dated March
15 2nd, Section 1, if Heritage is unable to
16 renew or extend its permit through 2017, are
17 you aware of any contingency plan or other
18 options that could be explored to allow
19 Heritage to supply CPV?
20 THE WITNESS (DeJong): I'm not
21 aware of any short-term contingency plans. I
22 have discussed with Heritage Village the
23 possibility of water future production wells.
24 I believe that's part of their 50-year
25 playing cycle, but I'm not aware of any

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1 short-term plans.
2 MR. PERRONE: Could you tell
3 us a little bit more about that plan?
4 THE WITNESS (DeJong): In
5 discussions with the Heritage Village Water
6 Company it was -- it was of the possibility
7 of additional wells along the Housatonic
8 River as supplemental supply to the existing
9 wells that the company currently operates.
10 MR. PERRONE: Thank you.
11 Moving on to the Middlebury Bridle Land
12 Association, I understand there's concerns
13 about horses potentially being disturbed by
14 construction, particularly construction noise
15 and such. When is the Bridle trail typically
16 most active with horseback riders?
17 THE WITNESS (Preston):
18 Usually in the weekends and
19 somewhat during the day, maybe late mornings
20 early afternoon, but a lot of the weekends,
21 obviously.
22 MR. PERRONE: And I don't know
23 if you have this or have reviewed this, but
24 in the CPV's petition in the noise analysis,
25 there's some noise locations, there's

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1 location one. Is that the bridle trail just
2 to the east?
3 THE WITNESS (Preston): Yes.
4 Yeah, just above Towantic Pond. The only
5 thing that we have the issue, was with the
6 horses hear an awful lot better than humans
7 do, higher and lower pitches. So what might
8 seem nothing to us could be a concern because
9 it's not as if the horses are going to be
10 there all the time.
11 It could be people coming from
12 other parts of Connecticut that come to ride
13 that trail. And I know there's going to be a
14 lot of what they call white noise, which is
15 like a "shh" noise, and that might not seem
16 like nothing to any us but a horse's sort of
17 sense of that noise could be much more of a
18 concern. So a rider riding along that trail
19 and on a horse that's not even used to that
20 area would probably be quite concerned that
21 there was something very strange up ahead
22 like a snake.
23 MR. PERRONE: Thank you.
24 That's all I have for this group.
25 THE CHAIRMAN: Mr. Levesque.

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1 MR. LEVESQUE: No questions.
2 THE CHAIRMAN: Dr. Bell.
3 DR. BELL: Thank you,
4 Mr. Chair. I have some questions for
5 Mr. DeJong. You're familiar with the current
6 Heritage Village Water supply plan?
7 THE WITNESS (DeJong): I have
8 read the plan, Dr. Bell, yes.
9 DR. BELL: They have, at the
10 end of it, an emergency contingency plan.
11 I'm just going to -- you referred to that in
12 one of your testimonies that you offered. So
13 I'm just going to read you a little part of
14 that.
15 It says "computer modeling
16 performed by Leggette, Brashears & Graham,"
17 which is the consultant that prepared the
18 plan, indicated the HVWC's well field could
19 sustain a permitted withdraw rate of
20 2.05 million gallons per day for a 180-day
21 period with no recharge and without the
22 Pomperaug River running dry; therefore, the
23 system is not subject to shortages because of
24 drought.
25 Now, this was written before,

1 as you know, the study that was done for you.
2 My question is, is that statement that I just
3 read from the water shortage response plan,
4 does that seem to you consistent with the
5 study that you've brought to our attention in
6 your prefiled testimony and have been
7 reporting to this hearing?

8 THE WITNESS (DeJong):
9 Dr. Bell, it's not consistent, in my opinion.
10 Based upon the IFIM study, we've reported to
11 the Council, shared information that there
12 are periods of flow already in the -- in the,
13 both the summer bio-period as well as the
14 winter over bio-periods that were below
15 critical flows to support life in the river.

16 And so I -- I don't have the
17 background in terms of how LBG conducted
18 their study and came to that conclusion, but
19 there's inconsistency with the UMass IFIM
20 study that we're using as basis for our
21 position.

22 DR. BELL: Thank you.
23 Now, regarding the study that
24 was done, am I understanding correctly that
25 your position is that the original Towantic

1 original D and M.
2 And I'm assuming, but I'll ask
3 you, have you seen that original plan?

4 THE WITNESS (DeJong): I have
5 not, Dr. Bell.

6 DR. BELL: Okay. Then I guess
7 I can't ask you this question.

8 Next question. You mentioned
9 that you met with the HV water company. Did
10 they give you any indication that they will
11 have their, a current water supply plan ready
12 by the date of December 2015, which I think
13 it's your statement that they're required to
14 submit a plan by?

15 THE WITNESS (DeJong): There
16 was no indication given directly to us that
17 they would have it ready, but we know them as
18 a very capable organization, and it would not
19 surprise me they would have met that
20 responsibility.

21 DR. BELL: And what about the
22 Connecticut Water Company, which is also
23 involved in these plans? Do you know the
24 status of their water supply plans?

25 THE WITNESS (DeJong): We --

1 owners did not fulfill the mandate of the
2 condition of the Council in funding and
3 participating in such a study, but rather the
4 study in the end was funded and participated
5 in by other players? Is that correct?

6 THE WITNESS (DeJong): Yeah,
7 the coalition is not faulting the previous
8 applicant in not completing that. That was a
9 condition, we believe, associated with that
10 had they moved forward with their facility,
11 then they would have had that responsibility.

12 So having not moved forward
13 with the facility and having had the
14 opportunity to secure funds from others, we
15 along with the Connecticut DEEP moved forward
16 with the UMass resources and had the study
17 conducted.

18 DR. BELL: Thank you.
19 In CPV's testimony before the
20 Council, they're offering to provide a water
21 supply plan for their project during the D
22 and M phase, and they say it would be similar
23 to the water supply plan that was offered in
24 the original D and M. And we have in the
25 record that plan that was offered in the

1 we do not. I do not know the status of the
2 Connecticut Water Company water supply plan.
3 Our focus with Connecticut Water Company
4 through Heritage Village Water Company has
5 specifically been on the 500,000 gallon per
6 day interconnect, existing interconnect
7 between the two systems, which we've
8 underscored the Council and believe to be
9 very important in regards to the -- an
10 alternate supply to support Heritage's supply
11 for this facility.

12 DR. BELL: Now, on a somewhat
13 different front, are you familiar with the
14 stream flow regulations that have been put
15 forward by various groups that would regulate
16 stream flow within all of Connecticut's
17 rivers?

18 THE WITNESS (DeJong): I am
19 somewhat familiar with it, Dr. Bell, yes.

20 DR. BELL: So my question is,
21 those regulations have been promulgated long
22 after the original Towantic project was
23 permitted. Is it your understanding that
24 those regulations would have an impact on the
25 water supply situation regarding this

1 iteration of the Towantic project?
2 THE WITNESS (DeJong): It's --
3 it's my understanding there will be some
4 impact, but it will be limited impact. When
5 the regulations were promulgated, they were
6 promulgated for river flow only. And the
7 provision for aquifer withdrawals were
8 excluded when the legislation was approved.
9 So, in our case, our principal
10 concern is water being removed from the
11 aquifer versus the river flow. We do have
12 some impoundments on the river. Once the
13 river has become classified, they will
14 dictate to those who have those impoundments
15 what they're supposed to release, so that
16 will be an improvement.
17 But it's not going all the way
18 for us at this point, and hopefully someday
19 it will if the regulations are amended in the
20 future to account for water withdrawals, as
21 again, is the issue here in Pomperaug.
22 DR. BELL: So as the situation
23 now stands, if I'm interpreting what you're
24 saying correctly, the water companies are
25 exempt, and in cases of water shortages,

1 there wouldn't be any situation where you'd
2 have to put up residential uses against water
3 company uses to supply their customers that
4 are not residential, such as industrial
5 customers?
6 THE WITNESS (DeJong): Yeah,
7 actually that's -- that's an issue that
8 we've -- we've tried to share with Council as
9 a concern regarding if, in fact, CPV Towantic
10 does withdrawal water and it's -- and I want
11 to stretch, is an out-of-basin withdrawal,
12 which is one reason we've highlighted to the
13 Council a particular concern, because the
14 water doesn't return to the basin. It leaves
15 the Pomperaug Basin and it enters the
16 Naugatuck Basin.
17 So unlike someone who would
18 withdraw water to water theirs there, again
19 you get a hydraulic cycle, return to our
20 basin. This is an out-of-basin withdrawal.
21 What we've -- what we've tried
22 to underscore is the need for, again the
23 management plan to account for the fact that
24 a residential customer may or may not be in
25 jeopardy depending upon if you're in a

1 particular significant drought period and
2 Heritage Village implements their emergency
3 contingency plans. How will that be managed
4 by CPV Towantic? Will it be managed at the
5 same balance level as other customers within
6 Heritage Village, or will be their -- there
7 will be some special exceptions?
8 We'd like to think that it
9 will be managed similarly as part of their
10 energy plan, but we call that to the
11 Council's attention.
12 DR. BELL: Thank you. And
13 just one more question. Coming back to the
14 existing contingency plan in cases of
15 drought, that's at the end of the Heritage
16 Village current supply plan. In an extreme
17 situation they outline four different
18 situations.
19 THE WITNESS (DeJong): Phases.
20 DR. BELL: Four different
21 levels of drought and there are certain
22 things that happened at each stage,
23 rationing, various notifications of various
24 kinds.
25 But the last stage, they,

1 after extreme rationing, their plan is to
2 withdraw water actually from the Pomperaug
3 River as opposed to trying to pump out their
4 wells, which are nearby the river and tap
5 into the aquifer surrounding the river.
6 So my question is, does that
7 give you special concern as in terms of
8 whether or not that would continue to be
9 their plan going forward in an emergency
10 situation?
11 THE WITNESS (DeJong): It
12 does, and we'd like to think before we ever
13 got to that that we'd exhaust all the other
14 options, which includes total legalization of
15 the Connecticut water interconnect.
16 Connecticut Water also brings 300,000 gallons
17 per day of other water into the town of
18 Middlebury. And the city of Waterbury
19 brings, I believe, 200,000 gallons of water
20 into the town of Middlebury.
21 So those pipelines are all
22 connected by Heritage -- to Heritage Village.
23 So we'd like to think that would be exhausted
24 as well as all the conservation measures as
25 well as everything that their plan calls out

1 for in terms of -- in terms of limiting the
2 water demands before they actually reached
3 into the Pomperaug.
4 DR. BELL: Thank you. Those
5 are my questions, Mr. Chairman.
6 THE CHAIRMAN: Thank you.
7 Mr. Hannon.
8 MR. HANNON: Following some of
9 Dr. Bell's questions, I have no other
10 questions. Thank you.
11 THE CHAIRMAN: Okay.
12 Mr. Lynch?
13 MR. LYNCH: No questions,
14 Mr. Chairman.
15 THE CHAIRMAN: Oh, dear. I've
16 got to disappoint.
17 Ms. Preston, I've read through
18 the material, and reference to the bride
19 trail was made number of times. And I
20 couldn't quite figure out where it was until
21 I got into the airport reports. And if I'm
22 correct, doesn't that show the trail roughly
23 paralleling the CL&P Eversource right of way
24 between that right of way and the airport?
25 THE WITNESS (Preston): Yes,

1 it does go along that way.
2 MR. LYNCH: Could you speak
3 up, please?
4 THE CHAIRMAN: And I also
5 believe that the airport is proposing to
6 demolish 70-odd homes in Middlebury. Are you
7 aware of that?
8 THE WITNESS (Preston): What?
9 Sorry?
10 THE CHAIRMAN: I'm sorry?
11 THE WITNESS (Preston): I'm
12 sorry. I don't hear very well.
13 THE CHAIRMAN: It's 72 or 75
14 or something like that. I don't know quite
15 the amount, but it's over a period of time.
16 In their capital program they have demolition
17 of homes?
18 THE WITNESS (Preston): I'm
19 sorry. I can't hear you.
20 THE CHAIRMAN: You don't know
21 anything about that?
22 THE WITNESS (Preston): I do
23 know --
24 MR. LYNCH: She can't hear
25 you.

1 THE CHAIRMAN: I'm sorry. The
2 airport report that I read indicated their
3 capital program embraced a plan to demolish
4 70 or 75 homes, something like that.
5 THE WITNESS (Preston): Yeah,
6 that was in the triangle area, yes.
7 THE CHAIRMAN: Are you aware
8 of that?
9 THE WITNESS (Preston): Yes.
10 THE CHAIRMAN: And that's due
11 to noise, isn't it?
12 THE WITNESS (Preston): That
13 was due to the amount of noise from the
14 airplanes going over that way because they
15 take off and go over the houses that way.
16 THE CHAIRMAN: Right. Now the
17 trail goes around the south end of the
18 airport.
19 THE WITNESS (Preston): Yes.
20 THE CHAIRMAN: More or less,
21 so, southeast, what have you. How do the
22 horses react to aircraft noises?
23 THE WITNESS (Preston): They
24 do. They do.
25 THE CHAIRMAN: Violently?

1 THE WITNESS (Preston): Oh,
2 yes.
3 THE CHAIRMAN: So there is a
4 significant problem then. That's your
5 testimony?
6 THE WITNESS (Preston): If you
7 go that for.
8 THE CHAIRMAN: With aircraft
9 noises?
10 THE WITNESS (Preston): It's
11 that it's continuous.
12 THE CHAIRMAN: No, but sudden
13 noises.
14 THE WITNESS (Preston): And
15 they don't take off over the trail. They
16 actually start -- they usually -- and go the
17 other way over the Triangle Boulevard area.
18 THE CHAIRMAN: Would a horse
19 accept a constant noise of reasonable level,
20 not 120 dB, but something in the 50 dB range.
21 Would that bother a horse, a constant noise?
22 THE WITNESS (Preston): Often
23 it's the type of noise. The aircraft is
24 loud, but it's not something so much that a
25 horse equates with danger whereas. We're

1 saying that for the power plant it's more of
2 a "shh" noise which is a constant in the
3 distance, which a horse might be more
4 concerned about just because of the type of
5 noise it is.
6 THE CHAIRMAN: And what do you
7 mean by that?
8 THE WITNESS (Preston): It's a
9 -- it's equated to what an animal fears in
10 the wild which is like a snake, which goes
11 "sss." And this power plant is going to give
12 off a white noise, which is like a "shh"
13 noise you hear from maybe an HVAC system in a
14 house.
15 THE CHAIRMAN: I'm not quite
16 sure -- I heard you audibly, but is it
17 correct that a power plant will give off more
18 or less a constant noise as opposed to one
19 where it's sudden bursts of sound?
20 THE WITNESS (Preston): From
21 what I've been told, yes. We just -- we
22 don't know. The thing is it's hard to find
23 out when all of a sudden it's built and we
24 have a problem. We need to just try and say
25 that these are our concerns, that that kind

1 of noise might be something more of a
2 concern.
3 Plus they say there's no
4 detectible odor, but then again, a horse
5 detects an odor at a much more finite level
6 than a person does. So we just really don't
7 know, and that's why our questions are, we're
8 concerned that it could form a kind of
9 concern for a horse and make it look more
10 nervous.
11 THE CHAIRMAN: Would a horse
12 detect odor from planes?
13 THE WITNESS (Preston): A
14 horse can detect the smell of water from
15 about two miles away. So what it can detect
16 from, like, a gas plant, I'm sure, is more
17 than we would even know.
18 THE CHAIRMAN: Are you aware
19 of the studies presented by the applicant of
20 sound levels in the vicinity of the plant?
21 THE WITNESS (Preston): Sorry?
22 THE CHAIRMAN: I'm sorry.
23 THE WITNESS (Preston): I'm
24 sorry. I'm trying to hear you, but I don't
25 hear very well myself.

1 THE CHAIRMAN: Have you
2 familiarized yourself with the sound studies
3 presented by the applicant in this case for
4 sound the vicinity of the plant?
5 THE WITNESS (Preston): They
6 have answered the questions that we had on
7 that, but without somebody more expert on it,
8 I'm not sure as to what that really equates
9 to.
10 THE CHAIRMAN: So if you see
11 them you really don't understand them. Is
12 that fair to say?
13 THE WITNESS (Preston): Not
14 totally, no. And I'm only covering for our
15 secretary who was handling this because she
16 couldn't come this morning.
17 THE CHAIRMAN: Mr. DeJong,
18 I've got a couple questions on water.
19 THE WITNESS (DeJong): Yes,
20 Mr. Chairman.
21 THE CHAIRMAN: I gather you're
22 not an enthusiast of interbasin transfers.
23 Is that fair to say? Or am I overreacting?
24 THE WITNESS (DeJong): I -- I
25 don't believe that's the case, Mr. Chairman.

1 I worked for a water utility for 30 years
2 prior to taking on the executive director's
3 position with Pomperaug, and I was a strong
4 supporter of interbasin transfer.
5 THE CHAIRMAN: And that was
6 the former Bridgeport Hydraulic. And I
7 forget what that --
8 THE WITNESS (DeJong): Now
9 it's Aquarion.
10 THE CHAIRMAN: Aquarion.
11 THE WITNESS (DeJong): Yes.
12 THE CHAIRMAN: I was going to
13 say doesn't Aquarion involve itself with a
14 lot of interbasin transfers?
15 THE WITNESS (DeJong):
16 Absolutely. One of the most significant is
17 the regional pipeline, which allows transfer
18 right down to the southwest corner of the
19 state.
20 THE CHAIRMAN: Are you aware
21 in any of the towns, Oxford, Southbury,
22 Middlebury, Woodbury, have any restrictions
23 on development, forthcoming development
24 because of water supply problems?
25 THE WITNESS (DeJong): I'm not

1 aware of any.
2 THE CHAIRMAN: If there were
3 limitations that became consequential in the
4 water supply, would not a prudent water
5 company take measures to alleviate that by
6 adding interconnection capacity or the like?
7 THE WITNESS (DeJong):
8 Absolutely, or additional
9 supplies, as I mentioned earlier. And in our
10 conversations with Heritage Village Water,
11 one of the -- it was pretty clear to me that
12 the interconnect is important to them because
13 they have an idea in terms of -- to reach
14 future development within the towns of
15 Southbury and their other service areas.
16 So that they need to make
17 certain that what they're agreeing to provide
18 Towantic is -- is not going to subject future
19 demands from a list of future customers.
20 THE CHAIRMAN: Sure. Are you
21 familiar with the Masonicare development in
22 Oxford at all?
23 THE WITNESS (DeJong): I'm
24 not.
25 THE CHAIRMAN: Okay. You

1 don't have any idea of what their water
2 consumption potential would be?
3 THE WITNESS (DeJong): I do
4 not know.
5 THE CHAIRMAN: Do you have an
6 opinion as to whether or not it would be
7 prudent for CPV to develop any water supplies
8 on site?
9 THE WITNESS (DeJong): I do
10 have an opinion. I agree with CPV's
11 testimony that the water resources available
12 on site would be very limited, and I don't
13 believe it would be in their best interests
14 to try to develop water from essentially what
15 would be rock well construction.
16 THE CHAIRMAN: Do you think
17 that's because there is no chance, the
18 geology prevents any useful flow?
19 THE WITNESS (DeJong): There's
20 no immediate stratified drift in that area,
21 and stratified drift aquifers typically are
22 the higher producing well supply systems.
23 And to my knowledge, there's no stratified
24 drift in that area. Those would be deep rock
25 wells, and they tend to less production.

1 THE CHAIRMAN: Okay. What
2 would you call a significant flow from a
3 well, just so we can talk about quantifying
4 it a little bit? Twelve GPM, 15 GPM, 100
5 GPM?
6 THE WITNESS (DeJong): Well,
7 I'm, again my background is public water
8 supply, so I'm -- I'm talking wells that
9 produce anywhere from 150 to 200 a thousand
10 gallons per minute.
11 THE CHAIRMAN: Yeah, I
12 understand that. What about in this case?
13 THE WITNESS (DeJong): I'd --
14 I'd only be guessing, Mr. Chairman, I'm
15 sorry, in terms of what would be significant.
16 THE CHAIRMAN: Mr. Small, and
17 I don't want to overlook you again. You want
18 to go twice because I was rude to you and
19 passed you.
20 MR. SMALL: No. You're never
21 rude to me, Mr. Chairman. No. We're ready
22 whenever you're ready for us.
23 THE CHAIRMAN: I think the
24 Council is through. It's your turn.
25 Is that water from the

1 Pomperaug Basin?
2 MR. SMALL: It very well may
3 be. Poland Springs, so from springs in
4 Maine, I believe.
5 Good afternoon, panel members.
6 I'm going to start with Mr. DeJong, and then
7 I have questions, less, but I have questions,
8 I think, for all of you.
9 You mentioned in your
10 discussion with the Chair, the Acting
11 Chairman that you were a former Aquarion
12 water company employee and also former
13 Connecticut Water Company Employee. Correct?
14 THE WITNESS (DeJong): Not
15 Connecticut Water. Aquarion Water.
16 MR. SMALL: And Aquarion is a
17 franchised water company under Connecticut
18 law?
19 THE WITNESS (DeJong): Yes.
20 MR. SMALL: And can you just
21 briefly explain what are the implications of
22 being a franchised water company?
23 THE WITNESS (DeJong):
24 Aquarion has rights under the law to sell
25 water to customers within designated,

1 sometimes referred to as exclusive, service
2 area.
3 MR. LYNCH: Mr. DeJong, your
4 voice is fading.
5 THE WITNESS (DeJong): I'm
6 very sorry. I'm leaning back. Would you
7 like me to repeat that?
8 MR. LYNCH: No. No. I heard
9 the later part. You're all right, but you're
10 fading.
11 MR. SMALL: And in addition to
12 that, does it also have obligations?
13 THE WITNESS (DeJong): Yes, it
14 does.
15 MR. SMALL: And what is the
16 nature or issue of those obligations that are
17 associated with those exclusive franchise
18 rights?
19 THE WITNESS (DeJong): It's my
20 understanding that a customer who requests
21 water within its exclusive service area, that
22 utility -- Aquarion we're speaking of --
23 would have an obligation to provide that
24 water.
25 MR. SMALL: And Heritage

1 Village Water Company is similar to Aquarion
2 as a franchise water company with an
3 exclusive service territory?
4 THE WITNESS (DeJong): That's
5 correct, but if the utility does not have
6 that water available, then there would be
7 discussions on how to make that water
8 available, including things that we've talked
9 about earlier, interconnects and our
10 alternate suppliers.
11 MR. SMALL: In other words --
12 and just tell me if I'm saying this
13 correctly. It would have the obligation, the
14 water company, whether it's Aquarion or
15 Heritage Village, would have the obligation
16 to one way or another, obtain supply for that
17 customer?
18 THE WITNESS (DeJong): Correct.
19 MR. SMALL: Okay. And that
20 could include interconnections with other
21 water companies?
22 THE WITNESS (DeJong): Correct.
23 MR. SMALL: As well as things
24 that would cause you more concern such as
25 wells or direct -- direct water diversions

1 from a river. Correct?
2 THE WITNESS (DeJong): Correct.
3 MR. SMALL: Okay. And from a
4 customer's point of view, does CPV or does
5 any other customer in Heritage Village's
6 exclusive service territory have any right to
7 try to obtain water directly from, say,
8 Aquarion?
9 THE WITNESS (DeJong): Could
10 you repeat the question? I'm sorry.
11 MR. SMALL: Let me rephrase
12 it. Maybe rephrase it better. Can a
13 customer in a franchised water company
14 service territory, whether it's Heritage
15 Village, whether it's Aquarion, have a right
16 to contact another water company and request
17 that water company deliver water to it?
18 THE WITNESS (DeJong):
19 Actually, there's a case in Oxford where
20 that's happening. Oxford town green is going
21 to be -- it's in the franchised exclusive
22 area of Aquarion Water Company; however, it
23 is a distance from the end of the pipes of
24 Aquarion. And that water is going to be
25 supplied by Heritage Village water company

1 until Aquarion is able to have its pipes
2 available for the -- this new development.
3 So, essentially, what Heritage
4 Village is going to be doing is selling
5 metered consumption to Aquarion Water
6 Company. They will be, Aquarion Water, their
7 customers because they're in their exclusive
8 service area, but it will be water from
9 Heritage and not water from Aquarion. So
10 there are -- there are opportunities for
11 those types of negotiations.
12 MR. SMALL: Right. But in
13 that case Aquarion had to consent and allow
14 Heritage Village to serve. Correct?
15 THE WITNESS (DeJong): You
16 would absolutely. You would absolutely need
17 both parties to consent.
18 MR. SMALL: Thank you. That
19 was helpful.
20 And have you reviewed -- you
21 said you reviewed the water supply plan of
22 Heritage Village of 2009. Correct?
23 THE WITNESS (DeJong): I
24 reviewed it. I -- I can't cite every line in
25 it, but I have reviewed it.

1 MR. SMALL: No. It's a very
2 large document. Do you recall that there
3 were a number of options discussed in that as
4 to future water supply plans?
5 THE WITNESS (DeJong): I do.
6 MR. SMALL: And many of those
7 were interconnections with Connecticut Water
8 Company or Aquarion? I think Connecticut
9 Water Company. Maybe also Aquarion.
10 THE WITNESS (DeJong):
11 Principally, Connecticut Water Company.
12 There was also mention of an interconnect to
13 the City of Waterbury.
14 MR. SMALL: And those may be
15 needed, not just to serve Towantic, but might
16 be needed to serve any additional customers
17 that Heritage Village is obligated to serve.
18 Correct?
19 THE WITNESS (DeJong): Correct.
20 MR. SMALL: And the current
21 diversion permit with Connecticut Water
22 expires what year?
23 THE WITNESS (DeJong): It's my
24 understanding 2017.
25 MR. SMALL: As an aside, have

1 you reviewed the letter that the DEEP sent to
2 Council regarding this project?
3 THE WITNESS (DeJong): Yes.
4 MR. SMALL: Okay. And would
5 it be fair to say that the DEEP discussed
6 this issue, but also described a number of
7 reasons why the project would be beneficial.
8 Do you recall that?
9 THE WITNESS (DeJong): From an
10 energy perspective, yes.
11 MR. SMALL: And, obviously,
12 was one of those benefits the ability to use
13 dual fuel; in other words, to use distillate
14 oil in the winter when the gas supplies were
15 constrained?
16 THE WITNESS (DeJong): Yes.
17 MR. SMALL: Okay. And do you
18 remember if the DEP letter -- DEEP, sorry,
19 letter also recognized that additional water
20 usage would be needed and that they, in fact,
21 mentioned the Connecticut water diversion?
22 THE WITNESS (DeJong): Yes.
23 MR. SMALL: Okay. Let me turn
24 to the USGS report, which I'm not sure if
25 it's in exhibit or an administrative notice

1 item, but it's this thick document called
2 "Estimation of the Effects of Land Use and
3 Groundwater Withdrawals on Stream Flow for
4 the Pomperaug River of Connecticut." Do you
5 have a copy of that?
6 THE WITNESS (DeJong): I do.
7 MR. SMALL: And this is the
8 latest scientific report on the Pomperaug
9 River, at least that you filed with us?
10 THE WITNESS (DeJong):
11 Correct. We filed two documents, and that
12 would be the more current one.
13 MR. SMALL: Okay. I just want
14 to discuss a few things in this, in this
15 report starting with page 1 of the actual
16 report. It's the page that says "abstract"
17 on the left of it.
18 THE WITNESS (DeJong): I'm
19 there.
20 MR. SMALL: Okay. The last
21 sentence of that page talks about registered
22 diversions. Can you just -- you don't have
23 to read it, but can you just summarize what
24 that says?
25 THE WITNESS (DeJong): It says

1 if all registered diversions are used during
2 low flow, there's a risk that portions of the
3 river system will be in extreme low flows
4 below tolerable levels and possibly dry
5 stream beds.
6 MR. SMALL: And do you know
7 how many, approximately how many registered
8 diversions there are in the Pomperaug River
9 Basin?
10 THE WITNESS (DeJong): I do,
11 but I don't have that amount, those --
12 MR. SMALL: There's a
13 substantial number?
14 THE WITNESS (DeJong): There
15 are?
16 MR. SMALL: Okay. Are some of
17 those for facilities that are no longer
18 operating, to your knowledge?
19 THE WITNESS (DeJong): That's
20 correct.
21 MR. SMALL: And do you have
22 any data on whether the ones that are
23 operating are operating at a level close to
24 their maximum allowed withdrawal?
25 THE WITNESS (DeJong): I

1 don't, and you'll recall that in our prior
2 discussion, I had raised that subject as a
3 need -- as an idea to have the basic looked
4 more closely at because not only are we
5 talking about registered diversions, we also
6 have to consider permitted diversions.
7 MR. SMALL: Are you aware that
8 under a Connecticut statute, I think it was
9 passed in 2001, registered diversions are
10 required to report to the DEEP on an annual
11 basis as to their water usage?
12 THE WITNESS (DeJong): Yes.
13 MR. SMALL: So have you ever
14 gone to DEP and asked for the data?
15 THE WITNESS (DeJong): I have
16 not.
17 MR. SMALL: Okay. But that's
18 something you could do to test this
19 assumption in the USGS report. Correct?
20 THE WITNESS (DeJong): That's
21 one -- one approach, yes.
22 MR. SMALL: Okay. And tell me
23 if I'm understanding that sentence correctly.
24 The assumption that all
25 river -- that all registered diversions are

1 operating during a period of low flow is the
2 premise for their conclusion that in those --
3 in that situation, you may have low flows
4 below tolerable standards or even possible
5 stream beds. Right? The two of those are
6 connected?
7 THE WITNESS (DeJong): Yes.
8 MR. SMALL: Okay. So if the,
9 you know, data ends up showing that a
10 relatively small fraction of the registered
11 water diversions are being used at times of
12 low flow, then that premise of this report
13 would not be correct?
14 THE WITNESS (DeJong): Please
15 repeat that.
16 MR. SMALL: Let me try that
17 again. The basis of the concern in this
18 report about extremely low flows below
19 tolerable levels or dry stream beds is
20 premised on an enabling assumption that the
21 registered diversions are all operating
22 during those low flow periods. Correct?
23 THE WITNESS (DeJong): They
24 are -- they are. That's correct, but there
25 what this report does not pick up on are

1 there -- there are additional diversions post
2 when this document was done. It does not
3 pick up on the permitted diversions.
4 So there's this
5 yet-to-be-defined withdrawal quantity in the
6 Pomperaug that the coalition is concerned
7 about.
8 MR. SMALL: I understand that.
9 Now, with respect to permitted diversions,
10 those all have to go through a process with
11 the DEEP before they're issued a -- either a
12 general permit or an individual permit for
13 the diversion. Correct?
14 THE WITNESS (DeJong): They
15 do, yes.
16 MR. SMALL: And there are
17 limits and there are guidelines and there are
18 mechanisms to assure that those do not
19 adversely affect the Pomperaug River.
20 Correct?
21 THE WITNESS (DeJong): Correct.
22 MR. SMALL: Okay. And again,
23 data on those -- those permitted diversions
24 is also required to be filed with DEEP and is
25 available?

1 THE WITNESS (DeJong): Correct.
2 MR. SMALL: Okay. Thank you.
3 Sticking with this report,
4 will you turn to page 71. In the right-hand
5 column under the table -- there's a paragraph
6 that talks about attenuation. Do you see
7 that paragraph?
8 THE WITNESS (DeJong): I'm not
9 quite with you yet. I'm sorry. Okay. I'm
10 at 71. Please?
11 MR. SMALL: There's a
12 paragraph just under the table. It's a
13 continued paragraph, and the first full
14 sentence of that starts, "This indicates that
15 storage within the aquifer attenuates the
16 effect of pumping during periods of low
17 flow." Are you here?
18 THE WITNESS (DeJong): You
19 said page 71?
20 MR. SMALL: Page 71. Would
21 you like my copy?
22 THE WITNESS (DeJong): Table
23 17 is on the top of page 71.
24 MR. SMALL: Page 71 is marked.
25 Yeah. Could you explain --

1 THE HEARING OFFICER: Wait.
2 Get the mic.
3 MR. SMALL: Can you just
4 explain what this report means by
5 "attenuation"?
6 THE WITNESS (DeJong): In
7 other words, could he manage the effects,
8 minimizes the effects of pumping during
9 periods of low flow.
10 MR. SMALL: Right. So just as
11 a layman on this sort of thing, does it
12 really mean that it spreads it out so that if
13 the withdrawals from that basin are a million
14 gallons on a particular day, but the average
15 over a longer period is a hundred thousand
16 gallons per day, the effect on the river is
17 more like the long-term average? Is that a
18 fair way to explain attenuation?
19 THE WITNESS (DeJong): I think
20 the point to be made here is it really
21 depends on what the river flow is at any
22 particular time. On the periods of very low
23 flow when aquifer levels are very low,
24 there's less attenuation, so there's less of
25 a buffer.

1 MR. SMALL: Does that sentence
2 really say that?
3 THE WITNESS (DeJong): It
4 doesn't, but our research says it.
5 MR. SMALL: Okay. But your
6 other research is not in this record. Is it?
7 THE WITNESS (DeJong): That's
8 correct.
9 MR. SMALL: Okay. But what
10 this says is that, and correct me if I'm
11 wrong, please, but what this seems to say is
12 that the storage within the aquifer
13 attenuates the effect of pumping during low
14 flow periods. So it spreads it out. Is that
15 correct?
16 THE WITNESS (DeJong): That's
17 correct.
18 MR. SMALL: Okay. Thank you.
19 And would you turn to page 75
20 of the report?
21 THE WITNESS (DeJong): I'm
22 there.
23 MR. SMALL: In the right-hand
24 column, one paragraph up from the
25 acknowledgments, there's a sentence that,

1 again talks about registered diversions. A
2 little different nuance on this. It says
3 that if all registered diversions are used
4 during periods of low flow, there's an
5 increased risk that part of the stream, river
6 or stream will experience -- actually, let me
7 strike that question. Let me just strike
8 that question and start again.
9 Does that sentence reiterate
10 the conclusion that's on the first page of
11 the report?
12 THE WITNESS (DeJong):
13 Mr. Small, are you reading --
14 MR. SMALL: The sentence that
15 starts, "Additionally there's a higher risk."
16 THE WITNESS (DeJong):
17 "Additionally there is a higher risk to flow
18 reduction if registered diversions are used
19 during these periods." I'll need to read
20 that further. I'm sorry.
21 MR. SMALL: Sure.
22 THE CHAIRMAN: Mr. Small, how
23 much more do you have?
24 MR. SMALL: Almost wrapping up
25 on Mr. DeJong. It may be a worthy time for a

1 break, because we do have more on the other
2 witnesses. I'd say a total of a half hour.
3 THE CHAIRMAN: Why don't you
4 get to an appropriate stopping point.
5 MR. SMALL: Okay. Well let me
6 try to finish with Mr. DeJong. We're almost
7 done there.
8 THE WITNESS (DeJong): Okay.
9 Attorney Small, I've read the
10 information. Could you restate your
11 question, please.
12 MR. SMALL: Yeah. Does it
13 just reiterate what you and I discussed with
14 respect to page 1 of the report?
15 THE WITNESS (DeJong): Yes, it
16 does.
17 MR. SMALL: Okay. Thank you.
18 If I could have one minute. I
19 think I'm almost wrapped up here.
20 Just a few more things. One,
21 you mentioned in response to a question -- I
22 believe, it was from Mr. Ashton -- that you
23 have not seen CPV's water supply plan either
24 from its 2001 D and M plan or what was filed
25 in this docket. Is that correct?

1 THE WITNESS (DeJong): I have
2 not read the -- the development and
3 management plan.
4 MR. SMALL: Okay. Right. Are
5 you aware, though, that as a late-filed
6 exhibit that portion of the 2001 D and M plan
7 was submitted in this docket?
8 THE WITNESS (DeJong): I am
9 not aware of that.
10 MR. SMALL: It was Late-Filed
11 Exhibit 2A, filed on February 11, 2015.
12 You talked a bit with council
13 members about emergency plans, route plans,
14 et cetera. So can you just briefly explain
15 what Heritage Village's water plan requires
16 if there's a significant drought or dry
17 condition? It as a series of steps?
18 THE WITNESS (DeJong): Like
19 most water utilities, as part of the water,
20 50-year water supply planning process they
21 have to include conservation plans and
22 emergency contingency plans. And again, I'm
23 not very close to the specifics in the -- in
24 the emergency plans, but as I recall, I
25 believe there are four phases of concerns.

1 And each phase increases the
2 amount of water that needs to be used -- less
3 water needs to be used in order to comply
4 with increasing drought issues.
5 MR. SMALL: And am I right, it
6 would start off with voluntary measures by
7 water consumers and then graduate to less
8 voluntary measures?
9 THE WITNESS (DeJong): Right,
10 except that actually, even before voluntary,
11 you get into everyday water conservation
12 practices. Then you get into your voluntary
13 because you're starting to find that you've
14 got drought issues to deal with it and then
15 it becomes more severe from that point on
16 out.
17 MR. SMALL: And those measures
18 would apply to all customers of Heritage
19 Village or Aquarion if they're invoked?
20 THE WITNESS (DeJong):
21 Correct, and I would hope to CPV Towantic.
22 MR. SMALL: Well, that was my
23 question. Is there any reason they wouldn't
24 apply to CPV Towantic as a water company, a
25 franchise and regulated water company?

1 THE WITNESS (DeJong): Again,
2 we are looking for clarification on that from
3 some assurances that, in fact, your
4 management plan will have you responsible
5 for. I'm not aware of any regulations, state
6 or federal regulations, that would have water
7 allocated to CPV Towantic in lieu of
8 residential use. If there is, then that's a
9 consideration, I think, that needs to be on
10 the table.
11 MR. SMALL: But as the
12 emergency steps in the water plan for
13 Heritage Village Water Company's water supply
14 plan now sits and as you read it, there's no
15 distinction. CPV is treated the same as
16 other commercial industrial residential
17 customers?
18 THE WITNESS (DeJong): Right.
19 But they're in every water supply plan, and
20 I'm going to assume in the Heritage Village
21 water supply plan, there are conditions for
22 facilities such as hospitals and other -- and
23 other businesses that need water to depend on
24 their activity.
25 So the question we're calling

1 out is, how is CPV going to respond to a
2 drought contingency requirement on the part
3 of Heritage Village, particularly if that's
4 during a maximum -- during a period where our
5 river has a high need for critical flow for a
6 bio-period for aquatic health and there's a
7 long-term drought, such as a winter drought.
8 MR. SMALL: And as you are
9 well aware from your experience, water
10 companies are regulated by several state
11 agencies. Correct?
12 THE WITNESS (DeJong): Correct.
13 MR. SMALL: Is that a question
14 that the Department of Public Health would
15 deal with, or is that a question that the
16 Department of Energy and Environmental
17 Protection would deal with?
18 THE WITNESS (DeJong): It's
19 primarily Public Health. Public Health is
20 the -- is the primary regulatory body for
21 public water supply, but DEEP would also get
22 involved at a certain level when it came down
23 to drought and river flows.
24 MR. SMALL: Right. So those
25 agencies would make the ultimate decision as

1 to allocating scarce water between competing
2 uses. Correct?
3 THE WITNESS (DeJong): Right,
4 but they would base, in part, their decision
5 on the company's water supply plan and its
6 contingency plan.
7 MR. SMALL: Okay. Thank you.
8 I think this is good point to
9 break. I think I'm done with Mr. DeJong.
10 THE CHAIRMAN: Thank you.
11 We're recessed until we return
12 to the action at 1:47 p.m. Please be prompt.
13 (Whereupon, the witnesses were
14 excused, and a recess for lunch was taken at
15 1:03 p.m.)
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1 AFTERNOON SESSION
2 1:47 P.M.
3
4 THE CHAIRMAN: And we'll begin
5 by asking Ms. Bachman if she would please
6 swear in a new witness for the Middlebury
7 Bridle Land Association.
8 N A N C Y V A U G H N,
9 called as a witness, being first duly
10 sworn by the Executive Director, was
11 examined and testified on her oath as
12 follows:
13 SOPHIE ZYLA,
14 KEVIN ZAK,
15 LEN DeJONG,
16 SYLVIA PRESTON,
17 JEFF RUHLOFF,
18 having been previously duly sworn, were
19 examined and testified further on their
20 oaths as follows:
21 THE CHAIRMAN: Mr. Small, you
22 were having a good time this morning. We'll
23 let you go for a little while longer.
24 CONTINUED CROSS-EXAMINATION
25 MR. SMALL: We'll continue.

1 Just let me welcome the newest member of the
2 panel, and I'll start with our questions to
3 the Middlebury Bridle Land Association.
4 You know, Ms. Vaughn, you
5 weren't here this morning, but your colleague
6 described the sound that she had, a hiss. Is
7 that accurate?
8 THE WITNESS (Vaughn): Well,
9 we don't know what the sound is. So we are
10 concerned about what sounds our horses may
11 hear because they perceive the world in a way
12 that's a little bit differently from us. We
13 can assure them on certain sounds that's its
14 okay and carry on, but on other sounds they
15 get very suspicious.
16 So we, you know, as I said
17 we -- we do have some concerns. Loud sounds,
18 sharp sound, a banging sound, for example,
19 that would be an issue for a horse. A sound
20 that suddenly comes up that's not expected in
21 that area. And you know, I've seen horses
22 that are kind of used to motorcycles that, if
23 they're down on a bridle trail and hear a
24 dirt bike, all of a sudden, wait a minute,
25 you know, what's that? They want to know,

1 even though they may be familiar with that
2 sound.
3 MR. SMALL: Well, you
4 mentioned dirt bikes, motorcycles. Am I
5 right that the ATVs are prohibited on the
6 bridle trail.
7 THE WITNESS (Vaughn): Yes.
8 MR. SMALL: But as a practical
9 matter do ATVs go on there?
10 THE WITNESS (Vaughn): We do
11 occasionally encounter them. They're not
12 supposed to be there, and I know I remember
13 reading that there was a very serious
14 accident that occurred on the bridle trail
15 when an ATV or a dirt bike came down and
16 startled the horse, and the rider was
17 seriously injured.
18 MR. SMALL: By the way, have
19 either of you even been to a power plant or
20 in the immediate vicinity of a large power
21 plant like Towantic?
22 THE WITNESS (Vaughn): I've
23 been -- I've toured a hydroelectric plant.
24 MR. SMALL: But you recognize
25 that's a very different process than --

1 THE WITNESS (Vaughn): Right.
2 Yes.
3 MR. SMALL: Okay. This is a
4 more of a concern rather than from any
5 knowledge there will be an issue. Correct?
6 THE WITNESS (Vaughn): That's
7 correct. We are here to find out what sort
8 of problem we may encounter so that on behalf
9 of other horsemen we can address that issue.
10 MR. SMALL: Right. And you've
11 seen -- at least you have access to the noise
12 report filed, the extensive noise report
13 filed by CPV. Correct?
14 THE WITNESS (Vaughn): Yes,
15 and when I hear something like, white noise,
16 I still am a little concerned that there may
17 be some additional sounds coming from the
18 plant that, you know, as I gave in our
19 testimony, horses hear a different range from
20 what we do.
21 For example, and I'll say
22 right now, a dog, there's a sound that they
23 hear that we don't that can be used as a
24 whistle, and they'll run to it. There's
25 another sound that can be used that's used

1 actually as a punishment for them. And you
2 know, we again, we don't hear that sound, but
3 they do.
4 MR. SMALL: Okay. Just how
5 far is the bridle trail from the plant
6 approximately?
7 THE WITNESS (Vaughn): I
8 understand that it's about 1700 feet.
9 THE CHAIRMAN: Okay. That's
10 at the closest point?
11 THE WITNESS (Vaughn): Yes,
12 from what I understand, but there's --
13 there's quite a distance where it would be
14 within a range.
15 THE CHAIRMAN: No, but
16 1700 feet is the closest point towards the
17 plant.
18 THE WITNESS (Vaughn): That's
19 what I have been told.
20 THE CHAIRMAN: Thank you.
21 MR. SMALL: But from a noise
22 standpoint there are other noises that
23 intrude on the bridle trail. Am I correct?
24 THE WITNESS (Vaughn): When
25 you're out there, it can be fairly quiet

1 actually, because of the trees. There's a
2 canopy and it can, you know, there's not a
3 lot of houses that are nearby.
4 You know, definitely across
5 certain roads, but you know, as I said you
6 hear a lot of nature. You -- you hear the
7 birds. There's -- there's a spot where
8 there's, like, a swampy area. When you go by
9 you hear the frogs and the crickets.
10 MR. SMALL: How close are you
11 to the airport?
12 THE WITNESS (Vaughn): I've
13 ridden behind the airport, and there was a
14 couple times where I felt like we were right
15 at the -- right at the runway when -- when a
16 plane was taking off speed.
17 MR. SMALL: So the bridle
18 trail is closer -- is close to the airport?
19 THE WITNESS (Vaughn): Yeah.
20 The back end of it, not the terminal but the
21 runway.
22 MR. SMALL: Closer than
23 1700 feet?
24 THE WITNESS (Vaughn): I don't
25 know how close it is. There's a big berm

1 there, though.
2 MR. SMALL: But the planes are
3 overhead, so is a berm going to do you much
4 good?
5 THE WITNESS (Vaughn): Well,
6 I'm talking about the planes on the runway
7 when they're on the ground.
8 MR. SMALL: What about the
9 planes circling, and coming in for a landing
10 et cetera? Did you hear those planes when
11 you're on the bridle trail.
12 THE WITNESS (Vaughn): Not
13 that I've ever really noticed.
14 MR. SMALL: But whatever noise
15 you hear, the horses have been able to adjust
16 and deal with it.
17 THE WITNESS (Vaughn): Again,
18 you have to understand the horses are very
19 unique. Just as humans are unique, that one
20 horse, what one horse will accept and will
21 allow to happen around them, another horse
22 might become spooked, and it depends on what
23 their training is. It also depends on their
24 experience, their temperament, breeding. You
25 know, thoroughbreds are more flighty than

1 quarter horses for example. So --
2 MR. SMALL: Okay. You're
3 aware of the Algonquin compressor station
4 that's in that same area.
5 THE WITNESS (Vaughn): I'm not
6 really sure exactly what that is. So --
7 MR. SMALL: But whatever noise
8 that has not affected the use and
9 enjoyment of the bridle trail, has it?
10 THE WITNESS (Vaughn): Not
11 that I've noticed.
12 MR. SMALL: And you're aware
13 of the several small sets of transmission
14 lines in the area. Correct?
15 THE WITNESS (Vaughn): Yes.
16 MR. SMALL: And have you ever
17 noticed noise from those transmission lines.
18 THE WITNESS (Vaughn): I've
19 actually heard a little bit of hum and a buzz
20 from it once in a while, but no. You know,
21 overall not -- not a big deal.
22 MR. SMALL: My question was,
23 while on the bridle trail have you noticed
24 noise from transmission lines?
25 THE WITNESS (Vaughn): While

1 on some trails, and there are trails that are
2 closer to the transmission lines than that.
3 MR. SMALL: And closer than
4 the 1700 feet from this facility?
5 THE WITNESS (Vaughn): Yeah.
6 There's one, one spot where we ride where
7 it's right under the transmission lines.
8 MR. SMALL: And the horses
9 have been able to --
10 THE WITNESS (Vaughn): Yeah.
11 Yeah, because there's really not -- not a
12 great deal of noise, whereas, you know, I
13 understand that you said something about 50
14 decibels.
15 And to me, I have a generator
16 in the backyard, and it runs probably between
17 50 and 60 decibels. From what I can see from
18 the specs for that generator, and I could
19 carry on a conversation, but I wouldn't want
20 to try to ride my horse past that generator.
21 MR. SMALL: Did you review
22 the --
23 THE CHAIRMAN: Wait a minute,
24 Phil.
25 THE WITNESS (Vaughn): And I'm

1 getting that off of your answer to our
2 interrogatories.
3 MR. SMALL: Did you look at
4 all the noise study in the company's
5 application?
6 THE WITNESS (Vaughn): I did
7 try to review it a little bit, but I'm not an
8 engineer. So --
9 MR. SMALL: Right. Do you
10 recall a chart in there which lists the
11 various noise levels from various decibels
12 and what that means, the noise levels?
13 THE WITNESS (Vaughn): I've
14 looked at charts for decibel rating, yes.
15 And I understand 60 is a conversation, but
16 I'm saying that I do know that my generator
17 in my backyard is somewhere around
18 60 decibels. I can carry on a conversation
19 standing next to it, but again, I would not
20 want to ride my horse past it.
21 MR. SMALL: Right. And
22 50 decibels is listed in that report as light
23 auto traffic at a hundred feet? Do you --
24 THE WITNESS (Vaughn): That's
25 what it says, but again --

1 MR. SMALL: You don't agree
2 that's what 50 decibels would be?
3 THE WITNESS (Vaughn): If
4 that's what it is, that's what it is. But
5 I'm just saying that whereas traffic on the
6 street, a horse can see. This is a car. I
7 know cars make noise. When they're coming
8 down in a rural area and it's trees and it's
9 woodlands and all of the sudden they're
10 hearing a sound and they can't see where it's
11 coming from, that scares them more than it
12 would if they were out on a road and seeing a
13 car go by.
14 MR. SMALL: Right. And that
15 you understand that 50 decibels is at the
16 nearest residential noise receptor, which is
17 much closer than your 1700 feet. Don't you?
18 THE WITNESS (Vaughn): When
19 you answered that question, I thought it was
20 more you were saying that it was at the
21 1700 feet. If I misunderstood that, I
22 apologize.
23 MR. SMALL: Okay. The
24 question stands for itself.
25 And you mentioned the hissing

1 sound, I believe. Correct? Is one of the
2 concerns?
3 THE WITNESS (Vaughn): Yeah.
4 MR. SMALL: And are there
5 snakes in this area near the bridle trail?
6 THE WITNESS (Vaughn): Oh,
7 yes.
8 MR. SMALL: And they hiss?
9 THE WITNESS (Vaughn): They
10 do.
11 MR. SMALL: Okay. Thank you.
12 THE WITNESS (Vaughn): And
13 that could cause a horse to turn and run for
14 home.
15 MR. SMALL: Understood.
16 THE WITNESS (Vaughn): Without
17 the rider, yes.
18 MR. SMALL: I think that's all
19 we have for you. Thank you.
20 Let me turn to the Naugatuck
21 Valley Audubon Society. Welcome. There's a
22 lot of discussion in your report about -- or
23 let me start with your February 3rd and your
24 March 2nd documents. You mentioned your
25 concern over air pollution. Is that correct?

1 THE WITNESS (Ruhloff): Yes,
2 it is.
3 MR. SMALL: And you recognize
4 in those documents that there's been
5 considerable reduction of air pollution in
6 Connecticut over the last 15 years. Correct?
7 THE WITNESS (Ruhloff): Yes.
8 THE WITNESS (Zyla): Correct.
9 MR. SMALL: And do you have an
10 hypothesis as to the reason for that?
11 THE WITNESS (Zyla): I believe
12 one of them was the reduction in coal fired.
13 MR. LYNCH: Could you speak up
14 more, please?
15 THE WITNESS (Zyla): The
16 reduction in coal fired plants.
17 MR. SMALL: And has something
18 replaced those coal fired plants?
19 THE WITNESS (Zyla): I'm not
20 sure exactly which it would have been, the
21 gas or the oil.
22 MR. SMALL: Do you know, sir?
23 THE WITNESS (Ruhloff):
24 Typically, I believe it has been gas fired
25 plants.

1 MR. SMALL: Okay. And so the
2 gas along, similar to the proposed Towantic
3 plant?
4 THE WITNESS (Ruhloff): Yes.
5 MR. SMALL: Okay. And those
6 gas fired plants have caused a significant
7 reduction in emissions of sulfur dioxide,
8 nitrogen oxide, particulates, et cetera?
9 THE WITNESS (Zyla): Correct.
10 THE WITNESS (Ruhloff): I
11 would add that also a lot of that reduction
12 has come from tighter air quality standards.
13 The plants in and of themselves are still
14 emitting pollution, which is why we're
15 concerned that it is still a source, even
16 though much less than a coal plant would be.
17 MR. SMALL: I assume you've
18 read parts of CPV's petition and its reports.
19 Correct?
20 THE WITNESS (Ruhloff): Yes.
21 THE WITNESS (Zyla): Correct.
22 MR. SMALL: And did you read
23 the documentation about the level of
24 emissions of this plant compared to existing
25 plants? Do you recall that?

1 THE WITNESS (Zyla): Not sure
2 specifically.
3 THE WITNESS (Ruhloff): Not in
4 detail.
5 MR. SMALL: And do you recall,
6 did you read the portion of the reports that
7 estimates the number of tons of reduction of
8 regional pollution of all the items you're
9 concerned about as a result of this plant?
10 THE WITNESS (Zyla): I think
11 our concerns that we were trying to raise is
12 that there are still pollutants. If you were
13 proposing solar, I don't think we would have
14 had an issue.
15 So yes, granted, that you have
16 the reduction, those values, I think as I
17 said in our last correspondence was, they are
18 still not zero, and based on what we as
19 Connecticut have said, we wanted to go green.
20 THE CHAIRMAN: Mr. Small, can
21 I ask a question?
22 MR. SMALL: Sure.
23 THE CHAIRMAN: Are you
24 equating solar generation with the output of
25 this plant?

1 THE WITNESS (Ruhloff): No, we
2 are not.
3 THE WITNESS (Zyla): No. It's
4 just the emissions that are coming from this
5 plant are still -- there's still values
6 related to emissions there.
7 THE CHAIRMAN: I understand,
8 but --
9 THE WITNESS (Zyla): But with
10 the solar power --
11 THE CHAIRMAN: You think that
12 solar could replace this plant?
13 THE WITNESS (Zyla): There,
14 potentially? Possibly? I don't have that
15 answer.
16 THE WITNESS (Ruhloff): Not
17 from what we understand, not at this site,
18 but solar installations in Connecticut could
19 be a good part of an energy source for the
20 State.
21 THE CHAIRMAN: Okay. Thank
22 you.
23 MR. SMALL: And you actually
24 anticipated one of my questions. You
25 understand that solar cannot replace

1 generation that can run around the clock.
2 Correct?
3 THE WITNESS (Zyla): Correct.
4 THE WITNESS (Ruhloff):
5 Correct.
6 MR. SMALL: And you also
7 understand that wind generation is very
8 limited in Connecticut?
9 THE WITNESS (Ruhloff): Yes.
10 THE WITNESS (Zyla): Yes.
11 MR. SMALL: And are you aware
12 that even wind projects in Connecticut have
13 been highly controversial?
14 THE WITNESS (Ruhloff): Yes.
15 THE WITNESS (Zyla): Yes.
16 MR. SMALL: And are you aware
17 that both wind and solar projects take up
18 substantial additional acreage as compared to
19 this point with respect to the size of the
20 plant and the output?
21 THE WITNESS (Zyla): Solar
22 does have the opportunity of being put on
23 rooftops in different places. So it doesn't
24 necessarily have to go into an existing open
25 field or open space. Government buildings

1 could be outfitted.
2 MR. SMALL: And do you know
3 offhand how many acres of either, as a rule
4 of thumb, how many acres of either land or
5 rooftop you need to generate one megawatt of
6 solar?
7 THE WITNESS (Zyla): No, I do
8 not.
9 THE WITNESS (Ruhloff): No, we
10 do not.
11 MR. SMALL: And let me go back
12 a bit to the emissions. You mentioned
13 emission standards tightening as one of the
14 reasons for reductions. Correct?
15 THE WITNESS (Ruhloff): Yes.
16 MR. SMALL: And are you aware
17 this plant will be subject to the correct
18 emission standards that the DEEP and the EPA
19 have here?
20 THE WITNESS (Ruhloff): Yes.
21 MR. SMALL: Okay. And if
22 those -- those standards are tightened, that
23 they apply to existing plants, this plant
24 will also have to meet the newer standards?
25 THE WITNESS (Ruhloff): If the

1 regulations were written that way, I would
2 expect so.
3 MR. SMALL: Right. And I
4 think you've recognized you can't build an
5 electric system just based on renewables.
6 Correct?
7 THE WITNESS (Ruhloff): We'll
8 borrow that line of we're not engineers and,
9 what's possible, especially considering the
10 rate the technology changes, I couldn't
11 answer that.
12 MR. SMALL: Okay. How about
13 at this current point. At this moment could
14 you build an electric system solely based on
15 renewables?
16 THE WITNESS (Zyla): I believe
17 the city of Vermont has -- Burlington,
18 Vermont has gone pretty solar at this point.
19 MR. SMALL: And what do they
20 do at night?
21 THE WITNESS (Zyla): So it's
22 stored with battery backup or what have you.
23 MR. SMALL: Okay. Thank you.
24 Let me turn to Mr. Zak, whom we've met
25 before.

1 Let me start on something that
2 may surprise you, but at the suggestion of
3 the Borough of Naugatuck in their objection
4 to our interrogatories, they pointed us to
5 their website about the minutes of various
6 meetings, including a meeting on
7 January 20th, this year, of the Naugatuck
8 wastewater pollution -- Water Pollution
9 Control Authority. You attended that
10 meeting. Correct?

11 THE WITNESS (Zak): I did.

12 MR. SMALL: And just out of
13 curiosity, did you have advance notice that
14 they were going to discuss and possibly
15 revoke the permit they had granted to CPV
16 Towantic?

17 THE WITNESS (Zak): No. I
18 just heard that they were called to discuss
19 it. And so my interest in going was just to
20 learn everything I can.

21 MR. SMALL: And how did you
22 find out about the meeting?

23 THE WITNESS (Zak): To be
24 honest with you, I do not recall.

25 MR. SMALL: Did someone call

1 being discharged by the company at this point
2 ending up in the Naugatuck River. Correct?

3 THE WITNESS (Zak): That's how
4 we became involved. There was concern, yes.

5 MR. SMALL: Okay. And are you
6 generally familiar, you know, in your role
7 with the Naugatuck River Revival Group about
8 the water treatment plant and the discharges
9 into the river?

10 THE WITNESS (Zak): In one
11 respect?

12 MR. SMALL: Are you familiar,
13 for example, with the quantity that the
14 Naugatuck wastewater treatment facility
15 discharges daily, or weekly, or monthly, or
16 annually?

17 THE WITNESS (Zak): No, I
18 don't, not specifically, but I know I can
19 find that if I thought I needed it.

20 MR. SMALL: But do you have a
21 sense of the size of the discharge proposed
22 by Towantic to the overall typical discharge
23 of that facility?

24 THE WITNESS (Zak): Mr. Small,
25 maybe I could help you with this. And I may

1 you?

2 THE WITNESS (Zak): I don't
3 know if it's my nervousness being here, but I
4 do not recall.

5 MR. SMALL: Okay. No, fair
6 enough.

7 THE WITNESS (Zak): Just as
8 honest as I can.

9 THE CHAIRMAN: We'll forgive
10 you.

11 THE WITNESS (Zak): Listen,
12 I've over half a century old. So I'm getting
13 there.

14 THE WITNESS (Ruhloff): You're
15 young yet. Don't worry about it.

16 MR. SMALL: But at that
17 meeting and in your documents, one of the
18 concerns you expressed was about the
19 wastewater discharge. Am I correct?

20 THE WITNESS (Zak): Say that
21 again?

22 MR. SMALL: At that meeting,
23 in the minutes of that meeting, but also in
24 your filings in this docket you expressed
25 significant concern about the wastewater

1 not -- I may know where you're going with it.

2 But my -- my concern has -- of
3 the discharges into the Naugatuck River has
4 seriously lessened because -- because of the
5 unknowns of how much. It was originally, you
6 know, I heard a half a million to a million
7 gallons per day were going to enter the
8 Naugatuck wastewater treatment plant. And in
9 some of your testimony, it seems like it's,
10 you know, significantly less. As much as,
11 what? Under 7,000 gallons per day. So -- so
12 our concerns were certainly lessened with
13 regards to what you're talking about.

14 MR. SMALL: Okay. Thank you.

15 THE WITNESS (Zak): Is that
16 fair.

17 MR. SMALL: Thank you. And
18 then you just saved us all some time here.

19 THE CHAIRMAN: Do you have any
20 idea of what other entities discharge into
21 the sewage treatment plant per day?

22 THE WITNESS (Zak):

23 Specifically, no.

24 THE CHAIRMAN: Okay. So you
25 have no way of knowing whether this is big,

1 small, or different?
2 THE WITNESS (Zak): Correct.
3 The concern, when it was up to -- we were
4 looking at 700,000 gallons per day, caused a
5 lot of concern of whether they actually could
6 handle it and what was going to actually end
7 up on the other side of the plant in the
8 river, not before it enters the plant. And
9 that was our concern, to make sure that no
10 harm did come to the river.
11 MR. SMALL: Mr. Chairman, on
12 that point we filed a request yesterday for
13 administrative notice of a number of
14 documents from the files the Naugatuck Water
15 Pollution Control Authority. The reason we
16 did that was our interrogatories to Naugatuck
17 were objected to and we were told to -- that
18 you could find the information on their
19 website which we, in fact, did.
20 So just to make sure the
21 relevant information was on, was in this
22 record somehow, we filed those yesterday and
23 requested administrative notice. I don't
24 think the Council has acted on that yet, but
25 it does have, for example, it does have, for

1 example, volume. Now it does have the
2 overall daily average volume for a 12-month
3 period. It has information on large
4 discharges. It has information on our
5 discharge. So there is information available
6 to the Council to look on that.
7 THE CHAIRMAN: Does anyone
8 have any objection to accept those documents
9 under administrative notice.
10 (No response.)
11 THE CHAIRMAN: Hearing none,
12 you're on.
13 MR. SMALL: Okay. Thank you.
14 Just one more question,
15 Mr. Zak.
16 THE CHAIRMAN: They have been
17 filed or they will be filed?
18 MR. SMALL: The administrative
19 notice list with links was filed yesterday
20 morning, I believe. I don't know if it's
21 been posted yet.
22 THE CHAIRMAN: These are all
23 files in Naugatuck, and you access them
24 through the local.
25 MR. SMALL: Correct, as

1 suggested by the Borough.
2 THE CHAIRMAN: Yes. I recall
3 the answers.
4 MR. SMALL: Just one more
5 question, Mr. Zak, at this point. Your
6 March 3rd filing contained a discussion of
7 some species. Are you familiar? Do you have
8 a copy of that in front of you?
9 THE WITNESS (Zak): No, but
10 I'm -- I'm very familiar.
11 MR. SMALL: You make a
12 statement that there are two mated pair of
13 bald eagles in the bull's-eye of this
14 Towantic power plant. Do you recall that
15 statement?
16 THE WITNESS (Zak): Say that
17 again, please?
18 MR. SMALL: You said, there
19 are two mated pairs of bald eagles --
20 THE WITNESS (Zak): That's
21 correct.
22 MR. SMALL: In the bulls-eye
23 of this Towantic power plant.
24 THE WITNESS (Zak): That is
25 correct.

1 MR. SMALL: And are those the
2 eagle's nest that you're talking about that
3 are three and a half miles away?
4 THE WITNESS (Zak): One of
5 them, and then there's another one.
6 MR. SMALL: The other eagle's
7 nest is six and a half miles away?
8 THE WITNESS (Zak): Correct.
9 MR. SMALL: So that's your
10 definition? I just want to make sure that --
11 THE WITNESS (Zak): What the
12 bull's-eye -- they could go to New Jersey for
13 lunch and be back before you probably entered
14 this building. So you know, so those, those
15 distances are seriously close.
16 MR. SMALL: Okay. Thank you.
17 Thank you to the panel. We
18 appreciate it. We're done.
19 THE CHAIRMAN: Okay. Mr. Jay
20 Halpern.
21 (No response.)
22 THE CHAIRMAN: Not here. The
23 group parties, Town of Middlebury,
24 Mr. Pietrorazio and Middlebury Land Trust,
25 Inc., any questions?

1 MR. PIETRORAZIO: Yes.
2 THE CHAIRMAN: Any questions?
3 MR. PIETRORAZIO: Yes, we do.
4 THE CHAIRMAN: Okay. I didn't
5 hear you. Sorry. You're by your lonesome on
6 this one?
7 MR. PIETRORAZIO: I guess so.
8 THE CHAIRMAN: Is this a part
9 of your higher compensation or what?
10 MR. PIETRORAZIO: Good
11 afternoon, Mr. Chairman, Mr. Acting Director
12 Bachman, council members and panel -- I'm
13 sorry.
14 These questions are for CPV.
15 I'm sorry.
16 THE CHAIRMAN: Oh. You've got
17 to cross-examine this panel.
18 MR. PIETRORAZIO: I'm sorry.
19 THE CHAIRMAN: You just have
20 to give back per diem and then you can figure
21 it out.
22 We take it the group parties
23 have no cross.
24 MR. PIETRORAZIO: I'm getting
25 a little hard of hearing and when my name was

1 called --
2 THE CHAIRMAN: Hey, what?
3 MR. PIETRORAZIO: Yes, right.
4 I thought that you were ready for Middlebury,
5 and okay.
6 THE CHAIRMAN: Mr. Cochran.
7 (No response.)
8 Gone to lunch and stayed
9 there.
10 The Town of Oxford, Attorney
11 Condon?
12 (No response.)
13 The Town of Southbury, First
14 Selectman Edelson.
15 (No response.)
16 THE CHAIRMAN: GE Financial
17 Services, Attorney Malcynsky.
18 (No response.)
19 THE CHAIRMAN: A long lunch
20 hour for everybody.
21 Borough of Naugatuck, Water
22 Pollution Control Authority.
23 (No response.)
24 THE CHAIRMAN: No response.
25 Mr. McCormack.

1 MR. McCORMACK: No questions,
2 Mr. Chairman.
3 THE CHAIRMAN: Thank you, no
4 questions.
5 Westover School.
6 (No response.)
7 THE CHAIRMAN: They are not
8 responding.
9 Westover Hills Subdivision
10 Homeowners, Mr. Cornacchia.
11 (No response.)
12 THE CHAIRMAN: Ms. Larkin, I
13 think I saw you a minute ago. There you go.
14 MS. LARKIN: Yes, I have a
15 question.
16 THE CHAIRMAN: Come up to the
17 table and have a seat.
18 MS. LARKIN: Thank you.
19 Mr. Zak, this is for you.
20 THE CHAIRMAN: Move that mic
21 in front of you.
22 MS. LARKIN: This?
23 THE CHAIRMAN: No. That's --
24 that's the one, the wired one.
25 MS. LARKIN: Mr. Zak, assuming

1 Middletown is gas fired and it's very similar
2 to what's going to be put in this area, have
3 you been in that area and heard any loud
4 noises when you've been there visiting? I
5 understand you've been there at least three
6 times. What have you heard, or what have you
7 heard from other people who do live there.
8 THE CHAIRMAN: Let's be
9 careful on hearsay here.
10 MR. SMALL: I'm going to
11 object to that question because Middletown is
12 way too vague. There are many power plants
13 in Middletown. There's a substance
14 question --
15 THE CHAIRMAN: Okay. Let's
16 see, Ms. Larkin, can you be more specific as
17 to what part of Middletown, the name of the
18 plant or what have you.
19 MS. LARKIN: Well, it would be
20 Kleen Energy, and it would be in Middletown.
21 THE CHAIRMAN: Which?
22 MS. LARKIN: Kleen Energy.
23 THE CHAIRMAN: Kleen Energy
24 plant.
25 MS. LARKIN: Right.

1 THE CHAIRMAN: In Middletown.
2 Does that help you, Mr. Small.
3 MR. SMALL: Yes.
4 MS. LARKIN: And there's noise
5 affiliated with that --
6 THE CHAIRMAN: A little
7 louder.
8 MS. LARKIN: There's noise
9 affiliated with that. And, Mr. Zak, would
10 have some firsthand knowledge on that, I
11 believe?
12 THE WITNESS (Zyla): Yes.
13 Over the past couple of weeks I visited
14 Portland, which is across the river directly,
15 and had been filming as well as talking to
16 some of the neighbors.
17 THE CHAIRMAN: Before you go
18 on, you've been to Portland. Whereabouts in
19 Portland?
20 THE WITNESS (Zak): Directly
21 across from a Kleen Energy plant. I could
22 give you a late filing of the streets.
23 THE CHAIRMAN: No. I don't
24 want any more late filings. We want you to
25 tell us where you've been. Let me see if I

1 can help you a little bit. Is it the
2 residential subdivision across the river from
3 Kleen Energy plant?
4 THE WITNESS (Zak): I believe
5 there's two. It's -- if you're looking at
6 the plant, it's a little bit to the left. If
7 there's one to the right, I couldn't tell
8 you.
9 THE CHAIRMAN: I'm looking at
10 the plant from what?
11 THE WITNESS (Zak): From
12 Portland. You're on Portland's side. And
13 it's a small -- it's a subdivision, if you
14 will. And so there's, you know, relatively
15 new houses. They were -- some of them were
16 damaged by the explosion.
17 THE CHAIRMAN: Mr. Small, is
18 that good enough? I think we know where
19 we're going.
20 MR. SMALL: I mean, guess I'm
21 confused because the Kleen Energy plant is
22 not on the river. It's on the other side --
23 I believe it's River Road.
24 THE CHAIRMAN: He said across
25 from the plant in Portland.

1 MR. SMALL: I'm not sure if
2 what he's hearing is the NRG Middletown
3 plant.
4 THE WITNESS (Zak): No, it's
5 Kleen Energy.
6 THE CHAIRMAN: Let's proceed a
7 little bit and see where we go.
8 THE WITNESS (Zak): It's --
9 the plant that I'm referring to is Kleen
10 Energy. It's a 620-megawatt facility.
11 THE CHAIRMAN: And how do you
12 differentiate that plant from any other
13 plant?
14 THE WITNESS (Zak): I'm sorry.
15 THE CHAIRMAN: How do you
16 differentiate the Kleen Energy plant from any
17 other facility.
18 THE WITNESS (Zak): The K-e --
19 the K-l-e-e-n.
20 THE CHAIRMAN: Oh, I know how
21 to spell it. I've been there.
22 THE WITNESS (Zak): Well, my
23 point is that I'm not mistaking it.
24 THE CHAIRMAN: There's two
25 plants there, that you know?

1 THE WITNESS (Zak): Yes, yes.
2 THE CHAIRMAN: How do you
3 decide which plant is which?
4 THE WITNESS (Zak): Through
5 Google Earth and talking to the residents.
6 THE CHAIRMAN: Okay. So
7 somebody pointed you to a physical plant and
8 said that is Kleen Energy?
9 THE WITNESS (Zyla): Yes,
10 exactly. Yes.
11 THE CHAIRMAN: And did they
12 point you to another plant also nearby?
13 THE WITNESS (Zak): There
14 are -- no. I've seen those, those plants,
15 but I -- no. I've -- this is Kleen Energy.
16 THE CHAIRMAN: Continue.
17 THE WITNESS (Zak): This is --
18 the residents pointed to me, this is -- let
19 me understand if I'm correct, and correct me
20 if I'm wrong, that was the plant that blew
21 up. Correct? Ten years ago.
22 THE CHAIRMAN: The plant
23 didn't blow up. There was an explosion at
24 the plant. A little difference there.
25 THE WITNESS (Zak): Okay. I

1 stand to be corrected, but it is. We're
2 talking about that plant.
3 THE CHAIRMAN: Okay.
4 THE WITNESS (Zak): I could
5 show you videos.
6 THE CHAIRMAN: There's two
7 power plants there. One is the Middletown
8 power plant of CL&P, formerly Hartford
9 Electric Light Company, and that has a very
10 large stack.
11 THE WITNESS (Zak): Yes.
12 That's downriver from that.
13 THE CHAIRMAN: It's a little
14 bit downriver, but your subdivision you're
15 talking about, I believe, is about halfway
16 between the two.
17 THE WITNESS (Zak): Well, if
18 that's the case then that's the subdivision.
19 I can't, you know, I could give specific
20 addresses.
21 THE CHAIRMAN: Mr. Small is
22 properly concerned as to whether you could
23 differentiate noise from the Kleen Energy
24 plant with noise from the Middletown plant?
25 THE WITNESS (Zak): Well, I

1 think I could also correct something. I did
2 not hear the banging that goes on at Kleen
3 Energy. It was the residents that live
4 across from that, here on a 365 day
5 unannounced -- it could be any time of the
6 night -- or day or night. There's loud
7 banging in the form -- and it was described
8 to me as the tailgate of a truck.
9 THE CHAIRMAN: Okay. So you
10 did not personally hear this noise?
11 THE WITNESS (Zak): Correct.
12 THE CHAIRMAN: You relied on
13 the comments of others. I think my learned
14 Council and Mr. Small are going to tell me
15 that's inadmissible because that's so-called
16 "hearsay evidence."
17 THE WITNESS (Zak): Understand.
18 THE CHAIRMAN: If you heard
19 it, you can testify to it.
20 THE WITNESS (Zak):
21 Understand.
22 THE CHAIRMAN: If you didn't
23 hear it --
24 THE WITNESS (Zak): Okay.
25 MS. LARKIN: So you didn't

1 hear the banging which maybe horse people
2 would have concerns about.
3 THE WITNESS (Zak): Correct.
4 MS. LARKIN: Unpredictable
5 banging?
6 THE WITNESS (Zak): That is,
7 the people have told me, yes, the people that
8 live there, and if we need their testimony,
9 if that could be done, can I get their --
10 THE CHAIRMAN: They're not
11 quite here to testify, but let's move on.
12 Anything else?
13 MS. LARKIN: That's the end of
14 it if that's the end of it. Thank you.
15 THE CHAIRMAN: Thank you.
16 Where was I here? Quassy Amusement Park.
17 Quassy Amusement Park.
18 (No response.)
19 No response.
20 Oxford Flying Club,
21 Mr. Stevens.
22 (No response.)
23 THE CHAIRMAN: I guess that's
24 it.
25 Panel, thank you very much.

1 You're excused.
2 (Witnesses excused.)
3 THE CHAIRMAN: The next group
4 is the -- from Naugatuck, it's the Borough of
5 Naugatuck, and the Borough of Naugatuck Water
6 Pollution Control Authority. Are they
7 prepared to appear?
8 MR. SMALL: Mr. Chairman, two
9 items on that. I don't see counsel from the
10 Borough of Naugatuck here. I also --
11 THE CHAIRMAN: You don't want
12 to represent them, do you?
13 MR. SMALL: No, no. I also
14 contacted her and asked, are they going to
15 present their witness because I wanted to
16 know who it was so we could prepare. I was
17 told by e-mail that they were not. So I'm
18 going to move to strike all of their
19 exhibits.
20 THE CHAIRMAN: Mr. Small, I
21 appreciate your motion. We've got a few that
22 are carrying over to the 24th. I'd like to
23 put this into that category and just see what
24 happens.
25 MR. SMALL: Okay. But I mean,

1 we were told via e-mail --
2 THE CHAIRMAN: I hear you. I
3 understand. I don't argue with you, but
4 let's just see what happens on the 24th.
5 MR. SMALL: Okay. That's
6 fine.
7 THE CHAIRMAN: You can renew
8 your motion at that time if they fail to
9 come.
10 MR. SMALL: Okay. Thank you.
11 THE CHAIRMAN: Mr. McCormack,
12 you're here.
13 THE WITNESS (McCormack): Yes,
14 sir.
15 THE CHAIRMAN: Do you want to
16 present yourself and be cross-examined? It
17 goes with the turf.
18 MR. McCORMACK: Okay.
19 THE CHAIRMAN: Ms. Bachman
20 will swear you in.
21 W A Y N E M c C O R M A C K,
22 called as a witness, being first duly
23 sworn by the Executive Director, was
24 examined and testified on his oath as
25 follows:

1 THE CHAIRMAN: Okay. Have a
2 seat. I guarantee this will be painless.
3 THE WITNESS (McCormack): I
4 hope.
5 THE CHAIRMAN: We've got to go
6 through a few formalities. Do you understand
7 that?
8 THE WITNESS (McCormack): Yes,
9 I do.
10 THE CHAIRMAN: You have seen
11 them already. So you've offered exhibits
12 that are listed under the hearing program as
13 Roman numeral XI, XI-B-1 through 2 for
14 identification purposes. Does anybody object
15 to so marking those exhibits.
16 (No response.)
17 THE CHAIRMAN: No. Did you,
18 Mr. McCormack, did you prepare or assist in
19 the preparation of those two exhibits?
20 THE WITNESS (McCormack): I'm
21 having trouble finding them, Mr. Chairman.
22 THE CHAIRMAN: It's XI, Roman
23 numeral 11 is XI, B-1 through 2. It's on the
24 hearing program at the beginning on page 23.
25 THE WITNESS (McCormack):

1 Twenty-three. So on B-1, request for
2 intervenor status I -- I did that.
3 THE CHAIRMAN: Okay.
4 THE WITNESS (McCormack): And
5 on B-2, the photo simulation of proposed
6 stacks, that was done by a member of the
7 Oxford Greens Photography Club.
8 THE CHAIRMAN: Was it done
9 under your supervision or participation?
10 THE WITNESS (McCormack): No,
11 it was not. It was done under my suggestion.
12 THE CHAIRMAN: Well,
13 recognizing you're appearing pro se on your
14 own, we'll accept, subject to any objection,
15 we'll take both exhibits for what they're
16 worth, particularly the one you did not
17 prepare. Are there any corrections or
18 additions, changes or otherwise that you want
19 to make in those exhibits?
20 THE WITNESS (McCormack): No,
21 sir.
22 THE CHAIRMAN: Are they true
23 to the best of your knowledge and belief?
24 THE WITNESS (McCormack): Yes,
25 sir.

1 THE CHAIRMAN: And you want to
2 offer them. They're your testimony for
3 today, and you want to offer them as full
4 exhibits?
5 THE WITNESS (McCormack): Yes,
6 sir.
7 THE CHAIRMAN: Okay. Is there
8 any objection to these previously marked
9 things to come in as exhibits for this
10 witness.
11 (No response.)
12 THE CHAIRMAN: Hearing none,
13 they are so admitted.
14 (McCormack Exhibits XI-B-1 and
15 XI-B-2: Received in evidence - described in
16 index.)
17 THE CHAIRMAN: You're ready
18 for cross-examination.
19 Mr. Perrone.
20 MR. PERRONE: Thank you,
21 Mr. Chairman.
22 CROSS-EXAMINATION
23 MR. PERRONE: I do have a few
24 questions about the photo simulation. So
25 originally the plume data came from a

1 photograph on the Internet of a plant in
2 Athens, New York. Is that right?
3 THE WITNESS (McCormack): Yes.
4 MR. PERRONE: And that plant
5 actually had three stacks?
6 THE WITNESS (McCormack): It
7 had three stacks I believe and one was
8 photoshopped out.
9 MR. PERRONE: Okay. Do know
10 approximately how far away the proposed
11 stacks are from the Putting Green Lane?
12 THE WITNESS (McCormack):
13 Approximately nine-tenths of a
14 mile.
15 MR. PERRONE: The photograph
16 from the Internet, was that a close-up photo.
17 Or was the photo of a plant some distance
18 away?
19 THE WITNESS (McCormack): May
20 I refer to it?
21 MR. PERRONE: Sure.
22 THE WITNESS (McCormack):
23 Well, it's a distance away. I
24 can see trees in -- in front of the stacks.
25 I -- I couldn't estimate the distance.

1 You're welcome to look at it, if you like.
2 MR. PERRONE: That's okay. So
3 do you think the plume was -- the size of the
4 plume was perhaps scaled to compensate for
5 the difference in distance?
6 THE WITNESS (McCormack):
7 That's what the gentleman who
8 did the photo told me.
9 MR. PERRONE: Okay. Thank
10 you. That's all I have.
11 THE CHAIRMAN: Mr. Levesque.
12 MR. LEVESQUE: No questions.
13 THE CHAIRMAN: Dr. Bell.
14 DR. BELL: No questions.
15 Thank you, Mr. Chair.
16 THE CHAIRMAN: Mr. Lynch.
17 MR. LYNCH: No questions, Mr.
18 Chairman.
19 THE CHAIRMAN: Mr. Hannon.
20 MR. HANNON: I have no
21 questions. Thank you.
22 THE CHAIRMAN: I have to tell
23 you a little story. I once was a witness in
24 a case 50-odd years ago. I submitted a bunch
25 of photographs and opposing counsel came

1 across, it was the stage of the Goodspeed
2 Opera House. And he said, Mr. Ashton, what
3 do you know about photography?
4 And I answered, absolutely
5 nothing. And he was very disconcerted
6 because that was his whole case. I'm not
7 going to ask you how many grains there are in
8 the photograph or what was the F-rating and
9 so forth. We can accept the photograph for
10 what it's worth.
11 Mr. Small, you're up. Any
12 questions?
13 MR. SMALL: Just brief
14 questions on this -- this document.
15 I'm looking at your photo sim
16 and I see some very, very small dots. And
17 that's the balloons, the actual pictures of
18 the balloons when the balloons were flying.
19 Correct?
20 THE WITNESS (McCormack): Yes,
21 sir.
22 MR. SMALL: So that's not
23 photoshopped?
24 THE WITNESS (McCormack):
25 Correct.

1 MR. SMALL: And the balloons,
2 you're aware, were 5 feet in diameter?
3 THE WITNESS (McCormack): Yes,
4 sir.
5 MR. SMALL: And do you know
6 the width of the stack?
7 THE WITNESS (McCormack): I
8 believe 25 to 30 feet.
9 MR. SMALL: Okay. Twenty-five
10 is pretty close.
11 I told 22. I'll use 25
12 because the math is easier for me. So that
13 means the stack is five times wider than the
14 balloon. Correct? Right?
15 THE WITNESS (McCormack): Oh,
16 yes.
17 MR. SMALL: We agree on that.
18 THE WITNESS (McCormack): Yes.
19 THE CHAIRMAN: Mr. Small,
20 you're not going to lead him through
21 mathematics. Are you?
22 MR. SMALL: No. Me of all
23 people? No.
24 THE CHAIRMAN: That's why I
25 asked the question.

1 MR. SMALL: You know, it
2 appears on this, and do you agree the balloon
3 that appears on this as a very, very small
4 dot?
5 THE WITNESS (McCormack): Yes,
6 sir.
7 MR. SMALL: And do you think
8 does the stack appear on here more than five
9 times wider than the balloon?
10 THE WITNESS (McCormack): I
11 don't have that particular photo with me, but
12 my recollection is, yes.
13 MR. SMALL: I'll show you
14 mine.
15 I'll rephrase the question.
16 Would you estimate the comparative width of
17 the stacks as you have them there to the
18 width of that, of the balloon?
19 THE WITNESS (McCormack): I
20 would say it's more in the range of ten
21 times.
22 MR. SMALL: So tell me again
23 where your stacks, where they come from,
24 where you got the data or that picture?
25 THE WITNESS (McCormack): That

1 was from the plant in Athens, New York.
2 MR. SMALL: Okay. And do you
3 know the width of those stacks?
4 THE WITNESS (McCormack): I do
5 not.
6 MR. SMALL: And what was the
7 distance at which the picture that was used
8 from Athens taken?
9 THE WITNESS (McCormack): I've
10 already testified that I don't know.
11 THE CHAIRMAN: Mr. Small, I
12 believe he testified that someone else did
13 the photograph. And I think that unless you
14 have something substantive to go after, I'd
15 be inclined to pass it along.
16 MR. SMALL: Okay. I think
17 we're done. Thank you.
18 THE CHAIRMAN: I've got to
19 call the list again. Let's see.
20 Mr. Halpern.
21 (No response.)
22 Absent. Town of Middlebury,
23 questions?
24 MR. KLEIN: Oh, no. No. No.
25 THE CHAIRMAN: This is

1 cross-examination, not testimony. You'll get
2 your chance, honest you will. If I have to
3 hold a night hearing, I will make sure.
4 Mr. Pietrorazio, do you have
5 any cross-examination.
6 MR. PIETRORAZIO: No, sir. No
7 questions.
8 THE CHAIRMAN: Okay. Let me
9 turn the page in the program. Middlebury
10 Land Trust.
11 (No response.)
12 THE CHAIRMAN: Eversource,
13 slash, CL&P.
14 (No response.)
15 THE CHAIRMAN: The Town of
16 Oxford, Mr. Condon.
17 (No response.)
18 THE CHAIRMAN: Group parties:
19 Naugatuck Valley Chapter Trout, Unlimited,
20 first.
21 (No response.)
22 THE CHAIRMAN: Pomperaug River
23 Watershed Coalition.
24 MR. DeJONG: No questions,
25 Mr. Chairman.

1 Naugatuck River Revival Group,
2 Inc.
3 MR. ZAK: Yes, I have a
4 question.
5 Mr. McCormack, I don't have
6 that --
7 THE CHAIRMAN: Wait. I'm
8 going to be a nitpicker on that.
9 MR. ZAK: Mr. McCormack,
10 you're aware that I had seen that photograph,
11 correct, that was just presented to you?
12 THE WITNESS (McCormack): If
13 you say so. I don't have a recollection,
14 but --
15 MR. ZAK: Okay. That I'm very
16 well aware of that photograph. I also know
17 it was photoshopped. Are you aware that I
18 had visited a subdivision, if you will,
19 across from the Kleen Energy plant that's 620
20 megawatts?
21 THE WITNESS (McCormack): I am
22 now, after your testimony.
23 MR. ZAK: Were you also aware
24 that I determined in my videos, and I have on
25 video, that there are homes in Portland on

1 the other side of the river that's directly
2 across from the plant, and I have the videos
3 with the plumes from two stacks of a
4 620-megawatt plant. And they -- I determined
5 that your photograph, that was photoshopped
6 looks very similar --
7 THE CHAIRMAN: You're
8 testifying now. And I think that Mr. Small
9 is going to have a fit.
10 MR. ZAK: I thought he was
11 unaware of this. That's why I was asking
12 him.
13 THE CHAIRMAN: You're
14 testifying.
15 MR. ZAK: I'm sorry.
16 THE CHAIRMAN: And you're
17 asking him to confirm the testimony, and
18 that's dirty pool. And so you can't do that.
19 You can ask him questions as to what he has
20 in his testimony or what he knows about the
21 application, but you can't ask him questions
22 about what you want to say.
23 MR. ZAK: I understand. So
24 you were unaware that I visited that plant.
25 Correct?

1 THE CHAIRMAN: Well, again --
2 MR. ZAK: You have no
3 knowledge of that. Correct?
4 THE WITNESS (McCormack):
5 Well, I do now since you've testified.
6 THE CHAIRMAN: You testified
7 here that you visited the plant. He heard
8 you. So this is sort of chasing our tail a
9 little bit. What do you have to offer in the
10 way of his testimony? You're welcome to ask
11 the question, but you've got to understand
12 what --
13 MR. ZAK: No, I understand.
14 THE WITNESS (McCormack):
15 Kevin, I'll tell you I've driven by that
16 plant myself on Route 66, and I can say, from
17 Route 66, it's very similar to that picture.
18 MR. ZAK: Thank you.
19 THE CHAIRMAN: For what it's
20 worth, thank you.
21 Pomperaug River Watershed
22 Coalition. Mr. DeJong, are you here?
23 MR. DeJONG: No questions.
24 THE CHAIRMAN: No questions,
25 thank you.

1 Naugatuck River Revival Group
2 Inc.
3 (No response.)
4 THE CHAIRMAN: They had a
5 revival meeting.
6 Lake Quassapaug Association.
7 Middlebury Bridle Land
8 Association.
9 MS. PRESTON: No questions.
10 THE CHAIRMAN: No questions,
11 thank you.
12 Dennis Kocyla.
13 Is it Kosila or Kocyla.
14 Well, either way.
15 (No response.)
16 THE CHAIRMAN: Naugatuck
17 Valley Audubon Society.
18 MR. RUHLOFF: No questions,
19 Mr. Chairman.
20 THE CHAIRMAN: No questions,
21 thank you.
22 Town of Southbury,
23 Mr. Edelson.
24 (No response.)
25 THE CHAIRMAN: Not here.

1 GE Energy, Financial Services
2 Inc., Attorney Malcynsky.
3 (No response.)
4 THE CHAIRMAN: Not here.
5 Borough of Naugatuck Water
6 Pollution Control Authority, Mr. Fitzpatrick
7 or Mr. Merancy?
8 (No response.)
9 THE CHAIRMAN: Not here.
10 Westover School, Ms. Truini or Ms. Hallaran?
11 (No response.)
12 THE CHAIRMAN: Not here.
13 Westover Hills Subdivision Homeowners.
14 Mr. Cornacchia.
15 (No response.)
16 THE CHAIRMAN: Not here.
17 Ms. Larkin.
18 MS. LARKIN: No questions
19 thank you.
20 THE CHAIRMAN: No questions,
21 thank you.
22 Quassy Amusement Park.
23 (No response.)
24 THE CHAIRMAN: Not here.
25 Oxford Flying Club. It's a

1 beautiful day for flying. He's probably
2 there.
3 (No response.)
4 THE CHAIRMAN: None of them.
5 Okay.
6 Thank you. You can go back
7 and listen and now and be a spectator.
8 THE WITNESS (McCormack):
9 Thank you, Mr. Chairman.
10 THE CHAIRMAN: Oh, anything
11 else? Okay. Sorry.
12 (Witness excused.)
13 Westover School, we're
14 carrying over to the 24th.
15 And Westover Subdivision, is
16 that being carried over?
17 Is Mr. Cornacchia here?
18 A VOICE: He's not.
19 THE CHAIRMAN: He's not.
20 Okay.
21 Ms. Larkin, you're up. Do you
22 want to wait until the 24th when your witness
23 is here.
24 MS. LARKIN: Sure. Thank you.
25 THE CHAIRMAN: Okay. We'll do

1 MICHAEL KLEIN,
2 STEVEN L. SAVARESE,
3 RAYMOND PIETRORAZIO,
4 called as witnesses, being first duly
5 sworn by the Executive Director, were
6 examined and testified on their oaths as
7 follows:
8 THE CHAIRMAN: Okay. Thank
9 you. Now we can get on with the business.
10 You've offered the exhibits listed in the
11 hearing program as Roman numeral IV-B-1
12 through 12 for identification purposes. Any
13 objection to so marking these exhibits?
14 Hearing none, they are part.
15 Did you prepare or assist in the preparation
16 of Exhibit IV-B-1 through 12,
17 Mr. Pietrorazio?
18 THE WITNESS (McCormack): Yes,
19 I did.
20 THE CHAIRMAN: Attorney?
21 THE WITNESS (Savarese): We
22 acted separately on certain of these
23 documents.
24 THE CHAIRMAN: Why don't you
25 identify the ones for which you are each

1 that. That's not unreasonable.
2 Quassy Amusement Park. Not
3 here, I don't think. They're coming on the
4 24th I'm am told.
5 Oxford Flying Club, Mr.
6 Stevens.
7 MR. SEVARESE: They were
8 already accepted. They did their testimony
9 out of turn, your Honor.
10 THE CHAIRMAN: Okay. Town of
11 Middlebury. Welcome back.
12 You guys are going to have to
13 share that mic, so put it roughly somewhere
14 in the middle.
15 Okay. Mr. Pietrorazio,
16 Attorney Savarese, and Mr. Klein, you've
17 offered the exhibits listed on the hearing
18 program listed as Roman numeral IV-B --
19 My counsel says I have to have
20 you sworn in. I'm not used to that.
21 Ms. Bachman, would you swear
22 in the witnesses, please. Thank you.
23
24
25

1 responsible?
2 THE WITNESS (Pietrorazio):
3 You want me to read?
4 THE CHAIRMAN: Yeah, read them
5 in, please.
6 THE WITNESS (Savarese): I'm
7 responsible for Number 7, 8, 9, 10, 11 and
8 12.
9 THE CHAIRMAN: Mr. P, which
10 ones are yours?
11 THE WITNESS (Pietrorazio):
12 I'm responsible for six -- Number 6, A, B and
13 C.
14 THE CHAIRMAN: I'm sorry?
15 THE WITNESS (Pietrorazio):
16 Number 6, A, B and C.
17 THE CHAIRMAN: And one to?
18 THE WITNESS (Pietrorazio):
19 I'm sorry. One, two -- one, two, three --
20 wait a minute. I'm sorry.
21 THE CHAIRMAN: One, two,
22 three, four?
23 THE WITNESS (Pietrorazio):
24 I'm sorry?
25 THE WITNESS (Savarese): Not

1 two.
2 THE WITNESS (Pietrorazio):
3 One, three, four, six and that's it, I guess.
4 THE CHAIRMAN: Okay.
5 THE WITNESS (Savarese): And
6 the remaining matters were prepared by the
7 Middlebury Land Trust, and I believe
8 Dr. Peterson is scheduled to be here on the
9 24th.
10 THE CHAIRMAN: Okay.
11 Mr. Klein, do you claim
12 complicity in any of this?
13 THE WITNESS (Klein): I'll
14 have to look at the list, Mr. Chairman.
15 THE CHAIRMAN: That's quite
16 all right.
17 THE WITNESS (Klein): Oh,
18 Number 7.
19 THE CHAIRMAN: Number 7.
20 Okay.
21 We'll take the other two over
22 then to the 24th.
23 Do you have any additions,
24 clarifications, deletions or modifications to
25 these documents?

1 Mr. Pietrorazio first.
2 THE WITNESS (Pietrorazio):
3 When you say "additions"?
4 THE CHAIRMAN: Yeah. Are they
5 correct? That's what we're trying to get at?
6 THE WITNESS (Pietrorazio):
7 Yes.
8 THE CHAIRMAN: Attorney?
9 THE WITNESS (Savarese): Yes,
10 they're correct.
11 THE CHAIRMAN: Mr. Klein?
12 THE WITNESS (Klein): They are
13 correct.
14 THE CHAIRMAN: Thank you. And
15 are they are true and accurate to the best of
16 your knowledge, is the operative word?
17 THE WITNESS (Savarese): Yes.
18 THE WITNESS (Klein): Yes.
19 THE WITNESS (Pietrorazio):
20 Yes.
21 THE CHAIRMAN: And you offer
22 these as exhibits to your testimony today?
23 THE WITNESS (Savarese): Yes.
24 THE WITNESS (Klein): Yes.
25 THE WITNESS (Pietrorazio):

1 Yes.
2 THE CHAIRMAN: Do you offer
3 these as full exhibits?
4 THE WITNESS (Savarese): Yes.
5 THE WITNESS (Klein): Yes.
6 THE WITNESS (Pietrorazio):
7 Yes.
8 THE CHAIRMAN: Now, Mr. Small,
9 you have a --
10 MR. SMALL: I have a question.
11 I'll start with a question.
12 I've noticed that Attorney
13 Savarese is offering some of these exhibits.
14 Does that mean that Attorney Savarese will be
15 responsible witness on those and be subject
16 to cross-examination on them?
17 THE WITNESS (Savarese): Yes.
18 MR. SMALL: Okay.
19 THE CHAIRMAN: Okay. Is there
20 any objection to marking these exhibits as
21 full exhibits excluding two and five.
22 (No response.)
23 THE CHAIRMAN: Hearing none,
24 they are so marked.
25 (R. Pietrorazio Exhibits

1 IV-B-1 through IV-B-12: Received in evidence
2 - described in index.)
3 THE CHAIRMAN: Are you ready
4 for cross?
5 THE WITNESS (Savarese): Yeah.
6 THE CHAIRMAN: Michael.
7 MR. PERRONE: Thank you,
8 Mr. Chairman.
9 CROSS-EXAMINATION
10 MR. PERRONE: Mr. Klein, on
11 your prefiled testimony on March 3rd, on page
12 2 on the second paragraph, it notes the
13 timing of the wetland inventory and
14 functional evaluation was not appropriate to
15 identify all of the resources present. Could
16 you elaborate on that?
17 THE WITNESS (Klein): Yes.
18 The functional evaluation includes making
19 judgments about the utility, or the
20 utilization of the site for -- by amphibians
21 and reptiles, by avians, birds, by state
22 listed species and insects.
23 And the -- the field work that
24 supported the functional evaluation was
25 conducted over a very short period of time in

1 late June and early July and did not cover
2 the biologically appropriate time periods to
3 fully understand the resources present.
4 Without an understanding of the resources
5 present the conclusions in the functional
6 evaluation and therefore, in the overall
7 Exhibit Number 1 with respect to
8 environmental impact are unsubstantiated.
9 MR. PERRONE: And on page 7,
10 let's see, it notes that surveys were not
11 performed for the eastern box turtle and the
12 three bat species noted by the DEEP.
13 However, DEEP has made recommendations in
14 their letter that can be used to mitigate
15 potential impacts to these species.
16 So my question is, why
17 couldn't CPV simply proceed with the
18 recommendations as a precaution irrespective
19 of whether the species have come to the site?
20 THE WITNESS (Klein): The
21 recommendations provided by DEEP prevent
22 the -- or, I'm sorry, do not prevent. Reduce
23 the potential for mortality to individuals,
24 to individual box turtles, to individual
25 bats. They do not address the more

1 overarching concern with respect to state
2 listed species, which is loss of habitat.
3 The proposed development
4 encompasses at least 17 acres out of the
5 site, requires removal of a very substantial
6 amount of habitat that those species can use
7 and the mitigation measures do not address
8 that cost of habitat the or potential
9 mitigation measures.
10 In addition -- in addition,
11 the proposal to mitigate impacts on
12 individual box turtles is, in my judgment,
13 not practical. It involves segregating some
14 20 acres of habitat. Box turtles are
15 cryptic. They're hard to find. They also,
16 during hot weather periods, hunker down,
17 estivate, get low to the ground to -- because
18 they can't thermal regulate.
19 During the fall, winter and
20 through the middle of the spring they're --
21 they're hibernating in the ground or -- or
22 very low to the ground. During those time
23 periods it would be essentially impossible to
24 have any degree of confidence that those
25 animals were removed from the project area.

1 And particularly with the case of box
2 turtles, which are long lived, a long time to
3 sexual maturity, losses of even one or two
4 individuals can be significant from the
5 standpoint of the gene pool and the long term
6 viability of the population.
7 MR. PERRONE: Okay. Thank
8 you. Moving onto Mr. Pietrorazio. Are you
9 familiar with the FAA circularizing review
10 process that's going on?
11 THE WITNESS (Pietrorazio):
12 Yes, I am, sir.
13 MR. PERRONE: Do you have a
14 rough estimate on how long you think that
15 process might take?
16 THE WITNESS (Pietrorazio): My
17 understanding is it could take up to 180
18 days.
19 MR. PERRONE: Have you had a
20 chance to review the additional FAA materials
21 submitted by CPV on March 3rd?
22 THE WITNESS (Pietrorazio):
23 No, I haven't.
24 MR. PERRONE: Thank you.
25 That's all I have for this group.

1 THE CHAIRMAN: Thank you.
2 Mr. Levesque.
3 MR. LEVESQUE: No questions.
4 THE CHAIRMAN: Dr. Bell?
5 DR. BELL: Just a quick
6 follow-up to the question that Mr. Perrone
7 just asked Mr. Pietrorazio.
8 So your answer was 180 days.
9 So when would the end of that period be?
10 Basically when would you expect?
11 THE WITNESS (Pietrorazio):
12 That would be August 27th or there,
13 thereabouts, six -- six months from February.
14 DR. BELL: Thank you. I do
15 have a question, or a couple of questions to
16 ask Mr. Savarese, Attorneys Savarese.
17 THE WITNESS (Savarese): Yes.
18 DR. BELL: Have you had an
19 opportunity to review the Heritage Village
20 water supply plan that we were discussing
21 earlier in the hearing?
22 THE WITNESS (Savarese): I
23 have not.
24 DR. BELL: All right. Now a
25 question about the airport plan. I asked

1 Mr. Temple from Oxford what the status of
2 that plan is, and he gave an answer. I'm
3 asking you basically the same question.
4 THE WITNESS (Savarese): The
5 2007 plan as to the master plan or the more
6 particular plan as to the noise abatement
7 program that --
8 DR. BELL: The master plan.
9 THE WITNESS (Savarese): Okay.
10 DR. BELL: And it has various
11 phases and what phase you're in, or possible,
12 where the funds are coming from and that kind
13 of question about is anything happening at
14 all? Or is there an orderly progression of
15 the plan?
16 THE WITNESS (Savarese): Well,
17 as it relates to the removal of the 72 homes
18 in Middlebury, that is nearing its end. Most
19 of those home have --
20 THE CHAIRMAN: Pick your voice
21 up.
22 THE WITNESS (Savarese): Most
23 of those homes have already been removed and
24 there is -- and expenditures were accelerated
25 at the demand, at the request of the Town of

1 Middlebury through our elected officials in
2 Washington, DC, so that it was originally
3 proposed that would be over a ten-year plan.
4 We thought that was sort of a Chinese water
5 torture to the neighborhood.
6 So we asked that they fund it
7 at a greater rate, and they did in fact do
8 that. So now I think less than ten homes
9 remain in that Triangle Hills neighborhood,
10 if that is what you mean by the plan.
11 As to additional hangars being
12 constructed and bypass roads, I -- I believe
13 that the hangars were, in fact, built
14 subsequent to the '07 master plan within the
15 property of the airport authority. And one
16 major other change is that the airport is now
17 under the jurisdiction of the Connecticut
18 Airport Authority, which was only inaugurated
19 in 2011 by -- by legislation.
20 And the Bradley Airfield and
21 the five general aviation airports were
22 transferred into their authority so that the
23 references to the DOT managing the airports
24 is now dated. It is now under the auspices
25 of the Connecticut Airport Authority.

1 DR. BELL: Okay. Thank you.
2 That's helpful. Just one more question.
3 Are you at all familiar with
4 the connecting pipe, or the interconnection
5 that's connecting the Connecticut Water
6 Authority and the Heritage Village --
7 THE WITNESS (Savarese): Yes,
8 I was the town attorney when that document
9 was negotiated and signed.
10 DR. BELL: And as far as
11 you're aware of, is this -- this Middlebury's
12 pumping station, which was part of that,
13 operating properly and facilitating that
14 connection?
15 THE WITNESS (Savarese): Yes.
16 Middlebury believes that its infrastructure
17 is up to being able to afford Heritage Water
18 that supply when requested.
19 DR. BELL: Thank you. Those
20 are my questions, Mr. Chair.
21 THE CHAIRMAN: Mr. Hannon.
22 MR. HANNON: Thank you,
23 Mr. Chair. I do have a couple questions.
24 As to Mr. Klein, you've got a
25 statement here where the DEEP guidelines

1 limit temporary sedimentation basins to two
2 years, but isn't that really dependent upon
3 the type of project?
4 Because if what you're saying
5 is that you cannot, or the agency would not
6 approve a temporary sedimentation basin
7 beyond under two years, then how would a
8 project that takes longer than two years for
9 construction be developed?
10 THE WITNESS (Klein): Good
11 question. It requires a, according to the
12 2002 guidelines and in my reading, the
13 stormwater general permit, due to its
14 reference to the guidelines, without an
15 individual approval from DEEP, a sediment
16 basin would be required, which is a different
17 structure.
18 MR. HANNON: When you say "an
19 individual," I'm not sure exactly what you're
20 referring to on that.
21 THE WITNESS (Klein): There is
22 language in the construction general permit,
23 for example, that says that other measures
24 beyond those are different from those which
25 are specifically detailed in the guidelines,

1 the erosion sediment control guidelines, may
2 be approved upon a demonstration to the
3 department that they would be effective.
4 The guidelines differentiate
5 between projects where a temporary sediment
6 trap, a TST, is acceptable and where a
7 temporary sediment basin, or TSB, is required
8 based on the length of time that the facility
9 is going to be in use and the surface area
10 that drains to it.
11 The temporary sediment traps
12 that are proposed here, based on my reading
13 of the plans, drain more than five acres.
14 And the narrative indicates the build-out
15 will be longer than two years.
16 MR. HANNON: Okay. So is it
17 then, your opinion that the sediment traps
18 may not be the best way to go, but it may be
19 like a temporary sedimentation basin would be
20 more appropriate?
21 THE WITNESS (Klein): Based on
22 my experience, and I think the Council's
23 experience, in glacial till soils sediment
24 removal by settling is not always effective.
25 The larger the structure, or facility, the

1 greater efficiency.
2 The -- in my opinion, the
3 differentiation between a temporary sediment
4 trap and a sediment basin, because they have
5 different drainage area sizes and because
6 they have different lifetimes, are based on,
7 not only effectiveness in terms of the size
8 of the facility, the amount of volume that's
9 available for settling to occur, the length
10 of residence time, but also, in my judgment,
11 it's likely that those differentiations also
12 occur as a result of safety considerations.
13 For larger watersheds, the
14 design criteria for a sediment basin are much
15 more stringent. The amount of engineering
16 analysis is much more stringent, and
17 therefore is appropriate for a basin that
18 drains a larger area and is going to be
19 utilized for a longer period of time.
20 MR. HANNON: Thank you. On
21 page 9, the second full paragraph there's a
22 statement that plans did not present best
23 management practices for control of nonpoint
24 sources pollution such a sediment phosphorus
25 and nitrogen.

1 With the scope of the project
2 on the 26 acres, I'm not sure where I really
3 see the phosphorus and nitrogen coming into
4 play here?
5 THE WITNESS (Klein):
6 Phosphorus and nitrogen are often associated
7 with, and particularly phosphorus, with
8 sediment transport. And therefore the
9 ability of the proposed settlement erosion
10 control measures to effectively remove those
11 particles can result in transport of those
12 nutrients.
13 MR. HANNON: Are there ways
14 with properly removing those from suspension?
15 THE WITNESS (Klein): There
16 are ways to improve the efficiency of
17 sediment removal, such as using flocculants.
18 However a significant portion of the site, to
19 my recollection, or at least a fair portion
20 of the site drains through silt fences. The
21 silt fences that were specified and, in fact,
22 virtually all silt fences that I'm aware of
23 are very ineffective at removing fine sand,
24 silt, and clay particles.
25 The glacial till that

1 underlies the site has been described by the
2 applicant as having a very high percentage of
3 very fine particles in it, and therefore in
4 my opinion the sediment erosion control
5 measures should -- should exceed the minimum
6 requirements of the guidelines.
7 MR. HANNON: So for example,
8 like using straw wattles, things of that
9 nature?
10 THE WITNESS (Klein): Correct.
11 And flocculants in the basins.
12 MR. HANNON: One of the issues
13 with flocculants, don't you really need some
14 pretty good water velocity for those to work
15 fairly well?
16 THE WITNESS (Klein): There
17 are a variety of ways to introduce the
18 flocculant into the stormwater flow that can
19 be in a diversion swale. It could be in a
20 temporary structure, a manhole. It can
21 also -- they can also be applied as a
22 granular product and broadcast over the
23 surface. So it doesn't necessarily require a
24 high velocity mixing device, if you will, or
25 a higher velocity mixing device.

1 But, in this case, if that was
2 what was required then given the
3 characteristics of the soil on the site it
4 should be designed into the plan.
5 MR. HANNON: Thank you. I
6 have no other questions.
7 THE CHAIRMAN: Mr. Lynch.
8 MR. LYNCH: Thank you,
9 Mr. Chairman.
10 There's a question I forgot to
11 ask earlier when Oxford was on deck, but
12 thanks to Dr. Bell's current questioning, you
13 know, I got my answer. And that was when the
14 Connecticut Airport Authority took over the
15 operation of the airport, and I think I heard
16 2011. Is that correct?
17 THE WITNESS (Savarese): That
18 was when the statute was enacted. I don't
19 know that they transferred it officially to
20 that particular year, but it's certainly in
21 operation as of today. That is the effective
22 authority over the Oxford Airport.
23 MR. LYNCH: Thank you very
24 much. Thank you, Mr. Chairman.
25 THE CHAIRMAN: I have a couple

1 of questions, if I may? I've read the
2 testimony, and there's a couple of broad
3 questions I'd like to ask.
4 Attorney Savarese,
5 representing the Town of Middlebury, what is
6 the Town's dominant concern? I understand --
7 well, let me just leave that question like
8 that?
9 THE WITNESS (Savarese): I
10 think the dominant concern was -- is again,
11 the enlargement of the pollution by the plant
12 growing from a 512-megawatt to an
13 805-megawatt plant. That the -- the
14 exponential increase in the output as we
15 understand it will increase the amount of
16 pollutants that are in different ranges
17 across the scale of pollutants.
18 THE CHAIRMAN: And that's even
19 though, on a regional basis, the pollutant
20 level will drop if this plan comes in service
21 because of knocking other older obsolescent
22 plants off line?
23 THE WITNESS (Savarese): Yes,
24 we're particularly concerned about the PM2.5
25 that is not going to be impacting Salem,

1 Massachusetts, but in fact, from the
2 southerly breezes coming up from Long Island
3 Sound, will push this effluent into the town
4 of Middlebury.
5 THE CHAIRMAN: Mr. Hannon, you
6 have a question?
7 MR. HANNON: Yeah, I have a
8 follow-up. I would like to follow up on that
9 because my understanding, if I'm remembering
10 the tables correctly, I thought that because
11 of the changes in technology that the overall
12 particulate matter pollution rates were going
13 down somewhere in the neighborhood of 40 to
14 42 percent, the new plant versus the old. So
15 even though the power production is going up,
16 if I remember the table correctly, my
17 understanding is that the particulate matter
18 2.5 and 10 are both going down significantly.
19 So can you explain that?
20 THE WITNESS (Savarese): On
21 page 24 of the Exhibit 1 of the applicant is
22 their table that sets forth the differences
23 in comparison. Table 4.4, page 24.
24 And the differences in the
25 right-hand column, there are pluses and

1 minuses throughout, therefore, it is not
2 without an impact. The changes that are
3 going to -- we understand the technology is
4 going to marginally improve, but the license
5 that was created as to what the pollution is
6 allowed in 1999, they are using that and then
7 some to be able to claim that they can fit
8 into the permit process of 1999, a permit
9 that is 17 years old that is applying a
10 different standard of what the air was that
11 we were breathing at that time.
12 So having been grandfathered
13 into a 1999 model, they're now using that as
14 the threshold for skirting the line. And we
15 weren't happy in 1999. We weren't happy in
16 2007 and we're not happy with the amount of
17 effluent that is going to blow into the town
18 of Middlebury in 2018 if this product is
19 built.
20 MR. HANNON: My understanding
21 is that I thought you were saying that the
22 particulate matter 2.5, in particular, would
23 be increased. And I know that a number of
24 the documents that this Council has received
25 are basically making that same type of claim,

1 or it's -- the particulate matter 2.5 is one
2 of the bigger concerns.

3 But if I'm reading this
4 correctly, there's a 43 percent reduction in
5 the amount of tons per year that are emitted
6 with the new plant versus the old plant. So
7 I'm trying to make sure everybody is on the
8 same page here.

9 THE WITNESS (Savarese): The
10 way that Middlebury's question was answered
11 in the most recent set of interrogatories,
12 the second set, I think Question Number 13,
13 Mr. Sellers' answer was that the highest
14 modeling is as to the oil. Oil is not the
15 expected fuel that will be operating this
16 throughout the time. So we're still not
17 satisfied that the numbers are in fact -- I
18 think we're still waiting to hear what the
19 DEEP air models, Mr. Jim Grillo, Mr. Jude
20 Catalano are going to say about it.

21 Because we're seeing different
22 things like swapping out of the -- the air --
23 the meteorology reports. They are not using
24 the same meteorology reports that were used
25 in 1999 in what they're now modeling.

1 They've moved over to Danbury Airport. And I
2 don't think the weather is the same in
3 Danbury as it is in Oxford as to how much the
4 flow comes from the south and is affected by
5 the Long Island Sound.

6 So I see the map. I question
7 the map as to what was being generated as to
8 how much effluent. I saw the responses to
9 Westover School as being one quarter of
10 1 percent of the allowance for that
11 pollution, and we're still not convinced
12 that, in fact, the PM 2.5, which has been
13 complied with the PM 10, is going to in fact
14 be reduced. The size of this plant, the
15 enlargement of the plant and the nature of
16 gas being particularly a PM 2.5 production,
17 the mincing of those particulates, even after
18 you've deionized the water, is such that we
19 think that volume -- it's an untested
20 technology. It is all speculative. There is
21 no empirical data.

22 There's one plant in the
23 United States that's currently operating as
24 an H series. I have not seen anything as to
25 what's been filed with the California

1 authorities on the operation of that plant,
2 but we're not convinced that this H series is
3 not going to be a bigger polluter than what
4 the F series would be if it was operating at
5 805 megawatts.

6 THE CHAIRMAN: Mr. Klein, if I
7 may? Is it fair to characterize your
8 testimony as expressing concern over loss of
9 habitat and the disturbance to the animals on
10 that site and stormwater issues? Is that a
11 fair synopsis?

12 THE WITNESS (Klein): It's
13 partial.

14 THE CHAIRMAN: Okay. Are you
15 going to allow me a little wiggle room?

16 THE WITNESS (Klein): No, no.
17 What I want to say is that the -- there's
18 also an overarching concern with conclusions
19 that are generated with respect to impacts on
20 wetlands, watercourses, biodiversity and
21 water quality that are not substantiated by
22 any data that's in the record.

23 THE CHAIRMAN: Did you walk
24 the site when we had a site visit
25 January 14th, I think it was? Or 15th?

1 THE WITNESS (Klein): No, I
2 wasn't engaged until after that time.

3 THE CHAIRMAN: Okay. Do you
4 know if the site has been disturbed already?

5 THE WITNESS (Klein): There's
6 been some activity at the site from reading
7 the reports.

8 THE CHAIRMAN: Okay. Would
9 that have any bearing on the outcome of your
10 concerns, the fact that there has already
11 been disturbance on the site to some extent,
12 whatever it is, with my eyeball, and I
13 thought it was a fair amount when I was
14 there, would that have an effect on your
15 attitude towards this disturbance?

16 THE WITNESS (Klein): The --
17 without knowing the nature, extent and time
18 frame involved I can't be specific, but there
19 are certain activities that one could
20 classify as disturbance. For example,
21 cutting an area and -- that's grown up into
22 heavy brush and converting it back to
23 grassland that could be positive for some
24 species, negative for other species.

25 So disturbance doesn't

1 necessarily equate to an adverse impact from
2 a biological and ecological standpoint, and I
3 think that the continued characterization in
4 some of the documents that focuses on those
5 things is not biologically relevant to making
6 a decision about the impacts on the
7 resources.

8 THE CHAIRMAN: Okay. You are,
9 I assume, are aware that this is a site
10 that's zoned industrially for industrial
11 development?

12 THE WITNESS (Klein): I can't
13 say I've ever looked at the zoning map, but
14 that wouldn't surprise me.

15 THE CHAIRMAN: Assuming,
16 arguendo, it is zoned --

17 THE WITNESS (Savarese): Yeah,
18 sure.

19 THE CHAIRMAN: -- any
20 development -- any development that occupies
21 a substantial part of that site would have
22 similar development, similar effects from the
23 power plant, wouldn't it?

24 THE WITNESS (Klein): If you
25 were occupying 80 or 90 percent of the site,

1 is what's the best available technology.
2 That's one of the things I think would be
3 required.

4 So, theoretically, if the
5 technology for the plant that was approved in
6 California is better than any of the other
7 potential power plants that could be built,
8 any new plant would have to comply with that
9 best available technology.

10 THE WITNESS (Savarese):
11 Correct.

12 MR. HANNON: So that if -- and
13 I'm assuming that if the agency thought that
14 that was the best available technology and it
15 was better than anything else that was in the
16 state of Connecticut, even say, Kleen Energy,
17 which isn't all that old, they would have to
18 abide by the technology. But that's what the
19 plant would have to meet. Would that be your
20 understanding also?

21 THE WITNESS (Savarese):
22 That's correct.

23 MR. HANNON: Okay. Thank you.

24 THE CHAIRMAN: Mr. Small,
25 you're on.

1 yes. In many communities the maximum site
2 coverage doesn't get up that high, but --

3 THE CHAIRMAN: But let's
4 assume for the sake of argument, you're
5 talking equivalent site coverage?

6 THE WITNESS (Pietrorazio):
7 Equivalent site coverage, absolutely.

8 THE CHAIRMAN: I have nothing
9 further. Thank you very much.

10 Mr. Small, your turn.

11 Oh, while he's coming up,
12 Mr. Hannon. I'm sorry.

13 MR. HANNON: No, that's fine.
14 Thank you, Mr. Chairman.

15 There was a comment made, I
16 guess, with the newer technology having been
17 approved in California. Did I understand you
18 correctly?

19 THE WITNESS (Savarese): No.
20 That the only other site that this GE
21 H-series is operating is in Riverside County
22 California.

23 MR. HANNON: Okay. So one of
24 the things that is looked at, and I believe
25 that the air program and DEEP is looking at

1 MR. SMALL: Thank you.

2 Let me start with Attorney
3 Savarese. Just some brief questions for you,
4 sir. I want to start with your discussion
5 with the council members, which is Table 4.4
6 on page 24. Do you have that available?

7 THE WITNESS (Savarese): Yes.

8 MR. SMALL: And am I correct
9 that you testified that your primary concern,
10 above all else, was particulate emissions
11 from this power plant. Correct?

12 THE WITNESS (Savarese): In --
13 in answering Mr. Ashton's, I think, that was
14 among the concerns, and that's what I raised,
15 yes.

16 MR. SMALL: Okay. I think you
17 said it was your primary concern, but you're
18 backing away from that?

19 THE WITNESS (Savarese): No.
20 I'll say that the PM 2.5 is still our primary
21 concern.

22 MR. SMALL: Okay. And when
23 you look at that chart do you understand how
24 a potential to emit is calculated?

25 THE WITNESS (Savarese): Yes.

1 MR. SMALL: Okay. Could you
2 just give us a very brief discussion of the
3 mathematics in layman's terms?
4 Want me to help you?
5 THE WITNESS (Savarese): Yeah.
6 MR. SMALL: Okay. Would you
7 agree that a potential to emit is something
8 like you assume the maximum hourly emissions
9 of pollutants, and you multiply it by the
10 number of hours in a year? And it gets more
11 refined, because for example, in this case,
12 fuel oil may only be burned 720 hours per
13 year.
14 But would you accept, for the
15 purpose of our discussion, that it's an
16 assumption of maximum hourly pollutants for
17 the pollutant in question, in this case, PM
18 10, PM 2.5 multiplied by the number of hours?
19 THE WITNESS (Savarese): I
20 understand that that was -- what is attempted
21 to be demonstrated, and I referred
22 specifically to the answer to Interrogatory
23 Number 13, which attempts to make that in --
24 MR. SMALL: Do you have that
25 interrogatory, because when we looked at it

1 we couldn't figure out what it had to do with
2 this. Is this CPV's response to Question
3 Middlebury 13 of your second set?
4 THE WITNESS (Savarese): Yes.
5 MR. SMALL: Okay. Can you
6 show me where the language is you were
7 referring to in that question -- in that
8 response, rather?
9 THE WITNESS (Savarese): It
10 refers to the how -- why it would not be
11 significant to model the different airspeeds
12 based on the fact that it has been modeled
13 under the thing. And my concern is that --
14 that the dispersal of PM 2.5 must be, from a
15 layman's point of view, impacted by air flow
16 and that a modest airflow is going to
17 modestly disperse it, and a more generous
18 wind is going to scatter it further afield.
19 And that was not what was
20 elicited by that answer. I was told that,
21 based on the weather and the five-year
22 average, which does not identify that it's a
23 different airport, in fact, than the wind
24 flows that was submitted, but that -- that
25 it's irrelevant, absolutely irrelevant what

1 the wind flow is to the PM 2.5 dispersal.
2 And that seemed illogical to
3 me and part of where we're having a major
4 problem understanding the difference between
5 the representation that there will be less
6 pollution in Middlebury and those kind of
7 answers, that suggest that it's not relevant.
8 MR. SMALL: Is there anything
9 in the response to Question 13 that deals
10 with the potential to emit that's in Table
11 4.4?
12 THE WITNESS (Savarese): No.
13 The -- the premise of the question was the
14 map that was provided as, I think, 2Q, that
15 is the -- was part of the Westover -- well, I
16 think it was a late-filed answer, 2Q, that
17 you provided a map that shows the dispersal
18 rate of 2.5. And it was the premise of what,
19 what's so little -- 2.5 was going to arrive
20 at the Westover campus.
21 MR. SMALL: Can you please go
22 back to Table 4.4. I'm just going to try to
23 wrap this up simply.
24 Do you agree that based on
25 Table 4.4 less PM10 and PM2.5 will be emitted

1 from the proposed plant than from the plant
2 approved it 1999?
3 THE WITNESS (Savarese): That
4 is what that graph reveals.
5 MR. SMALL: And do you have
6 any reason to doubt that?
7 THE WITNESS (Savarese): Yes.
8 MR. SMALL: Explain?
9 THE WITNESS (Savarese):
10 Again, I think that a recent filing by -- by
11 Ms. Larkin's expert, Mr. Egan, is bringing
12 into question the air modeling. Discussions
13 that we've had with Mr. Grillo of the DEP is
14 suggesting, again, that the air modeling may
15 not be complete, may not be accurate. And if
16 it's not accurate, then I don't expect that
17 the submissions on November 3rd are
18 necessarily accurate.
19 MR. SMALL: Do you realize
20 that Table 4.4 has nothing to do with air
21 modeling?
22 THE WITNESS (Savarese): No.
23 MR. SMALL: You don't realize
24 that.
25 THE WITNESS (Savarese): No.

1 MR. SMALL: Okay. We'll leave
2 it at that. A few other questions for you,
3 Mr. Savarese, on the exhibits that you
4 sponsored.
5 One of the exhibits I believe
6 you sponsored was the Waterbury Airport, the
7 Waterbury Oxford Airport's proposed stage
8 relocation plan. Is that correct?
9 THE WITNESS (Savarese): Yes.
10 MR. SMALL: Okay. And can you
11 briefly tell us the relevance of that
12 exhibit, why you believe that's a relevant
13 exhibit?
14 THE WITNESS (Savarese): That
15 the significance of the airport -- that
16 federal funds were expended at the rate that
17 would relocate 72 homes, brings an inference
18 to the significance of this airport to the
19 federal government and State of Connecticut,
20 that 72 homes were necessarily relocated.
21 MR. SMALL: And the main
22 reason they were relocated was what?
23 THE WITNESS (Savarese): Noise.
24 MR. SMALL: Okay. What was
25 the threshold noise level for relocation?

1 THE WITNESS (Savarese): I
2 think 60 decibels.
3 MR. SMALL: Why don't you look
4 at page 18 of the report?
5 THE WITNESS (Savarese): I
6 don't have it in front of me right now.
7 MR. SMALL: Okay. It says 65.
8 I'll read you the first sentence: "FAA
9 funding is eligible for property acquisitions
10 and locations exposed to aircraft noise
11 levels at or greater than a day-night noise
12 level, DNL, of 65 decibels." So do you
13 accept that's the --
14 THE WITNESS (Savarese): Yes.
15 MR. SMALL: Okay. Thank you.
16 And are you aware of the legal requirement
17 for this facility as far as a decibel level?
18 THE WITNESS (Savarese):
19 Fifty-one decibels at nighttime.
20 MR. SMALL: And you agree
21 that's substantially less than 65?
22 THE WITNESS (Savarese): Yes.
23 MR. SMALL: Thank you. Okay.
24 Mr. Klein. Good seeing you again. It's been
25 a while.

1 THE WITNESS (Klein): It has
2 been.
3 MR. SMALL: Mr. Klein, I'm
4 going to divide my cross-examination of you
5 into stormwater and then, what I'll call,
6 habitat wildlife, wetlands, and biology. Let
7 me start off on the stormwater side.
8 Are you a professional
9 engineer?
10 THE WITNESS (Klein): No.
11 MR. SMALL: And you're also
12 not a landscape architect?
13 THE WITNESS (Klein): No.
14 MR. SMALL: Right. So
15 therefore under the DEEP's general permit you
16 wouldn't meet the definition of a qualified
17 soil erosion and sediment control
18 professional. Correct?
19 THE WITNESS (Klein): I can't
20 say I know these precise definitions.
21 MR. SMALL: I'll show it to
22 you.
23 The definition is on page 7 of
24 the general permit. And that's, again, we
25 requested administrative notice yesterday of

1 documents referenced in Mr. Klein's
2 testimony.
3 THE WITNESS (Klein): That's
4 correct.
5 MR. SMALL: Okay. So you do
6 not have the legal authority to certify
7 stormwater management plans and applications
8 filed to the DEEP under the general permit.
9 Correct?
10 THE WITNESS (Klein): That's
11 correct.
12 MR. SMALL: Okay. But you
13 have -- you've been in this business a long
14 time, as I know. And you have the ability to
15 review people's plans against the documents
16 that they're required to meet. Correct?
17 THE WITNESS (Klein): Yes.
18 MR. SMALL: Do you personally
19 have the ability to do the calculations such
20 as stormwater velocity calculations,
21 stormwater retention calculations, that sort
22 of thing?
23 THE WITNESS (Klein): No.
24 MR. SMALL: Okay. So when
25 you're reviewing a plan as an expert or for a

1 developer, someone else does that work for
2 you?
3 THE WITNESS (Savarese): Yes.
4 MR. SMALL: Okay. And so
5 you've -- with what, professional engineers
6 and licensed architects, licensed landscape
7 architects?
8 THE WITNESS (Klein): Yes.
9 MR. SMALL: And you've been
10 involved, I'm guessing, in projects where the
11 PE or the landscape architect certifies a
12 general permit application. Correct?
13 THE WITNESS (Klein): Correct.
14 MR. SMALL: And is it your
15 observation that those engineers, architects
16 take that certification very seriously?
17 THE WITNESS (Klein):
18 Sometimes.
19 MR. SMALL: Okay. And
20 sometimes not.
21 THE WITNESS (Klein): And
22 sometimes not.
23 MR. SMALL: Okay. And I
24 assume that's true with biologists, wetland
25 scientists, and every other profession we all

1 deal with? Lawyers?
2 THE WITNESS (Klein): Yes.
3 THE CHAIRMAN: Especially
4 lawyers.
5 MR. SMALL: Especially
6 lawyers, yes, sir. I want to talk about the
7 timing. Timingwise, when does a general
8 permit application have to be filed?
9 THE WITNESS (Klein): It has
10 changed in the last year and a half. It used
11 to be 30 days. I think it's now 60 days, but
12 there are a variety of different types of
13 projects and review mechanisms in time, so I
14 don't have them all contributed to memory.
15 MR. SMALL: And you're
16 familiar with the process we're in now with
17 the Siting Council. Correct? You've been
18 through this process before?
19 THE WITNESS (Klein): Yes.
20 MR. SMALL: And would it be
21 fair to say that the approval process that
22 we're in now is kind of a conceptual approval
23 process?
24 THE WITNESS (Klein): My
25 observation is that it is, in many ways, a

1 conceptual approval process.
2 MR. SMALL: And how would you
3 describe the development and management plan
4 process that the Council goes through?
5 THE WITNESS (Klein): I have
6 not had a substantial amount of experience
7 with the D and M process.
8 THE CHAIRMAN: Mr. Klein, are
9 you familiar with how the Council normally
10 does a major project where we approve the
11 application and then if that, in fact, occurs
12 we go into the details, the nitty-gritty, the
13 98 percent engineering, rather than the
14 10 percent engineering?
15 THE WITNESS (Klein): Yes, I'm
16 aware of that.
17 THE CHAIRMAN: Okay. Sorry,
18 Mr. Small.
19 MR. SMALL: No. Thank you.
20 You asked the question better than I could,
21 Mr. Chairman.
22 THE CHAIRMAN: I'm
23 groundwater.
24 MR. SMALL: And you know, so
25 is it likely, Mr. Klein, that in assuming

1 this facility is approved by the Council,
2 that things like stormwater management plans
3 would be refined and revised as part of the D
4 and M plan?
5 THE WITNESS (Klein): I think
6 it's likely that they would be refined, yes.
7 MR. SMALL: Okay. And,
8 obviously, any concerns you have that the
9 Council thinks have merit could be taken into
10 account in that process. Correct?
11 THE WITNESS (Klein): Not
12 necessarily, no.
13 MR. SMALL: Why not?
14 THE WITNESS (Klein): Because
15 the site is severely constrained by size and
16 slope.
17 MR. SMALL: All right.
18 Meaning what?
19 THE WITNESS (Klein): Meaning
20 there may not be room, to use a common usage
21 term, to implement the changes that might be
22 required to comply with stormwater
23 management, biodiversity concerns, and so
24 forth.
25 MR. SMALL: So let's take one

1 example. You were concerned about sediment
2 traps because, A, if I understand correctly,
3 A, the stormwater guidelines only allow them
4 to be in place for two years. Correct?
5 THE WITNESS (Klein): Correct.
6 MR. SMALL: And also they
7 limit sediment traps to five acres. Correct?
8 THE WITNESS (Klein): Those
9 are two of my concerns.
10 MR. SMALL: Okay. And given
11 the nature of the site, you believe if
12 retention basins had to be used instead, that
13 would probably not be feasible on the site.
14 Correct?
15 THE WITNESS (Klein): I don't
16 know whether that is or not.
17 MR. SMALL: They take up much
18 more space, though. Right?
19 THE WITNESS (Klein):
20 Generally, yes.
21 MR. SMALL: Okay. But if,
22 hypothetically, the facility was to be opened
23 in the sense of the construction period
24 before it's paved or grassed over, or
25 whatever is done, is than -- is a year, your

1 objection to sediment traps of that basis
2 would go away. Correct?
3 THE WITNESS (Klein): On that
4 basis, that's correct. There are other
5 reasons for my concern.
6 MR. SMALL: Okay. And if the
7 facility was phased in a way that each phase
8 and each sediment trap was accepting water
9 and sediment from less than five acres, that
10 issue would go away as well. Correct?
11 THE WITNESS (Klein): It
12 would -- it would -- that there would be a
13 potential for the plan to meet that part of
14 the erosion sediment control measures -- the
15 guidelines.
16 MR. SMALL: And you know, I
17 don't want to dive into tremendous detail on
18 all of the various items -- well, let me go
19 for one. You've expressed a lot of concern
20 about the fabric filter. Correct?
21 THE WITNESS (Klein): Correct.
22 MR. SMALL: Okay. And because
23 the pore size is too large to capture the
24 very smart particles?
25 THE WITNESS (Klein): Correct.

1 MR. SMALL: Okay. Remind me
2 what is the pore size, the apparent pore
3 size? It's in your testimony.
4 THE WITNESS (Klein): I don't
5 have the document right in front of me,
6 unfortunately, but --
7 MR. SMALL: It's in your
8 testimony.
9 THE WITNESS (Klein): Right.
10 It's -- I did not memorize every aspect of
11 the --
12 MR. SMALL: Right. But you
13 have your testimony in front of you. Right?
14 THE WITNESS (Klein):
15 Actually, I don't.
16 MR. SMALL: You don't?
17 THE WITNESS (Klein): No.
18 MR. SMALL: Would you like a
19 copy?
20 THE WITNESS (Klein): Sure.
21 MR. SMALL: If we had a clean
22 copy, we'd do it. Do you have an extra copy?
23 Well, in any event I believe it was --
24 THE CHAIRMAN: Mr. Perrone,
25 may I have it.

1 I hope we won't get an
2 objection on this from anybody.
3 MR. SMALL: Oh?
4 THE CHAIRMAN: I hope we're
5 not going to get an objection from the
6 applicant on providing testimony to an
7 intervenor.
8 MR. SMALL: No objection.
9 Mr. Jones reminds me it's .6
10 is the pore size, is that correct, in your
11 testimony?
12 THE WITNESS (Klein): Well,
13 since I have it in front of me, I'm going to
14 look at it specifically. Yes, that's
15 correct.
16 MR. SMALL: Okay. And is that
17 the minimum size allowed in the guidelines.
18 Do you know?
19 THE WITNESS (Klein): I don't
20 know if the guidelines has a pore size
21 specification.
22 MR. SMALL: Okay. Well, we'll
23 move on and get back to that. And you're
24 also aware before any sediment, including
25 those small clay particles, would get to the

1 fabric filter, there's a whole number of
2 other stormwater detention and treatment
3 mechanisms. Correct?
4 THE WITNESS (Klein): In -- in
5 the areas of my largest concern there are no
6 measures that I'm aware of.
7 MR. SMALL: And remind us
8 again what those areas are, what parts of the
9 site?
10 THE WITNESS (Klein): The --
11 those parts of the site are the western
12 limit, the northwestern limit, the
13 northeastern limit, the eastern limit, the
14 southeastern limit and the east central
15 limit.
16 MR. SMALL: So you're talking
17 primarily about the border areas of the site.
18 Am I correct?
19 THE WITNESS (Klein): The
20 slopes, yes.
21 MR. SMALL: On the border?
22 Okay. And --
23 THE WITNESS (Klein): The
24 slopes border essentially around the entire
25 perimeter of the site.

1 MR. SMALL: And what are the
2 slopes? Can you tell from what you have in
3 front of you the slopes in those areas?
4 THE WITNESS (Klein): I can't
5 without using a scale and --
6 THE CHAIRMAN: What are you
7 looking for, Mr. Small? A percent slope?
8 MR. SMALL: I'm trying to
9 understand the slopes in those areas so what
10 the risk would be.
11 THE CHAIRMAN: As measured by
12 a percent, i.e. gradient.
13 MR. SMALL: Yeah. Okay.
14 THE CHAIRMAN: Mr. Hannon has
15 a question.
16 MR. HANNON: I don't know if
17 this will help clarify it or not, but
18 Mr. Klein, in your professional experience,
19 would you say the bigger issue is the
20 brassing size and the filter fabric, or the
21 fact that it's just not installed properly?
22 THE WITNESS (Klein): It
23 depends on the soil conditions at the site.
24 On a statewide basis, probably the problem
25 is -- a bigger problem, in general, is

1 improper installation. On a site like this
2 with these very fine glacial tills surrounded
3 by steep slopes, coarse, the ability of a
4 silt fence to move silt particles under the
5 best of conditions is also a legitimate
6 concern.
7 MR. SMALL: Let me get back to
8 the apparent pore size on the fabric filter.
9 I'm handing you page, I guess, it's
10 page 5-11-36 of the 2002 Connecticut
11 guidelines for soil erosion and sediment
12 control. And do you see the entry for
13 apparent pore size?
14 THE WITNESS (Klein): Uh-huh.
15 MR. SMALL: And do you agree
16 that the .6 is a minimum?
17 THE WITNESS (Klein): That's
18 worded very odd.
19 MR. SMALL: Okay. Can you
20 read the wording then?
21 THE WITNESS (Klein): It says
22 "no less than .9 millimeters and no greater
23 than .6 millimeters." So it's supposed be
24 between .9 and .6. Yes, that's what it says.
25 MR. SMALL: And so we

1 couldn't, without violating or without
2 getting a deviation from these guidelines,
3 could not use a smaller pore on our fabric
4 filter. Correct?
5 THE WITNESS (Klein): That's
6 correct.
7 MR. SMALL: Do know why the
8 stormwater guidelines have that restriction?
9 THE WITNESS (Klein): No.
10 MR. SMALL: Thank you.
11 I think we're next going to
12 move on from stormwater to, I think,
13 everybody's relief and onto the, what I call
14 the biological area.
15 THE CHAIRMAN: We appreciate
16 not being drowned in stormwater.
17 MR. SMALL: I think you
18 already said you -- strike that.
19 When you look at your
20 testimony, Mr. Klein, you talk a lot about
21 Exhibit 1. Am I right, Exhibit 1 is this
22 report, what we call the Tetra Tech report?
23 THE WITNESS (Klein): That's
24 what I was referencing, yeah, environmental
25 overview in support of petition for --

1 MR. SMALL: Right. And you
2 reviewed the body of the report. Did you
3 also review Appendix C which was the Army
4 Corps -- I'm sorry. What's this called?
5 It's the appendices to the report including
6 the wetlands Appendix B, which is the DEP
7 wetlands discharge, wastewater discharge
8 information -- that was A, excuse me;
9 Appendix B, which is wetlands report;
10 Appendix C, which is voluminous appendix
11 called "U.S. ACE's Connecticut General Permit
12 Application."
13 THE WITNESS (Klein): Yes, I
14 reviewed Appendix B and C.
15 MR. SMALL: And you've
16 reviewed all the interrogatory responses
17 filed by Mr. Gustafson and Mr. Davis in this
18 case?
19 THE WITNESS (Klein): I have
20 reviewed several interrogatory responses. I
21 must say that the ebb and flow of this
22 procedure is in some ways very confusing to
23 me. So I can't testify under oath that I've
24 reviewed all their interrogatories and
25 responses.

1 MR. SMALL: At this point I'm
2 only going to focus on one of them, which is
3 Mr. Gustafson's and Mr. Davis' response to
4 Question CSC-6 in the second set of Siting
5 Council responses. Among other things, it
6 talked about a proposal to do additional
7 biological and wetland surveys. Are you
8 familiar with that one?
9 THE WITNESS (Klein): In
10 general, I am. I'm looking to see if I have
11 a copy of it here. I don't think I do.
12 Maybe I do. Is it the 1/26?
13 MR. SMALL: Yes, a date of
14 1/26/15.
15 THE WITNESS (Klein): Okay.
16 And what was the number.
17 MR. SMALL: Q-CSC-6.
18 THE WITNESS (Klein): I've got
19 the one that says, "I request an extension of
20 time."
21 MR. SMALL: No. There's
22 another. No. There's a version of that that
23 was filed somewhat later.
24 THE WITNESS (Klein): I
25 believe I read it, but I don't -- appear that

1 I have a copy of it right here.
2 MR. SMALL: It will just be
3 handy for you to have this. So I'll give you
4 mine.
5 THE WITNESS (Klein): Sure.
6 Thank you.
7 MR. SMALL:
8 But before we get to that,
9 you, one of your major criticisms in your
10 discussion with the Council and staff was the
11 timing of the vernal pool and wildlife
12 survey. Am I correct?
13 THE WITNESS (Klein): That's a
14 concern, a significant concern, yes.
15 MR. SMALL: Now, you've been
16 in this business a long time as we both well
17 know. Have you ever done wildlife and
18 wetland surveys in the summer in those time
19 periods?
20 THE WITNESS (Klein): I'm not
21 sure I understand the question.
22 MR. SMALL: Well, you
23 critiqued --
24 THE WITNESS (Klein): I just
25 didn't understand the time period you were

1 referring to.
2 MR. SMALL: Okay. I'm sorry.
3 When? Remind me again. When were the
4 surveys of this case done?
5 THE WITNESS (Klein): My
6 recollection is it was late June and early
7 July, somewhere in the June 20s to the
8 July 10s or 12s.
9 MR. SMALL: And I guess I'm
10 asking you in your extensive experience in
11 this field have you ever done those sort of
12 surveys in that time period.
13 THE WITNESS (Klein): Vernal
14 pool surveys, no. Absolutely not.
15 MR. SMALL: Wildlife surveys?
16 THE WITNESS (Klein): Depends
17 on the species.
18 MR. SMALL: Okay. Does the
19 Army Corps manual, and I guess the Army Corps
20 Highway Manual allow surveys in those time
21 periods?
22 THE WITNESS (Klein): I don't
23 think it specifies.
24 MR. SMALL: Okay. Now I'm
25 going to ask you to look briefly at that

1 question. I think it's on the second page.
2 Are you aware that -- or you know, read it
3 and then you will be aware that Towantic has
4 committed to additional studies in what you
5 would consider the appropriate season. Am I
6 correct?

7 THE WITNESS (Klein): Yes, I
8 am aware of that.

9 MR. SMALL: Okay. And to the
10 extent there's anything, any issues of
11 concern that come up, Towantic has committed
12 to dealing with them in the D and P plan
13 stage. Are you aware of that?

14 THE WITNESS (Klein): I know
15 that Towantic said they would, yes. I don't
16 believe that's possible in all cases.

17 MR. SMALL: Well, in all
18 cases, no.

19 THE WITNESS (Klein): In many
20 cases.

21 MR. SMALL: And that was
22 because of the limitations of the site, I
23 think you said?

24 THE WITNESS (Klein): Not only
25 because of that, but because of the fact that

1 MR. SMALL: As you well know,
2 under the Endangered Species Act and a
3 similar Connecticut act, it is a crime to
4 harm an endangered species?

5 THE WITNESS (Klein): No,
6 that's not correct.

7 MR. SMALL: No, without taking
8 a permit?

9 THE WITNESS (Klein): I do not
10 believe that the Connecticut Endangered
11 Species Act prohibits a private individual
12 from taking any species regardless of their
13 listed status.

14 MR. SMALL: But the federal
15 Endangered Species Act does, correct?

16 THE WITNESS (Klein): I think
17 that's correct.

18 MR. SMALL: Okay. Thank you.
19 And I think you testified to the Council
20 that, in essence, you didn't think the DEEP's
21 natural resource database recommendations
22 were adequate. Am I correct?

23 THE WITNESS (Klein): That's
24 correct.

25 MR. SMALL: And on projects

1 you can't mitigate for the loss of habitat.
2 You can mitigate for death of individual
3 animals.

4 MR. SMALL: And you mentioned
5 the box turtle as a particular species that
6 you're concerned about. Right?

7 THE WITNESS (Klein): Correct.

8 MR. SMALL: Am I correct the
9 box turtle is not an endangered species?

10 THE WITNESS (Klein): Correct.

11 MR. SMALL: And is not a
12 threatened species?

13 THE WITNESS (Klein): No, it's
14 special concern.

15 MR. SMALL: And special
16 concern means although there is a concern for
17 it, the legal protections, the necessary
18 legal protections are somewhat less.
19 Correct?

20 THE WITNESS (Klein): I'm not
21 sure that that's true. I know that the DEEP,
22 for decades, has considered species of
23 special concern to have equal status with
24 threatened and endangered species in their
25 review of permit applications.

1 you've worked on, you have worked on for
2 developers, have you suggested additional
3 measures?

4 THE WITNESS (Klein): That's
5 correct.

6 MR. SMALL: Okay. Like what?

7 THE WITNESS (Klein): Like,
8 excuse me, among the measures that we have
9 suggested that exceed the DEEP's protocols
10 are the timing of the exclusion work, the
11 timing of the start of construction, the
12 number of sweeps, if you will. But a much
13 larger -- well, I shouldn't say larger -- an
14 equally large concern on this site is the
15 sheer feasibility of adequately, quote,
16 sanitizing, unquote, or removal of small and
17 cryptically colored animals from such a large
18 area.

19 MR. SMALL: You do mention, on
20 the top of page 5, that if there's an
21 inadequate amount of land, you can purchase
22 additional land not currently suitable for
23 those species, set it aside, manage it for
24 those species. Have you ever recommended or
25 implemented that approach?

1 THE WITNESS (Klein): I think
2 we have recommended purchasing additional
3 property to add to a project site.
4 MR. SMALL: So if the wildlife
5 surveys turn up something extremely
6 significant that would be an option, correct,
7 as you've recommended as an option before?
8 THE WITNESS (Klein): I have
9 recommended that as an option. We were told
10 in some of the responses to interrogatories
11 that additional lands were not available.
12 MR. SMALL: Do you recall what
13 interrogatory response that was?
14 THE WITNESS (Klein): It had
15 to do with stormwater.
16 MR. SMALL: Right. Right.
17 There was an interrogatory response with
18 respect to additional lands for stormwater.
19 That's correct. But you don't recall any
20 additional responses involving habitat?
21 THE WITNESS (Klein): No.
22 MR. SMALL: Okay. Thank you.
23 You said you reviewed the Army Corps of
24 Engineers permit. Correct?
25 THE WITNESS (Savarese): Yes.

1 MR. SMALL: Permit
2 application, I should say.
3 THE WITNESS (Savarese): Yes.
4 MR. SMALL: And am I correct
5 that before the Army Corps can issue that,
6 the DEEP would have to issue a water quality
7 certification?
8 THE WITNESS (Klein): There is
9 a -- under certain circumstances, that's
10 correct.
11 MR. SMALL: Well, obviously,
12 the field you're in you're conversing with
13 Army Corps permits and you've reviewed the
14 one here. Would this require a Section 401
15 water quality certification from the
16 Connecticut DEEP?
17 THE WITNESS (Klein): The DEEP
18 has issued a generic water quality
19 certificate for activities that are covered
20 under category one of the general permit.
21 They require an individual water quality
22 certificate for activities that require the
23 an individual permit.
24 For activities that fall into
25 category two, which I believe is the position

1 that CPV Towantic has taken, they may require
2 an individual certificate, or they may allow
3 it to be processed under the generic
4 certificate.
5 MR. SMALL: Well, let's first
6 talk hypothetically. If the DEEP issues a
7 juicy water quality certification for a
8 project such as this one, in essence, what is
9 DEEP determining? Can you give us just the
10 outline of what determinations they are
11 making with respect to water quality and
12 other issues?
13 THE WITNESS (Klein): They
14 have determined that, in their opinion, the
15 proposed activity won't result in a violation
16 of the water quality standards.
17 MR. SMALL: Right. So you
18 believe -- I think you said in your testimony
19 that you believe the project, as proposed as
20 you understand, would violate the water
21 quality certification standards?
22 THE WITNESS (Klein): Right.
23 MR. SMALL: So if DEEP issued
24 a water quality certificate for this, they
25 may be right -- then you would be a

1 disagreement with them. Correct?
2 THE WITNESS (Klein): That's
3 correct.
4 MR. SMALL: Mr. Chairman,
5 literally this morning we received a water
6 quality certificate from the Connecticut DEEP
7 for this project. We can file it tomorrow if
8 you'd like, but I'd just like to -- and ask
9 for an administrative notice of it.
10 THE CHAIRMAN: We will give
11 you an administrative notice of it today, and
12 you could go through the formal filing
13 procedures.
14 Mr. Small, it's almost quarter
15 of quarter of four. We've been here for two
16 hours. The mind has problems absorbing
17 things at this stage. I would recommend that
18 we take a five-minute, by the clock, break
19 and be back here at 12 minutes to four. So
20 we'll break for that short period of time.
21 (Whereupon, a recess was taken
22 from 3:44 p.m. until 3:52 p.m.)
23 THE CHAIRMAN: We're all set.
24 Mr. Small, are you all set?
25 MR. SMALL: I am. Thank you.

1 THE CHAIRMAN: Is the Council
2 all set? I guess so.
3 Go ahead, Mr. Small.
4 MR. SMALL: Just a couple more
5 questions, Mr. Klein, then we'll turn to Mr.
6 Pietrorazio.
7 Again, I'm not asking you to
8 fully digest the water quality certification,
9 but did you have a chance to note during the
10 break that there's an extensive turtle
11 conservation program in there with very
12 detailed requirements?
13 THE WITNESS (Klein): Yes.
14 MR. SMALL: And that goes
15 beyond what the Natural Resource Database had
16 requested in its letter?
17 THE WITNESS (Klein): The
18 Natural Diversity Database? Yes.
19 MR. SMALL: Thank you.
20 Welcome back, sir.
21 THE WITNESS (Pietrorazio):
22 Thank you.
23 MR. SMALL: Let me just start
24 off with Mr. Pietrorazio on your background.
25 You mentioned, in one of your early filings

1 the stack? Do you recall?
2 THE WITNESS (Pietrorazio):
3 That's a stub stack out of the back of the
4 aggregate dryer. They were -- they were
5 involved with the project because they were
6 forced to get off fuel oil because of the
7 particular emissions and were actually shut
8 down, and had to go over to natural gas.
9 And we performed that
10 conversion for them. So it's a stub stack,
11 maybe 20 feet.
12 MR. SMALL: Okay. So that was
13 less than, so-called "good engineering"
14 practice back then?
15 THE WITNESS (Pietrorazio):
16 Oh, yes.
17 MR. SMALL: And so the
18 downwash concerns that you might have had for
19 a power plant stack would have been present
20 there?
21 THE WITNESS (Pietrorazio):
22 Well, at the time that that project was done,
23 and for -- the aggregate dryer is not
24 considered a stationary plant, if you will.
25 They are somewhat mobile and moved around.

1 in January, that you founded Connecticut
2 Combustion Corporation, a company
3 specializing in industrial fossil fuel
4 burning applications, so constructed surface
5 oil and gas burners. Is that correct?
6 THE WITNESS (Pietrorazio):
7 That's exactly right.
8 MR. SMALL: And including
9 industrial ones?
10 THE WITNESS (Pietrorazio):
11 Yes.
12 MR. SMALL: So what's the
13 largest sized boilers you've worked or have
14 worked on?
15 THE WITNESS (Pietrorazio):
16 The largest input capacity?
17 MR. SMALL: Input capacity.
18 THE WITNESS (Pietrorazio):
19 Probably the O&G aggregate dryer in
20 Waterbury, Connecticut, 162 million input.
21 MR. SMALL: 162 million Btu
22 input.
23 THE WITNESS (Pietrorazio):
24 Yes, per hour.
25 MR. SMALL: And how high was

1 And they come preassembled and with a short
2 stack.
3 And the dispersion is through
4 mechanical means, largely. Very much so.
5 MR. SMALL: So there's
6 something to force the plume up at a higher
7 velocity.
8 THE WITNESS (Pietrorazio):
9 Much higher velocity. That's correct.
10 MR. SMALL: And as an example,
11 is that plume visible in cold weather?
12 THE WITNESS (Pietrorazio):
13 Yes.
14 MR. SMALL: Okay.
15 THE WITNESS (Pietrorazio):
16 But you know, the asphalt are usually shut
17 down in real cold weather for the season.
18 MR. SMALL: But in, you know,
19 your general experience, you know, all of
20 your oil and gas fired boilers are going to
21 have plumes. Correct?
22 THE WITNESS (Pietrorazio):
23 Oh, yes. Whether they're visible or
24 invisible.
25 MR. SMALL: Yeah. It would be

1 visible in certain meteorological conditions
2 and invisible in others.
3 THE WITNESS (Pietrorazio):
4 The product is there.
5 MR. SMALL: Okay. Now let's
6 talk a little bit about the stack at
7 Towantic. I got the impression when you were
8 cross-examining our witnesses that, from an
9 air emission point of view, you felt they
10 were too low. Correct?
11 THE WITNESS (Pietrorazio):
12 Correct.
13 MR. SMALL: Because of
14 downwash.
15 THE WITNESS (Pietrorazio):
16 Downwash and fumigation, as Mr. Sellers
17 pointed out.
18 MR. SMALL: And, in fact, you
19 were going to offer up an exhibit showing
20 that a 10-foot decrease in the stack height
21 would double the emission rate -- double the
22 impact.
23 THE WITNESS (Pietrorazio):
24 Twenty foot.
25 MR. SMALL: Twenty foot,

1 excuse me. Yeah, you never provided that
2 exhibit. You couldn't --
3 THE WITNESS (Pietrorazio):
4 Yes, we did. We provided that to the
5 Council. I have it right here.
6 MR. SMALL: I recall your
7 exhibit on the --
8 THE WITNESS (Pietrorazio): It
9 was the one that was in the finding of fact,
10 Docket 192.
11 MR. SMALL: Okay. Well, we'll
12 look at it then.
13 THE WITNESS (Pietrorazio):
14 Yeah, they have it.
15 MR. SMALL: And speaking of
16 exhibits, you also said that there were EPA
17 noise standards that dealt, I believe with
18 cumulative impact. And you were going to
19 provide those. You then provided other
20 state noise standards, but you did not
21 provide EPA standards. Correct?
22 THE WITNESS (Pietrorazio):
23 That is correct.
24 MR. SMALL: Okay. You didn't
25 find any.

1 THE WITNESS (Pietrorazio):
2 I'm not sure I looked for any EPA standards.
3 MR. SMALL: But your question
4 has been about EPA standards when you were
5 cross-examining the CPV panel. Do you recall
6 that?
7 THE WITNESS (Pietrorazio):
8 Well, Attorney Small, I think I made the
9 comment based on the fact that the individual
10 states follow federal guidelines, and I think
11 that's why I referred to the EPA. Obviously,
12 the EPA has standards for noise emission.
13 Correct?
14 MR. SMALL: I'm not on the
15 stand. I can't answer that. We asked you to
16 provide any you had, and you didn't.
17 THE WITNESS (Pietrorazio):
18 Well, we're in the state of Connecticut, and
19 I guess we're primarily concerned with the
20 state requirements, and I furnished that
21 along with the Commonwealth of Massachusetts.
22 MR. SMALL: And you're aware
23 that CPV's testimony is that they will meet
24 the State noise guidelines. Correct?
25 THE WITNESS (Pietrorazio):

1 Yes.
2 MR. SMALL: And you have no
3 reason to question the adequacy of the state
4 noise guidelines as protecting human health
5 and their environment. Correct?
6 THE WITNESS (Pietrorazio):
7 Correct.
8 MR. SMALL: Okay. Thank you.
9 In your January 14th filing, do you have that
10 handy, your letter to Attorney Bachman, dated
11 January 14th?
12 THE WITNESS (Pietrorazio): I
13 should have. Hold on a second.
14 Yes, I have it.
15 MR. SMALL: And there's just
16 one statement in there I want to ask you
17 about. It's on page 2.
18 The third paragraph down, it
19 starts "Eighteen months later." Do you see
20 that paragraph?
21 THE WITNESS (Pietrorazio):
22 Yes. Yes, sir.
23 MR. SMALL: You state, and
24 I'll quote, that the SAIC study concluded
25 that if Towantic -- the Towantic Energy

1 Center, parens, 512 megawatts was built at
2 the site in Oxford it would present, and then
3 you italicize, unacceptable risk to aviation
4 in the whole vicinity of the airport. Do you
5 see that statement?
6 THE WITNESS (Pietrorazio):
7 Yes.
8 MR. SMALL: And you stand by
9 that statement? I mean, today do you believe
10 that statement is true and correct?
11 THE WITNESS (Pietrorazio):
12 Yes, I do.
13 MR. SMALL: Okay. Do you have
14 the FAA report handy, the SAIC report being
15 mentioned?
16 THE WITNESS (Pietrorazio): I
17 do not have the -- that, or the MITA report.
18 I don't have either one with me. I didn't
19 realize I was going to be crossed today for
20 the purpose. I would have had everything
21 with me.
22 MR. SMALL: Okay.
23 THE WITNESS (Pietrorazio):
24 And that was, I believe, Dr. Pruskowski's
25 report on three -- on three individual plants

1 that he studied, and the Waterbury Oxford
2 Airport, the Towantic facility in
3 relationship to the Waterbury Oxford Airport
4 was one of the three. And he made that
5 statement with regard to that plant.
6 MR. SMALL: Let me hand you
7 the page where, with the conclusion about
8 Oxford on it. And can you just please --
9 THE CHAIRMAN: Wait for the
10 mic.
11 MR. SMALL: Pardon me.
12 THE CHAIRMAN: Wait for the
13 mic.
14 MR. SMALL: Oh, I'm sorry.
15 THE CHAIRMAN: I don't mean to
16 rain on your parade.
17 MR. SMALL: Oh, okay. Do you
18 see the marked paragraph on that document,
19 sir?
20 THE WITNESS (Pietrorazio): I
21 do.
22 MR. SMALL: And is that the
23 paragraph on which you based a statement in
24 your letter?
25 THE WITNESS (Pietrorazio): I

1 think in part, Attorney Small, you're
2 correct. I may have went somewhat by memory
3 when I put this report together to Attorney
4 Bachman, but I am positive that I have an
5 e-mail from Dr. Pruskowski that states that
6 exact sentence.
7 MR. SMALL: But do you agree
8 with me that this, the paragraph that we've
9 looked at does not support the statement in
10 your --
11 THE WITNESS (Pietrorazio):
12 Not fully, no.
13 MR. SMALL: Thank you.
14 THE WITNESS (Pietrorazio):
15 Would I have an opportunity to present that
16 to the Council, the e-mail that I'm talking
17 about.
18 THE CHAIRMAN: I think it's
19 getting a little bit late.
20 THE WITNESS (Pietrorazio): I
21 don't mean -- I mean, can I late file it?
22 THE CHAIRMAN: That means
23 they've got a right to cross on the 24th, and
24 we're trying to move this along.
25 MR. SMALL: I mean, I guess

1 this, you know, is an official report of an
2 FAA contractor with SAIC, as in my report,
3 and a mere e-mail from someone who I'm
4 guessing was somehow involved in it.
5 THE CHAIRMAN: That's what
6 worries me.
7 MR. SMALL: A, is I don't
8 think it has any value or credibility in that
9 that person is not going to be available for
10 cross-examination.
11 THE CHAIRMAN:
12 Mr. Pietrorazio, the Applicant, if he had
13 that e-mail, he would try to submit it.
14 They're going to go all over it with a fine
15 toothed comb. And if the author is not here
16 to verify it, it becomes hearsay almost. So
17 I'm not sure what good it's going to do.
18 I understand your dilemma, and
19 I'm not unsympathetic to it, but by the same
20 token, in your interests of an orderly
21 procedure, it's kind of hard.
22 THE WITNESS (Pietrorazio):
23 It's unfortunate because I think it would be
24 very helpful to the Council.
25 MR. SMALL: Our only point

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1 with the cross-examination is that the SAIC
2 report which is in evidence here did not make
3 the statement that Mr. Pietrorazio claimed,
4 and we're not imputing his motives or
5 anything else.
6 THE CHAIRMAN: You've made
7 that point. Mr. Pietrorazio has said that
8 his statement that you read does not support
9 the paragraph that's in there.
10 THE WITNESS (Pietrorazio): I
11 didn't make it an actual quote. I did put
12 emphasis on it, but it's not an actual quote.
13 THE CHAIRMAN: So you know,
14 we're going take it for what it's worth. I
15 think let's leave well enough alone.
16 MR. SMALL: We're all done
17 with this witness panel. Thank you.
18 THE CHAIRMAN: Thank you very
19 much.
20 The next people to
21 cross-examine, should they wish, Jay Halpern.
22 (No response.)
23 THE CHAIRMAN: Not here.
24 Mr. Cochran from Eversource,
25 CL&P.

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1 (No response.)
2 THE CHAIRMAN: Not here.
3 The Town of Oxford, Attorney
4 Condon.
5 (No response.)
6 The group parties: Naugatuck
7 Valley Chapter Trout Unlimited.
8 (No response.)
9 Pomperaug River Watershed
10 Coalition, Mr. DeJong.
11 (No Response.)
12 THE CHAIRMAN: He's gone, I
13 guess.
14 Naugatuck River Revival Group,
15 Inc.
16 MR. ZAK: No questions.
17 THE CHAIRMAN: Thank you.
18 Lake Quassapaug Association,
19 LLC.
20 (No response.)
21 THE CHAIRMAN: Not here.
22 Middlebury Bridle Land
23 Association.
24 MS. PRESTON: No questions.
25 THE CHAIRMAN: No questions,

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1 thank you.
2 Dennis Kocyla.
3 (No response.)
4 THE CHAIRMAN: Not here.
5 Naugatuck Valley Audubon
6 society.
7 MR. RUHLOFF: No questions,
8 Mr. Chairman.
9 THE CHAIRMAN: Thank you.
10 Town of Southbury, First
11 Selectman Edelson.
12 (No response.)
13 THE CHAIRMAN: Not here.
14 GE Financial Services,
15 Attorney Malcynsky.
16 (No response.)
17 THE CHAIRMAN: Not here.
18 Borough of Naugatuck Water
19 Pollution Control Authority, Attorney
20 Fitzpatrick and Mr. Merancy.
21 (No response.)
22 Not here.
23 Mr. McCormack.
24 (No response.)
25 THE CHAIRMAN: I think he may

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1 have gone. He was here a few minutes ago.
2 Westover School.
3 (No response.)
4 THE CHAIRMAN: Not here.
5 Westover Hills Subdivision
6 Homeowners, Mr. Cornacchia.
7 (No response.)
8 THE CHAIRMAN: Not here.
9 Ms. Larkin.
10 MS. LARKIN: No questions,
11 thank you.
12 THE CHAIRMAN: No questions
13 for Ms. Larkin.
14 Quassy Amusement Park.
15 (No response.)
16 THE CHAIRMAN: Not here.
17 Oxford Flying Club.
18 (No response.)
19 THE CHAIRMAN: Not here.
20 Okay. That's the list of
21 panels that we have set up for today. We got
22 through a little bit sooner than I thought.
23 The Council announces that it
24 will continue the evidentiary portion of this
25 hearing here in New Britain on Tuesday,

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1 March 24, 2015, at 11 a.m. commencing with
2 the appearances of other parties and
3 intervenors, and then, continuing the
4 cross-examination of a certificate holder.
5 Please note that anyone who
6 has not become a party or intervenor but who
7 wishes to make his or her views known may
8 file written comments or e-mail comments with
9 the Council until the record closes. Copies
10 of the transcript of this hearing will be
11 filed at the Oxford and Middlebury Town
12 Clerk's offices. Thank you for your
13 participation. Drive home safely.
14 (Whereupon, the witnesses were
15 excused, and the above proceedings were
16 adjourned at 4:06 p.m.)
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1 CERTIFICATE
2
3 I hereby certify that the foregoing 270
4 pages are a complete and accurate
5 computer-aided transcription of my original
6 verbatim notes taken of the Council Meeting
7 in Re: DOCKET NO. 192B, CPV TOWANTIC, LLC
8 MOTION TO REOPEN AND MODIFY THE JUNE 23, 1999
9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED BASED ON CHANGED CONDITIONS
11 PURSUANT TO CONNECTICUT GENERAL STATUTES
12 SECTIONS 4-181A(B) FOR THE CONSTRUCTION,
13 MAINTENANCE AND OPERATION OF A 785 MW
14 DUAL-FUEL COMBINED CYCLE ELECTRIC GENERATING
15 FACILITY LOCATED NORTH OF THE PROKOP ROAD AND
16 TOWANTIC HILL ROAD INTERSECTION IN THE TOWN
17 OF OXFORD, CONNECTICUT, which was held before
18 PHILIP ASHTON, Acting Chairman, at the
19 Connecticut Siting Council, 10 Franklin
20 Square, New Britain, Connecticut, on March,
21 12, 2015.
22
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25

Robert G. Dixon, CVR-M 857
Court Reporter
UNITED REPORTERS, INC.
90 Brainard Road, Suite 103
Hartford, Connecticut 06114

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1 I N D E X
2 WITNESS JAY HALPERN Page 20
3
4 WITNESS WILLIAM O'HARA Page 31
5 EXAMINERS:
6 Mr. Perrone Page 36
7 Mr. Pietrorazio Page 53
8
9 WITNESS GEORGE R. TEMPLE Page 59
10 EXAMINERS:
11 Mr. Perrone Page 62
12 Mr. McCormack Page 69
13
14 WITNESSES SOPHIE ZYLA
15 KEVIN ZAK
16 LEN DeJONG
17 SYLVIA PRESTON
18 JEFF RUHLOFF Page 87
19 NANCY VAUGHN Page 135
20 EXAMINERS:
21 Mr. Perrone Page 90
22 Mr. Small Page 113
23 Ms. Larkin Page 165
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1 I N D E X (Cont'd.)
2 WITNESS WAYNE McCORMACK Page 175
3 EXAMINERS:
4 Mr. Perrone Page 178
5 Mr. Small Page 181
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8 WITNESSES MICHAEL KLEIN
9 STEVEN L. SAVARESE
10 RAYMOND PIETRORAZIO Page 192
11 EXAMINERS:
12 Mr. Perrone Page 197
13 Mr. Small Page 221
14
15 HALPERN EXHIBIT
16 (For identification.)
17 EXHIBIT DESCRIPTION PAGE
18 III-B-1 Prefiled Submission of
19 J. Halpern 22
20
21
22
23
24
25

I N D E X (Cont'd.)		
R. PIETRORAZIO AND TOWN OF MIDDLEBURY EXHIBITS		
(For identification.)		
EXHIBIT	DESCRIPTION	PAGE
IV-B-1	Pre-Hearing Conference submittal of R. Pietrorazio, dated 12/18/2015	196
IV-B-3	Pre-Hearing Submission of R. Pietrorazio, dated 1/7/2015	196
IV-B-4	Second Pre-Hearing Submission of R. Pietrorazio, dated 1/14/2015	196
IV-B-6	Late-Filed Exhibits of R. Pietrorazio, dated 2/3/2015	196
IV-B-7	Prefiled Testimony of M.S. Klein, received 3/3/2015	196
IV-B-8	Waterbury-Oxford Airport: Airport Master Plan Update, Final Report, dated September 2007 - Executive Summary	196
IV-B-9	Waterbury-Oxford Airport: Proposed Stage Relocation Plan, dated October 2009, Acquisition Phasing (Section 2)	196
IV-B-10	Letter and Map, from C. Kelsey, CCMA II, Middlebury Assessor, dated 3/3/2015	196
IV-B-11	Press Release, Governor Dannel P. Malloy re: Oxford Airport, dated 08/12/13	196
IV-B-12	Connecticut Airport Authority, Waterbury-Oxford Airport webpages, received 3/3/2015	196

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CL&P EXHIBITS		
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V-B-1	Pre-Hearing Conference Submittal, dated 12/18/2014	36
V-B-2	Prefiled Testimony of W. O'Hara, dated 1/8/2015	36
V-B-3	CL&P Responses to Petrорazio Interrogatories, dated 1/8/2015	36
TOWN OF OXFORD EXHIBITS		
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VI-B-1	Responses to the Town of Middlebury's Interrogatories, dated 3/9/2015	62
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GROUPED INTERVENORS' EXHIBITS		
(For identification.)		
EXHIBIT	DESCRIPTION	PAGE
VII-B-1	Prefiled Testimony of Pomperaug River Watershed Coalition, dated 1/6/2015	87
VII-B-2	Naugatuck River Revival Group, Inc., Request for Intervenor status, dated 1/5/2015	87

I N D E X (Cont'd.)		
GROUPED INTERVENORS' EXHIBITS		
(For identification.)		
EXHIBIT	DESCRIPTION	PAGE
VII-B-3	Lake Quassapaug Association, LLC, Request for Intervenor Status, dated 1/7/2015	87
VII-B-4	Middlebury Bridle Land Association, Request for Intervenor Status, dated 1/5/2015	87
VII-B-5	Dennis Kocyla, Request for Intervenor Status, dated 1/8/2015	87
VII-B-6	Naugatuck Valley Audubon Society, Request for Intervenor Status, dated 1/8/2015	87
VII-B-7	Naugatuck Valley Audubon Society Prefiled Testimony, dated 1/10/2015	87
VII-B-8	Statement of Middlebury Bridle Land Association, received 1/28/2015	87
VII-B-9	Additional Prefiled Testimony of Pomperaug River Watershed Coalition, dated 2/3/2015	87
VII-B-10	Naugatuck Valley Audubon Society, Additional Prefiled Testimony, dated 2/3/2015	87
VII-B-11	Second Additional Testimony of Pomperaug River Watershed Coalition, dated 3/2/2015	87
VII-B-12	Prefiled testimony of Middlebury Bridle Land Association, dated 2/2/2015	87

I N D E X (Cont'd.)		
GROUPED INTERVENORS' EXHIBITS		
(For identification.)		
EXHIBIT	DESCRIPTION	PAGE
VII-B-13	Naugatuck River Revival Group's Video and transcript of "Meet the Naugatuck River," received 3/3/2015	87
VII-B-14	Naugatuck River Revival Group, Prefiled Testimony, dated 3/3/2015	87
VII-B-15	Naugatuck River Revival Group Bird Exhibit, dated 3/3/2015	87
VII-B-16	Naugatuck Valley Audubon Society, Prefiled Testimony, dated 3/2/2015	87
VII-B-17	Naugatuck Valley Audubon Society, Exhibit 2 - National Atmospheric Deposition Data 2000-2013, dated 3/3/2015	87
MCCORMACK EXHIBITS		
(For identification.)		
EXHIBIT	DESCRIPTION	PAGE
XI-B-1	Request for Intervenor Status, dated 12/15/2014	177
XI-B-2	Photo Simulation of Proposed Stacks, dated 1/15/2015	177