

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 Sections  
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 Council Meeting held at the  
Connecticut Siting Council, 10 Franklin  
Square, New Britain, Connecticut, Thursday,  
March 26, 2015, beginning at 11:00 a.m.

H e l d B e f o r e :

ROBIN STEIN, Chairperson  
SENATOR JOHN J. MURPHY, JR.,  
Vice Chairperson

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A p p e a r a n c e s :

Council Members:

DR. BARBARA C. BELL  
ROBERT HANNON, DEEP Designee  
DANIEL P. LYNCH, JR.  
PHILIP T. ASHTON

Council Staff:

MELANIE BACHMAN, ESQ.,  
Executive Director and  
Staff Attorney

MICHAEL PERRONE,  
Siting Analyst

For CPV TOWANTIC, LLC:

BROWN RUDNICK, LLP  
185 Asylum Street  
Hartford, Connecticut 06103  
By: PHILIP M. SMALL, ESQ.

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A p p e a r a n c e s :

For the Town of Middlebury:

LAW OFFICE OF STEPHEN L. SAVARESE  
107 South Main Street  
Middlebury, Connecticut 06470  
By: STEPHEN SAVARESE, ESQ.

Also present for the Town of Middlebury:

RAYMOND PIETRORAZIO

For the Westover Hills Subdivision

Homeowners:

CHESTER CORNACCHIA

For Quassy Amusement Park and Lake

Quassapaug Association:

GEORGE FRANTZIS

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THE CHAIRPERSON: Good morning  
ladies and gentlemen. I'd like to call to  
order this hearing the Connecticut Siting  
Council relative to Docket Number 192B.  
Today, Thursday March 26, 2015, at 11:00 a.m.  
My name is Robert Stein. I'm Chairman of the  
Connecticut Siting Council. This hearing is  
held pursuant to the provisions of Title XVI  
of the Connecticut General Statutes of the  
Uniform Administrative Procedure Act upon a  
Motion to Reopen the Final Decision of  
Certificate of Environmental Compatibility  
and Public Need held by CPV Towantic, LLC,  
for the Construction, Maintenance and  
Operation of a 785-megawatt Dual-Fuel  
Combined-Cycle Electric Generating Facility  
located North of Prokop Road and Towantic  
Hill Road Intersection in the Town of Oxford,  
Connecticut.

On November 13, 2014 the  
Council, pursuant to a request filed by CPV  
Towantic, LLC, and the provisions of  
Connecticut General Statutes Section 4-181a,  
Subsection B reopen the final decision  
rendered in this docket.

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1 On June 23, 1999 the Council  
2 had considered and approved granting a  
3 certificate to CPV Towantic, LLC's  
4 predecessor for the construction, maintenance  
5 and operation of a 512 Megawatt Natural Gas  
6 Combined-Cycle Facility Located in the same  
7 location, in Town of Oxford, Connecticut.

8 On March 1, 2001, the Council  
9 considered and granted final site plan  
10 approval for this facility. A certificate of  
11 the facility is scheduled to expire on  
12 June 1, 2016. A verbatim transcript will be  
13 made of this hearing and deposited with the  
14 town clerks office and Oxford/Middlebury town  
15 hall for the convenience of the public.

16 We will proceed in accordance  
17 with the prepared agenda, copies of which are  
18 available by the door.

19 I'm going to go according to  
20 the agenda. The first intervener is from  
21 Lake Quassapaug Association, LLC. Is that  
22 individual representing Lake Quassapaug  
23 Association, LLC, here?

24 MR. FRANTZIS: Yes.

25 THE CHAIRPERSON: That's you,

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1 sir?

2 MR. FRANTZIS: Yes, sir.

3 My name is George Frantzis.  
4 I'm actually here wearing two hats today.  
5 I'm here for Quassy Amusement Park and the  
6 LQA, Lake Quassapaug Association if that's  
7 okay.

8 THE CHAIRPERSON: We will do  
9 our best. Thank you.

10 MR. FRANTZIS: Excuse me.

11 THE CHAIRPERSON: First, we'll  
12 start by swearing you and if you would please  
13 rise.

14 G E O R G E F R A N T Z I S,

15 called as a witness, being first duly  
16 sworn by Ms. Bachman, was examined and  
17 testified on his oath as follows:

18 THE CHAIRPERSON: We'll start  
19 with the verification of the exhibits you  
20 submitted. We'll do both, but we'll do them  
21 separately. We'll start with the Quassy  
22 Amusement Park. These are exhibits marked as  
23 Roman numeral XV-B, 1 through 2 on the  
24 Hearing Program which is -- 1 is a request  
25 for Intervenor status, and the other is

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1 prefiled testimony of Quassy Amusement Park  
2 dated March 3, 2015.

3 So I'm just going to go  
4 through, asking you questions on these  
5 specific exhibits.

6 Mr. Frantzis, did you prepare  
7 or assist in the preparation of these  
8 exhibits?

9 THE WITNESS (Frantzis): No.  
10 I have not. This is based on my research and  
11 conversations and concerns.

12 THE CHAIRPERSON: But did you  
13 request Intervenor status?

14 THE WITNESS (Frantzis): Yes,  
15 I did.

16 THE CHAIRPERSON: So you -- at  
17 least that exhibit you must have?

18 THE WITNESS (Frantzis): I'm  
19 really having a hard time hearing you. I  
20 apologize.

21 THE CHAIRPERSON: There are  
22 two items. One is your request for an  
23 Intervenor status?

24 THE WITNESS (Frantzis):  
25 Correct.

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1 THE CHAIRPERSON: And then  
2 there was another one prefiled testimony, so  
3 the question is did you prepare or assist in  
4 preparing those items?

5 THE WITNESS (Frantzis): No, I  
6 didn't. I don't understand the question.  
7 I'm sorry. What do you mean by was I  
8 assisted?

9 THE CHAIRPERSON: Well, did  
10 you prepare it?

11 THE WITNESS (Frantzis): Yes.

12 THE CHAIRPERSON: Or, it's an  
13 or, so you can answer either.

14 THE WITNESS (Frantzis): I  
15 prepared it, yes.

16 THE CHAIRPERSON: Okay. And  
17 this is just something I go through for  
18 everybody, so --

19 THE WITNESS (Frantzis): I  
20 apologize. I prepared the one for Quassy  
21 Amusement Park. Ingrid Manning did the one  
22 for the LQA.

23 THE CHAIRPERSON: Okay. Well,  
24 we'll do first the one for Quassy.

25 THE WITNESS (Frantzis): Okay.

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1 I apologize.

2 THE CHAIRPERSON: Do you have

3 any additions, clarifications, deletions or

4 modifications?

5 THE WITNESS (Frantzis): No, I

6 just have the specific questions that I

7 wanted to ask today.

8 THE CHAIRPERSON: Okay. And

9 the exhibit that you prepared, is that true

10 and accurate to the best of your knowledge?

11 THE WITNESS (Frantzis): Yes.

12 THE CHAIRPERSON: And do you

13 offer those two as exhibits today?

14 THE WITNESS (Frantzis): Yes.

15 THE CHAIRPERSON: And do you

16 offer them as full exhibits?

17 THE WITNESS (Frantzis): Yes.

18 THE CHAIRPERSON: Okay. Is

19 there any objection from any of the

20 intervenors or Parties.

21 (No response.)

22 THE CHAIRPERSON: Hearing and

23 seeing none these exhibits are admitted in

24 full as exhibits.

25 (Exhibit XV-B-1 and Exhibit

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1 XV-B-2: Received in evidence - described in

2 index.)

3 THE CHAIRPERSON: And now

4 we'll begin the cross-examination of you.

5 You'll be asked questions, or maybe not,

6 depending on if we have questions for you.

7 We will start with staff,

8 Mr. Perrone.

9 MR. PERRONE: I have no

10 questions, Mr. Chairman.

11 THE CHAIRPERSON: Senator

12 Murphy.

13 SENATOR MURPHY: I have no

14 questions.

15 THE CHAIRPERSON: Dr. Bell.

16 DR. BELL: Thank you

17 Mr. Chair. I don't have any questions of

18 this witness.

19 THE CHAIRPERSON: Mr. Ashton.

20 MR. ASHTON: Just one

21 question. Do you know what the distance is

22 between the nearest point on the Lake,

23 Quassapaug Lake to the power plant?

24 THE WITNESS (Frantzis): I

25 think roughly three miles. We're about

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1 three miles away.

2 MR. ASHTON: Three miles.

3 Thank you. Nothing further.

4 THE CHAIRPERSON: Mr. Hannon.

5 MR. HANNON: Not after

6 Mr. Ashton. Thank you.

7 THE CHAIRPERSON: Mr. Lynch.

8 MR. LYNCH: No questions.

9 THE CHAIRPERSON: Okay. Then

10 we will go any questions by the certificate

11 holder.

12 MR. SMALL: No questions,

13 Mr. Chairman.

14 THE CHAIRPERSON: We are just

15 going down the list of all the other

16 intervenors to see if they have any questions

17 for you. Mr. Halpern.

18 (No response.)

19 THE CHAIRPERSON: Group

20 parties starting with the town of Middlebury.

21 CROSS-EXAMINATION

22 MR. SAVARESE: Attorney

23 Savarese for the town of Middlebury.

24 Mr. Frantzis, would you

25 summarize what your concerns are as set forth

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1 in your motion, your Intervenor's request?

2 THE WITNESS (Frantzis): I'm

3 not a lawyer, and I'm not a technical guy.

4 I'm a business owner. I'm a -- I'm a person

5 who's been in the community my own life, so I

6 have interests not only with the business,

7 but my community as well, and so I have grave

8 concerns about the well-being of my

9 surrounding community, you know, the

10 Waterbury, Naugatuck, Oxford, Southbury,

11 Middlebury. Watertown, Woodbury, all the

12 places that directly affect me.

13 So when I started reading

14 about and hearing about what's happening in

15 Oxford, not even three miles away from us, I

16 had grave concerns about the quality in which

17 the air will be after if this thing takes

18 place. You know, being such a short

19 footprint away, you know, quite frankly, when

20 you're, you know, the things I've read and

21 the things that have been submitted, the

22 amount of tonnage of chemicals and particles

23 that are going to be emitted from these

24 stacks is a little overwhelming.

25 And quite frankly, in layman's

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1 terms, I'm just -- I have grave concerns that  
2 the evidence that's pro this -- this -- this  
3 project won't affect the Lake and my  
4 business.

5 So, you know, quite frankly,  
6 if this committee can educate me better as to  
7 how they can "guarantee," and I think that's  
8 a key phrase that this whole thing, that --  
9 that these particles per million -- and  
10 again, I don't want to get technical because  
11 I'm not a greatly technical guy -- are not  
12 going to be emitted into my Lake and/or my  
13 business and/or my employees or at my family.

14 And there's nothing that's  
15 telling me that the hundred percent that  
16 there's going to be no fallout in my  
17 surrounding community. And quite frankly,  
18 that's all I'm concerned about is our  
19 surrounding community.

20 I'm not concerned about the  
21 New England footprint or the East Coast  
22 footprint because, quite frankly, it seems  
23 like a bunch of smoke and mirrors to me.  
24 Again, in my layman's terms.

25 So yeah, I got grave concerns.

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1 How are we going to monitor? Has anybody  
2 started monitoring the air qualities around  
3 our lake? Has anybody started monitoring the  
4 air quality on the other side of the lake?  
5 You know, and then, what's going to happen,  
6 you know, a year -- let's say this thing is  
7 passed, down the road, and let's say there  
8 are fallouts and there are particles per  
9 million in our Lake. What's going to  
10 happened then, and how do we go backwards?

11 Growing up, you know, we used  
12 to smell the Naugatuck -- not power plant,  
13 excuse me. The Naugatuck Uniroyal Plant  
14 every once in a while when the wind was just  
15 right or, you know, it was a calm day and it  
16 was nasty, and the Naugatuck River was  
17 polluted. And it seems to me that we've  
18 done -- we've taken great strides in our  
19 community to make the Waterbury, Middlebury  
20 area better. We eliminated those  
21 smokestacks. The Naugatuck River, my God  
22 when I was kid, you wouldn't want to even go  
23 near it, no less walk in it. And today,  
24 because of the strides that we've taken to  
25 better our community, I think we've -- we've

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1 -- we have something that's substantial.

2 And again to put my Lake  
3 Quassapaug Association hat on, we have a  
4 milfoil issue, where -- I mean, we're one of  
5 the cleanest lakes in Connecticut, and we  
6 attract a lot of people from around the  
7 country or around the tri-states to our  
8 business.

9 And again, I've got to -- I've  
10 got to talk with both hats because what's  
11 good for the Lake is also good for my  
12 business, and my family and my surrounding  
13 family and friends. So it's very difficult  
14 to separate the two and I think that's why  
15 I'm involved in both.

16 And I don't know if I'm  
17 getting off on a rant here, but again, I'm  
18 just explaining my concerns that I haven't  
19 heard anything or read anything that has  
20 eased my conscience that there aren't going  
21 to be particles, the soot process that's  
22 coming out in these hundreds of tons of  
23 chemicals are going to be pumped out of  
24 these -- these stacks that aren't going to be  
25 dropped onto our Lake, and our rides, and our

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1 business, and my employees.

2 We've just spent a ton of  
3 time, we wanted to eradicate this -- evasive  
4 milfoil that's in the lake. And originally  
5 we were thinking about using chemicals to do  
6 that and, you know, we had a lot of experts  
7 come in and tell us, you know, this is the  
8 cheapest best way to do it. The outcry was  
9 so overwhelming against that process that it  
10 made us look at it a different way. And I  
11 guess that's kind of why I'm here today as  
12 well, because I just wanted to kind of set  
13 the groundwork here that that cry for not  
14 putting chemicals into our Lake was so  
15 overwhelming by the surrounding community  
16 that the organization looked at things in a  
17 different way and a different way of doing  
18 it.

19 So again, my concern is, can  
20 anybody in this group tell me, you know, how  
21 it will not have any kind of pollution? Is  
22 there going to be any haze? What's going to  
23 happen on days when it's --

24 THE CHAIRPERSON: You are here  
25 to answer.

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1 MR. SAVARESE: Well, at this  
2 -- at this point you'll get an opportunity to  
3 ask, but --

4 THE CHAIRPERSON: You are here  
5 to answer, you are here to respond to the  
6 questions.

7 THE WITNESS (Frantzis): Okay.  
8 I guess my rant has been long enough then.

9 MR. SAVARESE: All right.

10 THE WITNESS (Frantzis): I  
11 think you've got flavor my passion and  
12 concern that the things that are going to be  
13 emitted --

14 THE CHAIRPERSON: We have a  
15 follow-up question from one of the members.

16 Mr. Lynch.

17 MR. LYNCH: You referenced the  
18 cleanup of the Naugatuck River from when you  
19 were a kid to now?

20 THE WITNESS (Frantzis): Yes.

21 MR. LYNCH: Wouldn't the  
22 retiring of all fossil fuel plants be a  
23 similar type of thing in that they're being  
24 retired and their particulates per thousand  
25 more than what's being offered here be the

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1 same scenario?

2 THE WITNESS (Frantzis): Well,  
3 I think, no, I don't. I think we're trying  
4 to bring something into our community that  
5 doesn't necessarily need to be there, and I'm  
6 just trying to weigh out the pros with the  
7 cons, and I just -- you know, I try to look  
8 at things from a pretty middle-of-the-road  
9 kind of perspective. And what are the pros  
10 for our area, our community, my neighbors and  
11 friends and what are the cons?

12 MR. LYNCH: I've got that.  
13 You have already --

14 THE WITNESS (Frantzis): So  
15 again, I don't think we're -- we're not  
16 really eliminating stuff. We're just adding.  
17 And that I think there's a better way to go  
18 about it. I think there's a hundred  
19 different better ways to go about getting the  
20 final result we need to get or want to get  
21 from what I've read.

22 MR. LYNCH: Thank you,  
23 Mr. Chairman.

24 MR. SAVARESE: Can you  
25 describe a little more your actual business

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1 for those that have not been to Quassy  
2 Amusement Park?

3 THE WITNESS (Frantzis): We're  
4 -- we're a family amusement park. We're on  
5 20 acres of Lake Quassapaug -- Lake  
6 Quassapaug. We've been -- we've been in the  
7 community since 1908. We're celebrating,  
8 what, are 109 year, 8th year of operation.

9 THE CHAIRPERSON: And what  
10 exactly do you operate? I think that was the  
11 question. What does your amusement park  
12 consist of?

13 THE WITNESS (Frantzis): Well,  
14 we consist of land rides. We consist of a  
15 water park and we consist of open-water  
16 swimming at a beachfront, which is extremely  
17 important. I think one of the things we have  
18 done a lot of our literature, and I have some  
19 here for you is that we promote throughout  
20 the tri-state, you know, crystal-clear waters  
21 of Lake Quassapaug sitting on the northern  
22 shores of crystal-clear beautiful Lake  
23 Quassapaug and lakefront caterers. I mean,  
24 you know, all these things that we draw  
25 people from Massachusetts and New York and

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1 quite a bit through Connecticut come to the  
2 Park for that pristine country fresh day with  
3 their family. We do a lot of corporate  
4 outings, corporate functions and corporate  
5 sponsorships.

6 THE CHAIRPERSON: I think we  
7 get your point.

8 THE WITNESS (Frantzis): Well,  
9 I think one -- there's one -- I just want to  
10 touch on one thing because when the LQA was  
11 thinking about putting chemicals into the  
12 lake, when they heard about that, when these  
13 corporate functions and sponsors heard about  
14 that they came to me and said, listen,  
15 George, we're going to have to back out, and  
16 so we had the potential of losing substantial  
17 business.

18 There's another business on  
19 the other side of the lake Sandy Beach Swim  
20 Club. His -- his membership went down  
21 20 percent because of just the talk of  
22 putting chemicals into that lake.

23 So on an economic level I have  
24 grave concerns that if that happens, and the  
25 word gets out that all of the sudden you have

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1 a fallout within our lakefront, that there  
2 could be -- I could lose business, quite  
3 frankly. And so that's another reason why  
4 I'm here on a business level.

5 THE CHAIRPERSON: Thank you.

6 MR. SAVARESE: How many  
7 seasonal employees do you have?

8 THE WITNESS (Frantzis): We're  
9 pushing now over 400.

10 MR. ASHTON: Mr. Savarese, can  
11 you keep your voice up, please.

12 MR. SAVARESE: Yes,  
13 Mr. Ashton. I'll keep my voice up.

14 How many employees again?

15 THE WITNESS (Frantzis): We  
16 have roughly 400 employees throughout the  
17 summer.

18 MR. SAVARESE: And how many  
19 visitors at your last count?

20 THE WITNESS (Frantzis): We  
21 have about over 400,000 that step out gates  
22 every summer and increasing I might add.

23 MR. SAVARESE: What is your  
24 season?

25 THE WITNESS (Frantzis): We

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1 open the third weekend in April or the last  
2 weekend in April. We go full-time Memorial  
3 to Labor Day and we close usually around the  
4 first -- well, this year we're closing  
5 Columbus Day weekend will be our last  
6 weekend.

7 MR. SAVARESE: Would you say  
8 that your business is predominately an  
9 outdoor business?

10 THE WITNESS (Frantzis): A  
11 hundred percent.

12 MR. SAVARESE: No further  
13 questions.

14 THE CHAIRPERSON: I just have  
15 a follow-up question. Are you aware -- how  
16 long have you been involved with the  
17 business?

18 THE WITNESS (Frantzis): The  
19 business was started 1908. My family took it  
20 over in '37. I was born in 1960. I was  
21 working there since before I could see over a  
22 counter, but that's -- so I've been there my  
23 whole life.

24 THE CHAIRPERSON: Thank you.

25 But are you aware that in 1999

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1 a power plant was approved on this location?

2 THE WITNESS (Frantzis): I  
3 wasn't until just recently.

4 THE CHAIRPERSON: Why not  
5 until just recently?

6 THE WITNESS (Frantzis):  
7 Excuse me.

8 THE CHAIRPERSON: Why not --  
9 I'm just trying to -- you said you were not  
10 until just recently.

11 THE WITNESS (Frantzis):  
12 Correct. Until I started hearing about this  
13 plant and doing the research and seeing  
14 things online. I was not in '99.

15 THE CHAIRPERSON: So as far as  
16 you know the approval of that plant which was  
17 albeit smaller, but of the same type did or  
18 did not cause any economic --

19 THE WITNESS (Frantzis): My  
20 understanding it was a substantially smaller  
21 footprint --

22 THE CHAIRPERSON: No, that's  
23 my question.

24 THE WITNESS (Frantzis): --  
25 than what we're talking about today.

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1 THE CHAIRPERSON: That was not  
2 my question. My question was: Did it have  
3 any economic impact, the approval of that  
4 plant?

5 THE WITNESS (Frantzis): I was  
6 not as engrained in the business at that  
7 point, so I can't answer that question  
8 honestly.

9 THE CHAIRPERSON: Okay. Thank  
10 you.

11 Anybody for CL&P.

12 (No response.)

13 THE CHAIRPERSON: Town of  
14 Oxford.

15 (No response.)

16 THE CHAIRPERSON: Group  
17 Parties starting with the Naugatuck Valley  
18 Trout Unlimited.

19 (No response.)

20 THE CHAIRPERSON: And that --  
21 all that group includes Naugatuck River  
22 Revival and Audubon.

23 The Town of Southbury?

24 (No response.)

25 THE CHAIRPERSON: GE Energy

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1 Financial?  
 2 (No response.)  
 3 THE CHAIRPERSON: The Borough  
 4 of Naugatuck and the Water Pollution Control  
 5 Authority.  
 6 (No response.)  
 7 THE CHAIRPERSON:  
 8 Mr. McCormack?  
 9 (No response.)  
 10 THE CHAIRPERSON: Westover  
 11 School?  
 12 (No response.)  
 13 THE CHAIRPERSON: Westover  
 14 Hills Subdivision Homeowners.  
 15 MR. CORNACCHIA: Mr. Chair,  
 16 Chester Cornacchia. I have a question or two  
 17 for Mr. Frantzis.  
 18 THE CHAIRPERSON: Please come  
 19 up.  
 20 CROSS-EXAMINATION  
 21 MR. CORNACCHIA: Hi, George.  
 22 If you can help me here, I'm trying to get my  
 23 arms around you had mentioned a milfoil  
 24 eradication program. Can you detail it for  
 25 me, please?

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1 THE WITNESS (Frantzis): Sure.  
 2 Basically Lake Quassapaug has been one of the  
 3 cleanest lakes in Connecticut for a number of  
 4 years with visibility, you know, 20 feet down  
 5 plus. So we take pride in that and we try to  
 6 keep as much boating out of the lake as  
 7 possible. It's primarily a sailing lake and  
 8 a lake for recreational swimming and people  
 9 to enjoy.  
 10 We have found -- in our  
 11 pursuit to maintain that level of clarity we  
 12 have found evasive milfoils spore, let's put  
 13 it in layman's term, weeds that are not  
 14 indigenous to the lake growing in abundance.  
 15 So what I was referring to earlier as far as  
 16 the talk of putting chemicals into the lake  
 17 and one there was such a passion is we're  
 18 trying to get rid of it. And so as an  
 19 Association we've determined the best course  
 20 of action, and not necessarily the most  
 21 financially feasible one, but the one that's  
 22 probably best for the community, best for our  
 23 families, it's best for the surrounding  
 24 towns, is to do it by hand pulling and/or  
 25 suction harvesting.

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1 Again, I'm totally manual  
 2 labor, for lack of a better word. To remove  
 3 this, let's again for layman's term, weeds  
 4 that aren't supposed to be there.  
 5 And so why are we concerned  
 6 about this? Well, this stuff and grow so  
 7 think that it could kill off the indigenous  
 8 weeds that are in the lake now. It could  
 9 hurt the spawning beds for the fish in the  
 10 lake. You know, the aquatic ecostructure,  
 11 the ecostructure of any lake is very fragile.  
 12 And we had a concern --  
 13 THE CHAIRPERSON: So, we all  
 14 get the point. So what actually have you  
 15 done or not done?  
 16 MR. CORNACCHIA: My question  
 17 was what is the milfoil, A, number one; and I  
 18 guess what measures were --  
 19 THE WITNESS (Frantzis): Okay.  
 20 I'm --  
 21 THE CHAIRPERSON: I'm trying  
 22 to get to the measures. I think he's going  
 23 to explain what it is.  
 24 MR. CORNACCHIA: Thank you,  
 25 Mr. Chair.

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1 THE WITNESS (Frantzis): Yeah,  
 2 I'll explain what it is, and I'll tell you  
 3 what we've done to date, because we had a  
 4 problem years ago, about 20 years ago as well  
 5 and that was -- again, I'm just trying to  
 6 explain the fragileness of the lakes in  
 7 Connecticut and/or our -- in particular the  
 8 one we're concerned about today. So how  
 9 little things can throw off the balance and  
 10 really mess things up. The State back in the  
 11 day, but Alewives into the lake.  
 12 MR. CORNACCHIA: I'm sorry?  
 13 THE WITNESS (Frantzis):  
 14 Alewives, little fish.  
 15 MR. CORNACCHIA: Okay.  
 16 THE WITNESS (Frantzis):  
 17 Because they wanted the fish that were in  
 18 there to feed off of them. And the bottom  
 19 line is is they threw off the whole  
 20 ecological balance of the lake. So then, all  
 21 of a sudden, we had all this growth of -- of  
 22 algae and it was of grave concern, and that's  
 23 how originally the LQA got its -- kind of got  
 24 its start.  
 25 MR. CORNACCHIA: What was

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1 that? The L what?

2 THE WITNESS (Frantzis): The  
3 Lake Quassapaug Association.

4 MR. CORNACCHIA: Oh, the  
5 Association. Okay. Sorry.

6 THE WITNESS (Frantzis): That  
7 was a beginning foundation of this a number  
8 of years ago. We determined that if we  
9 introduced more trout -- the anglers actually  
10 helped us quite a bit. If we introduced a  
11 lot more trout into the lake, which ate the  
12 Alewives which are no longer eating the  
13 plankton, yadda, yadda, yadda. Again, it  
14 just goes to show the fragile nature. And  
15 again, bringing the lake back to its pure  
16 state.

17 So what I'm trying to say is  
18 if we don't address this, then we could  
19 potentially throw off the ecological balance  
20 of the lake, and again, come back to that  
21 problem.

22 MR. CORNACCHIA: So you  
23 addressed it?

24 THE WITNESS (Frantzis): We  
25 have -- and again, addressed. Now we're --

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1 we've gotten it back to square one, and so  
2 now we have another problem with the evasive  
3 milfoils and the weeds that are not  
4 indigenous to our lake, and so now what we're  
5 doing is we're going around and hiring people  
6 that can pull and suction these weeds to,  
7 again, just keep that balance where it should  
8 be.

9 MR. CORNACCHIA: Are there  
10 chemical alternatives that you could take to  
11 do that?

12 THE WITNESS (Frantzis): Yes.  
13 And we -- we were -- we thought about it.

14 MR. ASHTON: Mr. Chairman,  
15 this is all very interesting, but I fail to  
16 see any relevance whatsoever to the issue of  
17 milfoils.

18 THE WITNESS (Frantzis): Well,  
19 there's huge relevance, sir. I beg to  
20 differ.

21 MR. ASHTON: Excuse me.  
22 Excuse me.

23 THE CHAIRPERSON: Wait a  
24 minute. Wait a minute. I'm the Chair.

25 THE WITNESS (Frantzis): I'm

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1 sorry. I apologize. I don't know the first  
2 process.

3 MR. ASHTON: I fail to see --  
4 THE CHAIRPERSON: The question

5 about chemicals was asked by the prior  
6 Intervenor and it was answered. So unless  
7 you have another question.

8 MR. CORNACCHIA: So noted. I  
9 was just curious if they had explored  
10 chemical options he had mentioned it.

11 THE CHAIRPERSON: Well, he  
12 explained it. I mean --

13 MR. CORNACCHIA: Okay.

14 THE CHAIRPERSON: -- explained  
15 the outcry.

16 MR. CORNACCHIA: My question  
17 was going to be, which is more cost-effective  
18 for the Lake Association, and that was it.

19 MR. ASHTON: No relevance.

20 THE CHAIRPERSON: Well, but he  
21 explained that there was such an outcry that  
22 they're not using chemicals. And it's not  
23 relevant to what we're --

24 MR. CORNACCHIA: Again, all I  
25 wanted to know was is there a price

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1 difference between going chemical or going  
2 with the natural.

3 THE CHAIRPERSON: I  
4 understand. And that's not relevant either.

5 But Mr. Hannon has a follow-up  
6 question.

7 MR. HANNON: What type of  
8 boats are allowed on the lake?

9 THE WITNESS (Frantzis): We  
10 have -- during the season Memorial Day to  
11 Labor Day there is -- you can have any kind  
12 of boat you want on the lake. The issue is  
13 speed and there's basically what they call a  
14 no wake rule. In other words it's a big  
15 fishing lake, and it's a big sailing lake,  
16 and so there are no jet skis. There are no,  
17 you know, high-speed motorboats. You could  
18 troll basically to fish.

19 MR. HANNON: And people are  
20 allowed to bring their own boats?

21 THE WITNESS (Frantzis): It's  
22 a very limited lake as far as accessibility.  
23 There's -- I think I'm the only real public  
24 access to the lake, and I don't allow boats.  
25 There's the yacht -- there's the one cove

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1 where the Anglers Association has control the  
2 most part and they monitor their organization  
3 quite strongly.

4 MR. HANNON: The reason I'm  
5 asking the question is because a lot of times  
6 the reason that you find invasive species in  
7 certain areas is because people will take  
8 their boats from one lake to another to  
9 another and they don't properly clean them --

10 THE WITNESS (Frantzis):  
11 Absolutely.

12 MR. HANNON: -- you get  
13 somebody that gets to your lake, so you can  
14 do whatever you want there, but it may not  
15 solve your invasive species issue.

16 THE WITNESS (Frantzis): And  
17 we are -- couldn't agree with you more, and  
18 we know that. And -- and that is also part  
19 of the LQA, Lake Quassapaug Association's one  
20 of their arms is to educate and to make sure  
21 that the boats coming into the lake are  
22 cleaned, just as a lot of lakes around the  
23 country do.

24 It is -- it is probably one of  
25 the -- that and birds. I mean, birds bring

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1 other forms of weeds into the lake all the  
2 time, but when you are faced with a problem  
3 and a problem that's growing, either you deal  
4 with it or you don't. Right? And so we've  
5 decided to maintain the purity of the lake  
6 and so we definitely recognize those concerns  
7 and that is just one aspect of many that we  
8 are aggressively addressing to make sure that  
9 we minimize -- I mean, you know, it's all  
10 about minimizing, I guess.

11 MR. HANNON: Thank you.

12 THE CHAIRPERSON: Any other  
13 questions?

14 MR. CORNACCHIA: Now, just in  
15 terms of the Lake Quassapaug Association,  
16 approximately how many members? Do they  
17 surround the lake? What is the topography of  
18 the lake and approximately what the  
19 elevations are? And that is all.

20 THE WITNESS (Frantzis):  
21 Honestly, I don't have all those technical  
22 answers off the top of my head.

23 MR. CORNACCHIA: Do you have  
24 approximations? Is it flat terrain? It is  
25 hilly?

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1 THE WITNESS (Frantzis): No.  
2 We have a fairly -- I would not call it  
3 mountainous but I guess it's a hilly terrain.

4 MR. CORNACCHIA: Okay. And  
5 just approximate elevations on the lake.

6 THE WITNESS (Frantzis): I  
7 think we're --

8 THE CHAIRPERSON: If you know  
9 it. If you don't, you can just say so.

10 THE WITNESS (Frantzis): Off  
11 the top of my head -- well, let's see. I  
12 don't know. Like 300, 600 feet above -- I'm  
13 not a hundred percent positive.

14 MR. CORNACCHIA: Okay. That's  
15 all I have.

16 THE CHAIRPERSON: Thank you.

17 MR. CORNACCHIA: Thank you.

18 THE CHAIRPERSON: Mr. Ashton.

19 MR. ASHTON: Yes,  
20 Mr. Chairman, thank you.

21 I have one question. Have you  
22 read the application, Mr. Frantzis?

23 THE WITNESS (Frantzis): What  
24 do you mean the application?

25 MR. ASHTON: The application.

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1 The applicant filed with this Council an  
2 application plus many, many answers to  
3 questions?

4 THE WITNESS (Frantzis): I've  
5 read -- I've read a lot. You know, again,  
6 I've read most of the documentation that's  
7 crossed my plate and the research I have to  
8 say what specific application, I can't  
9 without seeing it, really can give you an  
10 answer.

11 MR. ASHTON: So you haven't  
12 read the application?

13 THE WITNESS (Frantzis): I  
14 probably have. I mean, I've read --

15 MR. ASHTON: You probably have  
16 or?

17 THE WITNESS (Frantzis): I've  
18 gotten a stack of paperwork --

19 MR. ASHTON: Where did you get  
20 the papers?

21 THE WITNESS (Frantzis):  
22 Through -- through the websites and, basic --  
23 most of the stuff through the Internet.

24 MR. ASHTON: I'm sorry.

25 THE WITNESS (Frantzis):

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1 Through the Internet, and then also once I --  
2 I filed for Intervenor then I also received  
3 packet after packet, as everybody did.

4 MR. ASHTON: And you've read  
5 all that material?

6 THE WITNESS (Frantzis): I've  
7 read a good portion of it. Not the whole --  
8 I will honestly say I've not read every page  
9 just because it's very repetitive, but I've  
10 read most of what was written.

11 MR. ASHTON: Do you know if  
12 this power plant site can be seen from Lake  
13 Quassapaug?

14 THE WITNESS (Frantzis): I  
15 don't think we will be able to see it, from  
16 my understanding.

17 MR. ASHTON: Because you  
18 testified that you were worried about, quote,  
19 heavy industrial views?

20 THE WITNESS (Frantzis):  
21 That's correct.

22 MR. ASHTON: And --

23 THE WITNESS (Frantzis): Just  
24 because I can't see it doesn't mean it won't  
25 come my way. I couldn't see -- I couldn't

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1 see the Uniroyal plant, but I could sure as  
2 heck smell it and know when it was coming my  
3 way.

4 MR. ASHTON: Well, okay. I'll  
5 let it go. Thank you.

6 THE CHAIRPERSON: Okay.

7 Ms. Larkin.

8 (No response.)

9 THE CHAIRPERSON: Mr. Stevens  
10 from the Flying Club.

11 (No response.)

12 THE CHAIRPERSON: I understand  
13 you're really speaking for both the Amusement  
14 Park and for the Association, but since  
15 separately we had exhibits I'm just going to  
16 have to go through this for the Lake  
17 Quassapaug Association, and obviously, if you  
18 did not prepare the material all you have to  
19 do is say that. And they submitted an  
20 exhibit marked Roman numeral VII-B-3 which  
21 was their request for Intervenor status. And  
22 again, regarding their request, did you  
23 prepare or assist in the preparation of their  
24 request for Intervenor status?

25 THE WITNESS (Frantzis): I may

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1 have assisted being the president of the  
2 Association.

3 THE CHAIRPERSON: Okay. Do  
4 you have any additions, clarifications,  
5 deletions, modifications?

6 THE WITNESS (Frantzis): Not  
7 at this time.

8 THE CHAIRPERSON: Are these  
9 exhibits true and accurate to the best of  
10 your knowledge?

11 THE WITNESS (Frantzis): Yes.

12 THE CHAIRPERSON: Okay. And  
13 do you offer these exhibits as part of your  
14 testimony today?

15 THE WITNESS (Frantzis): Yes.

16 THE CHAIRPERSON: Do you offer  
17 them as full exhibits?

18 THE WITNESS (Frantzis): Yes.

19 THE CHAIRPERSON: Okay. Or  
20 exhibit, I guess. Any objection to the  
21 exhibits being admitted?

22 (No response.)

23 THE CHAIRPERSON: Hearing and  
24 seeing none, the exhibits are admitted to the  
25 proceedings.

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1 (Exhibit VII-B-3: Received in  
2 evidence - described in index.)

3 THE CHAIRPERSON: Okay. I  
4 guess we still have to go through the same  
5 process to see if anybody has questions of  
6 that specific.

7 I'll starting with staff,  
8 Mr. Perrone.

9 MR. PERRONE: No questions,  
10 Mr. Chairman.

11 SENATOR MURPHY: No questions,  
12 Mr. Chairman.

13 DR. BELL: No questions,  
14 Mr. Chairman.

15 THE CHAIRPERSON: Mr. Ashton.

16 MR. ASHTON: No questions.

17 MR. HANNON: No questions.

18 THE CHAIRPERSON: Certificate  
19 holder.

20 MR. SMALL: No questions.

21 THE CHAIRPERSON: Mr. Halpern?

22 (No response.)

23 THE CHAIRPERSON: Grouped  
24 Parties with the Town of Middlebury.

25 MR. SAVARESE: Mr. Frantzis,

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1 how often does the Homeowners Association  
2 meet?  
3 THE WITNESS (Frantzis): Once  
4 a month.  
5 MR. SAVARESE: And what is the  
6 usual attendance at that meeting?  
7 THE WITNESS (Frantzis): Let's  
8 put it this way, we have to rent a room in  
9 the town hall to accommodate.  
10 MR. SAVARESE: And so can you  
11 estimate the number of parties that attended  
12 in the last year?  
13 THE WITNESS (Frantzis):  
14 Repeat the question?  
15 MR. ASHTON: Can you speak  
16 louder?  
17 MR. SAVARESE: How many -- how  
18 many individuals attended the meetings in the  
19 last year?  
20 THE WITNESS (Frantzis): Well,  
21 I guess it really depends on the time of the  
22 year. When we were talking about the  
23 potential of putting chemicals in there were,  
24 you know, 40, 50, 60, 70 people. Now that  
25 we've come up with a plan to eradicate the

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1 milfoils and monitor the lake in an  
2 ecofriendly manner, 20 on an average.  
3 MR. SAVARESE: Okay.  
4 THE WITNESS (Frantzis): So,  
5 and again, just since we've come up with a  
6 solid plan that did not introduce chemicals  
7 we've I think satisfied a lot of the  
8 surrounding area people.  
9 MR. SAVARESE: What other  
10 issues as the Homeowners Association --  
11 THE CHAIRPERSON: I'm going to  
12 ask the relevance of that question. We're  
13 not really here to hear all about the agendas  
14 of the meeting. So if you could keep it to  
15 the topic we have before us, I would  
16 appreciate it.  
17 MR. SAVARESE: Has the  
18 Towantic power plant been a discussion of the  
19 meetings?  
20 THE WITNESS (Frantzis): Now  
21 it is.  
22 MR. SAVARESE: All right. No  
23 further questions.  
24 THE CHAIRPERSON: Thank you.  
25 CL&P?

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1 (No response.)  
2 THE CHAIRPERSON: The town of  
3 Oxford.  
4 (No response.)  
5 THE CHAIRPERSON: The town of  
6 Southbury.  
7 (No response.)  
8 THE CHAIRPERSON: GE Energy  
9 Financial Services.  
10 (No response.)  
11 THE CHAIRPERSON: The Borough  
12 of Naugatuck and the Water Pollution Control  
13 Authority.  
14 (No response.)  
15 THE CHAIRPERSON: Wayne  
16 McCormack.  
17 (No response.)  
18 THE CHAIRPERSON: Westover  
19 School.  
20 (No response.)  
21 THE CHAIRPERSON: Westover  
22 Hills Subdivision Homeowners.  
23 MR. CORNACCHIA: Chester  
24 Cornacchia, no questions. Thank you.  
25 THE CHAIRPERSON: Ms. Larkin?

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1 (No response.)  
2 THE CHAIRPERSON: I guess, as  
3 Quassy Amusement Park, you can't ask yourself  
4 questions so we'll remove that.  
5 MR. LYNCH: Mr. Chairman.  
6 THE CHAIRPERSON: Yes, we have  
7 a question.  
8 MR. LYNCH: Just one simple  
9 question. Are the majority of your  
10 membership are they permanent residents or  
11 seasonal?  
12 THE WITNESS (Frantzis):  
13 Permanent.  
14 MR. LYNCH: Thank you.  
15 THE CHAIRPERSON: Temporarily  
16 the cross-examination of you is complete.  
17 You will get a chance if you have any  
18 questions to ask the certificate holder any  
19 questions, but right now, we're going to have  
20 them. So if you wouldn't just, you know,  
21 sitting in the back and we'll ask you to come  
22 up.  
23 MR. FRANTZIS: My only request  
24 is I do have to, before lunch, after lunch, I  
25 have a medical issue that I'm scheduled to be

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1 dealing with. So if there's any way to --  
2 THE CHAIRPERSON: If the Town  
3 of Middlebury would be so kind as to allow  
4 you to continue at this point, then we would  
5 allow you.

6 MR. SAVARESE: Mr. Chairman,  
7 it would be an honor to let Mr. Frantzis go  
8 ahead.

9 THE CHAIRPERSON: I use the  
10 word "kind," if it's an honor and a privilege  
11 that's fine, too.

12 So again, if you have specific  
13 questions relative to the subject matter you  
14 may ask them.

15 MR. FRANTZIS: Again, I've  
16 semi-voiced some of those already. But I  
17 have many concerns --

18 THE CHAIRPERSON: Again, what  
19 specific questions. We've heard -- we've  
20 heard your concerns --

21 MR. FRANTZIS: Yeah.

22 THE CHAIRPERSON: -- and you  
23 were very eloquent, but now you need to ask,  
24 if you have any specific questions?  
25

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1 A N D R E W J. B A Z I N E T,  
2 T A N Y A B O D E L L,  
3 D. L Y N N G R E S O C K,  
4 D E A N G U S T A F S O N,  
5 C U R T I S C. J O N E S,  
6 F R E D R I C K M. S E L L A R S,  
7 J O N D O N O V A N,  
8 E R I C R. D A V I S O N,

9 having been previously duly sworn, were  
10 examined and testified further on their  
11 oath as follows:

12 CROSS-EXAMINATION

13 MR. FRANTZIS: Are there  
14 any -- is there going to be anything put in  
15 place in the next few months to monitor the  
16 air quality that we have now moving forward  
17 so we could have, what we call it the medical  
18 field, so to speak, a baseline of air quality  
19 and or pollutants that may be within the  
20 fallout zone of -- of our facility and the  
21 lake?

22 THE WITNESS (Sellars): Fred  
23 Sellars.

24 The Department of Energy and  
25 Environmental Protection operates a network

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1 of air quality monitors around the State, and  
2 as documented in our application we have  
3 established what the baseline conditions are  
4 for air quality on the basis of flight  
5 monitoring network, and -- and those baseline  
6 data are used in all of the analyses that are  
7 included in the application. The project has  
8 no plans to conduct additional air quality  
9 monitoring.

10 MR. FRANTZIS: So there's --  
11 you have something at our park and on our  
12 lake?

13 THE WITNESS (Sellars):  
14 There's a regional network of monitors to --

15 MR. FRANTZIS: That wasn't my  
16 question. Do you have one at our park and on  
17 the lake?

18 THE WITNESS (Sellars): No.

19 MR. FRANTZIS: And there's no  
20 one is going to do that prior to this -- be  
21 building this project forthcoming?

22 THE WITNESS (Sellars): No.

23 MR. FRANTZIS: So how do you  
24 guarantee me that the fallout of these stacks  
25 is not going to affect the lake, my business,

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1 my community?

2 THE WITNESS (Sellars): The  
3 ambient air quality conditions are adequately  
4 described by the regional network of monitors  
5 that are around the state, so -- can I finish  
6 my response, please?

7 MR. FRANTZIS: I apologize.

8 THE WITNESS (Sellars):  
9 There's a regional network of air quality  
10 monitors around the State that are used to  
11 establish what baseline air quality  
12 conditions are. Following that, we did the  
13 comprehensive air quality modeling of what  
14 the impacts of the facility would be at all  
15 locations including up at your lake and  
16 conditions around there.

17 The air quality  
18 concentrations, the maximum air quality  
19 impact that would result from the facility is  
20 an insignificant fraction of what the current  
21 levels of PM 2.5, NO2, SO2, or any of the  
22 other regulated pollutants that currently  
23 exist in the air right now.

24 So there's nothing in the  
25 results of those analyses that would warrant

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1 additional monitoring of conditions at the  
2 lake or in the lake right now.

3 As far as fallout, a gaseous  
4 and ultra low sulfur distillate-fired  
5 projects have extremely low emission rates in  
6 terms of particulate matter. And so the  
7 deposition, because the concentrations -- or  
8 contribution of the facility to  
9 concentrations of particulate in the air are  
10 within -- well within the actual year-to-year  
11 variation of monitor and observations.

12 Look at the deposition rates  
13 of the project and they similarly will be a  
14 very, very small fraction of what's deposited  
15 right now to the ambient air quality.  
16 Currently the air quality levels in the  
17 region are about 9 micrograms per cubic meter  
18 of particulate on an annual average basis.  
19 And bear with me one second, I'll tell you  
20 precisely.

21 So the current background  
22 levels of particulate in the air right now of  
23 ultrafine particulates PM 2.5 is about  
24 9.2 micrograms per cubic meter and that's a  
25 three-year average.

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1 Over that three-year period  
2 the concentrations that have been observed  
3 have ranged from 8.4 micrograms per cubic  
4 meter to 9.9 micrograms per cubic meter.

5 Using extremely conservative  
6 assumptions about the operation of the  
7 facility over the course of a year, we  
8 assumed it would operate under oil-fired or  
9 ultra low sulfur distillate-fired conditions  
10 for the entire year, even though it would be  
11 limited to 720 hours per year. The maximum  
12 concentrations predicted at the Quassy  
13 Amusement Park were 0.03 micrograms per cubic  
14 meter or a few tenths of 1 percent of the  
15 existing levels at a very, very small  
16 fraction of the natural annual year-to-year  
17 variation from one year to the other of  
18 what's observed.

19 What fallout occurs in your  
20 lake right now basically is a result what the  
21 concentration of particulate in the  
22 atmosphere is right now. So the lake and all  
23 other surfaces at a certain deposition rate  
24 that's based on the concentration of  
25 particulate in the air. Because the

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1 concentration predicted from this facility is  
2 an insignificant fraction of even the  
3 year-to-year variations, we reasonably  
4 concluded that there will not be a  
5 significant change in what's deposited in the  
6 lake now.

7 MR. FRANTZIS: Okay. When we  
8 talk regional, what does that mean? What is  
9 the region that we're talking about? Where  
10 does it to expand to?

11 THE WITNESS (Sellers): The  
12 monitors are all in Connecticut, that did  
13 establish the background concentrations so as  
14 far as -- if you read the application and the  
15 materials we provided, we provided where the  
16 impacts are going to be felt. The maximum  
17 impacts of the facility are very, very close  
18 to the property line of the facility and we  
19 provided an isopleth drawing that showed what  
20 the concentrations predicted would be as you  
21 move away from the facility.

22 As far as establishing the  
23 background, there's a region of monitors  
24 including in Danbury, Waterbury, Hartford,  
25 all the areas that were selected to maintain

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1 that conservative representation of what air  
2 quality is.

3 MR. FRANTZIS: Right. Again,  
4 my concern, in my world my region is  
5 Middlebury. So you know, when you dilute  
6 things it does get fragmented. So again, my  
7 concern is, you know, we're spewing out  
8 roughly 583 tons in a year of this stuff and  
9 again, I'm concerned about my area.

10 So again, the monitoring of  
11 the surrounding community, you know, and  
12 again instead of regionally is kind of  
13 important to determine, you know, what  
14 happens if when this thing is built that --  
15 you know, let's take a day where there's a  
16 ten-mile an hour wind and that's a stacking  
17 day, I mean, is that going to increase? Am I  
18 going to see soot on everything? Am I going  
19 to be exposing my family and community to a  
20 micro, you know --

21 THE WITNESS (Sellers): Sure.

22 MR. FRANTZIS: -- it's like --  
23 it's like smoking in a car.

24 THE CHAIRPERSON: I think  
25 you've asked the question. Why don't you let

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1 him answer.

2 THE WITNESS (Sellars): The  
3 short answer is no. In our modeling we've  
4 used five years of meteorological data and we  
5 modeled hour by hour so every possible  
6 permutation of wind speed and wind direction  
7 was really covered by the meteorological data  
8 that we've considered.

9 There's no unique condition of  
10 wind speed and direction that would change  
11 the results that I presented to you.

12 We've looked at the most  
13 conservative meteorological conditions  
14 combined with very, very conservative  
15 assessment of what could possibly be emitted  
16 in any one given hour. That emission rate is  
17 guaranteed in a couple of ways.

18 First of all, by -- by the  
19 vendor that sells the equipment but more  
20 importantly the facility will be equipped  
21 with continuous emissions monitors, be  
22 subject to routine stack tests, and will have  
23 to abide with the permit limits that are  
24 established by the Department of Energy and  
25 Environmental Protection. Those are the

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1 limits that were used in the modeling.

2 The modeling shows a very,  
3 very, very small concentration compared to  
4 what the existing levels are. It's really  
5 loss orders of magnitude below the round-off  
6 error between the year-to-year natural  
7 variation.

8 So it can be reasonably  
9 concluded that the levels of particulate at  
10 Quassy Amusement Park or any place of that  
11 distance that we looked at could be  
12 measurably different from one year to the  
13 next with or without the facility.

14 MR. FRANTZIS: And again, I'm  
15 talking to a lot of people that I don't --  
16 when you're talking about that kind of  
17 tonnage, let's say we take the wind speed of  
18 ten miles an hour or even on a midsummer day  
19 when it's dead calm, you're telling me that  
20 there will be no -- that there will be no way  
21 that I'll even know that that's happening?

22 THE WITNESS (Sellars): I'm  
23 telling you it will be an insignificant  
24 fraction of what the current level is right  
25 now. It's all on a -- we've looked at the

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1 worst-single day and --

2 MR. FRANTZIS: So unless  
3 it's -- I'm sorry.

4 THE WITNESS (Sellars): If the  
5 current level is 9 on an annual average and  
6 our predicted impact is 0.03, I think you can  
7 conclude that it's going to, at worst case,  
8 be 9.003. So that's, in my mind, given the  
9 fact that from year-to-year it varies from  
10 8.4 to 9.9 there's natural variation  
11 year-to-year that's orders of magnitude  
12 greater than what the impact of the facility  
13 would be.

14 MR. FRANTZIS: Have you ever  
15 taken any environmental or hydrological  
16 studies to calculate the -- could it have  
17 populative effects of the lake milfoil  
18 problem?

19 MR. SMALL: I don't understand  
20 the relevance of this question, so I'm going  
21 to object.

22 THE CHAIRPERSON: I mean, I  
23 think you can get a -- we can get a yes or no  
24 out of it?

25 THE WITNESS (Sellars): No, we

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1 have not studied milfoil. We did an  
2 assessment of what the facility's impact is  
3 on soils and vegetation as part of our air  
4 permit application and air quality impact  
5 analysis. There's a proscribed procedure  
6 established by the United States  
7 Environmental Protection Agency to look at  
8 sensitive vegetation and -- and soils. It  
9 takes a look at what our air quality  
10 concentrations as well as deposition rates  
11 would be, uptake of nutrients by the plants  
12 and what the change would be, and we're well  
13 below any of those screening levels.

14 Milfoil is not really  
15 particularly affected by what concentrations  
16 of anything are in the air. That's part of  
17 the problem. Milfoil is an invasive species  
18 that's incredibly robust. Even if you were  
19 to eliminate all the septic systems around  
20 the lake you probably would still not get rid  
21 of the milfoil. It's that persistent. It  
22 grows in virtually a huge wide range of water  
23 quality and air quality conditions which is  
24 what makes it such a persistent pest as an  
25 invasive species.

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1 MR. FRANTZIS: Would you guys  
2 be prepared to provide lake air, water  
3 quality monitors to maintain around our park?

4 MR. SMALL: I think that was  
5 asked and answered.

6 MR. FRANTZIS: I assure you  
7 not. I just asked if you guys were prepared  
8 to do it. Would you like to or could you do  
9 that for us? Is that something that could be  
10 done?

11 THE WITNESS (Bazinet): As  
12 Mr. Sellers mentioned we -- there are  
13 regional network of monitors that already  
14 exist and we monitor the emissions from our  
15 facility on a continuous basis, and those  
16 reports are filed with DEEP either on a  
17 monthly or quarterly basis. So, I mean all  
18 of that information is publicly available.  
19 You're more than welcome to obtain it that  
20 way.

21 MR. FRANTZIS: My concern is  
22 more -- very local. But, okay. Asked and  
23 answered. I have no further questions.

24 THE CHAIRPERSON: Okay. Thank  
25 you, sir. Now you can --

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1 MR. FRANTZIS: Can I ask a  
2 question of the Siting Council, please?

3 THE CHAIRPERSON: No  
4 authority. The Siting Council has already  
5 asked you.

6 MR. FRANTZIS: I'm sorry.

7 THE CHAIRPERSON: The Siting  
8 Council has already asked you their  
9 questions, so you're --

10 MR. FRANTZIS: No. No. I was  
11 wondering if I could ask the Siting Council.

12 THE CHAIRPERSON: No, you  
13 can't.

14 MR. FRANTZIS: I cannot.

15 THE CHAIRPERSON: We're not on  
16 the witness stand. We have another role.

17 MR. FRANTZIS: Okay. I  
18 appreciate the opportunity to testify today.

19 THE CHAIRPERSON: Thank you  
20 for coming.

21 Now, we have the Town of  
22 Middlebury.

23 MR. SMALL: Mr. Chairman, just  
24 before Mr. Savarese asks questions of  
25 Mr. Gustafson, can we have Mr. Gustafson

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1 verify the interrogatory responses that we  
2 left open from last time.

3 THE CHAIRPERSON: Yes, you  
4 may.

5 MR. SMALL: Okay. Thank you.  
6 Mr. Gustafson, you were  
7 responsible for certain interrogatories in  
8 response, first of all, to Middlebury.  
9 Correct?

10 THE WITNESS (Gustafson):  
11 That's correct.

12 MR. SMALL: And also in  
13 response to questions from Ms. Larkin. Am I  
14 correct?

15 THE WITNESS (Gustafson): Yes.

16 MR. SMALL: Were those  
17 responses prepared by you or under your  
18 direction?

19 THE WITNESS (Gustafson): Yes,  
20 they were.

21 MR. SMALL: And are they true  
22 and correct to the best of your knowledge and  
23 belief?

24 THE WITNESS (Gustafson): They  
25 are.

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1 MR. SMALL: And do you adopt  
2 them as your testimony today?

3 THE WITNESS (Gustafson): Yes,  
4 I do.

5 MR. SMALL: Thank you.

6 That leaves just -- so we  
7 would request that the interrogatory  
8 responses that we could not verify at the  
9 last meeting that were -- that Mr. Gustafson  
10 was responsible for be made full exhibits.

11 THE CHAIRPERSON: Is there any  
12 objection?

13 MR. SAVARESE: No objection.

14 THE CHAIRPERSON: No  
15 objection. They may --

16 MR. SMALL: And just we'll  
17 note there's one additional one that we'll  
18 get when the full panel is up here, we can  
19 have them verified by Ms. Bodell.

20 So there's only one  
21 outstanding now which is Larkin Response 6,  
22 and we'll take care of that later.

23 Thank you.

24 THE CHAIRPERSON: Okay.

25 CROSS-EXAMINATION

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1 MR. SAVARESE: Good morning.  
2 Attorney Stephen Savarese for the Town of  
3 Middlebury.

4 Mr. Gustafson, when did you  
5 first visit the proposed site?

6 THE WITNESS (Gustafson): That  
7 was in late July, actually late June of last  
8 year 2014.

9 MR. SAVARESE: In relation to  
10 that date when we were engaged to provide  
11 professional services, as a wetlands soil  
12 scientist?

13 THE WITNESS (Gustafson):  
14 Probably the middle of June of 2014.

15 MR. SAVARESE: Do you recall  
16 who associated with CPV Towantic initiated  
17 your engagement to provide professional  
18 services?

19 THE WITNESS (Gustafson): That  
20 would be Andy Bazinet.

21 MR. SAVARESE: Do you recall  
22 who accompanied you to the initial visit at  
23 the proposed site?

24 THE WITNESS (Gustafson): The  
25 initial visit to the site was myself and a

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1 summer intern with our company who assisted  
2 with some of the locational data that was  
3 collected at that time.

4 MR. SAVARESE: Please identify  
5 by name, if you recall, that individual?

6 THE WITNESS (Gustafson):  
7 Joshua Gustafson.

8 MR. SAVARESE: What did you  
9 review the report of any prior wetland survey  
10 of the proposed site?

11 THE WITNESS (Gustafson): I  
12 reviewed some historic information in late  
13 June prior to visiting the site for the first  
14 time.

15 MR. SAVARESE: Do you recall  
16 the names of the wetlands soil scientist  
17 whose report that you had reviewed?

18 THE WITNESS (Gustafson): I  
19 was not provided with any soil scientist or  
20 wetland delineation report. I was just  
21 provided with map information showing  
22 previous delineated boundaries, and so I was  
23 unfamiliar with who performed the delineation  
24 originally.

25 MR. SAVARESE: Did you survey

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1 the surrounding area of the proposed site?

2 THE WITNESS (Gustafson): Yes.  
3 We, as part of our wetland investigation, we  
4 investigated the entire subject property as  
5 well as the perimeter of the site within  
6 about a hundred feet of the project  
7 perimeter.

8 MR. SAVARESE: So to the north  
9 towards Middlebury you only went a hundred  
10 feet beyond the site?

11 THE WITNESS (Gustafson):  
12 That's correct.

13 MR. SAVARESE: To the west  
14 towards the airport you only went a hundred  
15 feet beyond the site?

16 THE WITNESS (Gustafson): Yes,  
17 that's correct. Approximately a hundred  
18 feet.

19 MR. SAVARESE: To the south  
20 towards Oxford and Prokop Road, Towantic Hill  
21 Road, a hundred feet?

22 THE WITNESS (Gustafson):  
23 That's correct.

24 MR. SAVARESE: And east  
25 towards Larkin State Park Trail, about a

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1 hundred feet?

2 THE WITNESS (Gustafson):  
3 That's correct.

4 MR. SAVARESE: Did you visit  
5 Towantic Pond south by 3400 feet?

6 THE WITNESS (Gustafson): No.

7 MR. SAVARESE: Did you visit  
8 Long Meadow Pond northeast by 3,000 feet?

9 THE WITNESS (Gustafson): No.

10 MR. SAVARESE: Did you visit  
11 Jack's Brook southwest by 2,000 feet?

12 THE WITNESS (Gustafson): No.

13 MR. SAVARESE: Did you  
14 receive -- did you review the area along the  
15 proposed access road, E Commerce Road to be  
16 built by the Town of Oxford?

17 THE WITNESS (Gustafson): No.

18 MR. SAVARESE: With more  
19 specificity to your interrogatory responses,  
20 as to Question CSC-19, please describe the  
21 total hours on the site for your survey of  
22 the vernal pool, amphibians. This would be  
23 Interrogatory CSC-2; on 126, 15. Again, just  
24 the hours spent investigating the vernal  
25 pool.

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1 THE WITNESS (Gustafson):  
 2 The -- with respect to the vernal pool  
 3 investigation of this case, a separate vernal  
 4 pool study was not performed on the subject  
 5 property, however, as part of the  
 6 identification of wetland resources and  
 7 assessing whether those resources had the  
 8 potential to provide vernal pool habitat,  
 9 approximately 20 field hours were conducted  
 10 on site, between the period of late June and  
 11 early July of 2014.

12 MR. SAVARESE: In your  
 13 experience when would be the proper time to  
 14 do a vernal pool investigation?

15 THE WITNESS (Gustafson):  
 16 Typically the most appropriate time is early  
 17 spring to identify egg masses and that would  
 18 be late March to -- into April.

19 MR. SAVARESE: About this time  
 20 of year?

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

23 MR. SAVARESE: Since your  
 24 engagement in June this would have been the  
 25 first opportunity for you to do an actual

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1 vernal pool search?

2 THE WITNESS (Gustafson): That  
 3 would be correct.

4 MR. SAVARESE: With respect to  
 5 your wetland report submitted as Exhibit 1,  
 6 would you agree that 10 out of the 12 species  
 7 listed are native wetland plants?

8 THE WITNESS (Gustafson):  
 9 That's correct.

10 MR. SAVARESE: Would you agree  
 11 that 12 out of 13 nonwetland species are  
 12 native?

13 THE WITNESS (Gustafson):  
 14 That's correct.

15 MR. SAVARESE: And would you  
 16 then characterize this as a diverse habitat?

17 THE WITNESS (Gustafson):  
 18 There is some diversity, but just by virtue  
 19 of the species identified in our wetland  
 20 delineation report doesn't really give you an  
 21 indication of the level of diversity, as far  
 22 as structural diversity, different cover  
 23 types, those type of elements that we use to  
 24 assess a true diversity of those habitats.

25 MR. SAVARESE: Wetland

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1 Number II is described as a complex of  
 2 forested scrub, shrub and emergent seep  
 3 wetland systems.

4 Looking at the wetland  
 5 delineation map, the spatial relationship of  
 6 Wetlands I to II and III, with respect to  
 7 each other and the earth work activity on  
 8 Woodruff Hill Road, the soil disturbance  
 9 associated with CL&P's right-of-way, is it  
 10 reasonable to speculate that Wetlands I, II,  
 11 and III were, in fact, a single wetland  
 12 system?

13 THE WITNESS (Gustafson):  
 14 It's -- there's certainly that potential.

15 MR. SAVARESE: Is it  
 16 reasonable to believe that they are  
 17 ecologically linked?

18 THE WITNESS (Gustafson): Yes.

19 MR. SAVARESE: Does the  
 20 application of the highway methodology  
 21 include consideration of characteristics of  
 22 the offsite portion of Wetland II?

23 THE WITNESS (Gustafson): It  
 24 does with respect to the project's potential  
 25 impacts to -- to off-site wetlands.

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1 MR. SAVARESE: Wouldn't that  
 2 off-site hundred feet have covered the entire  
 3 system? I mean why limit your investigation  
 4 to a hundred feet?

5 THE WITNESS (Gustafson): With  
 6 respect to the highway methodology the intent  
 7 of the functional value is to assess the  
 8 project's impact on wetland resources.  
 9 You're looking at both direct and indirect  
 10 impacts of those resources. With respect to  
 11 the limit of investigation based on my  
 12 professional experience conducting hundreds  
 13 of these types of valuations and assessing  
 14 the project's potential impacts, that level  
 15 of assessment is sufficient to determine the  
 16 level of impact the functional value  
 17 supported by those wetland systems that are  
 18 on site and that adjoin the site that have  
 19 the potential for impact.

20 MR. SAVARESE: Within the 20  
 21 hours that you were investigated, did you  
 22 understand that E Commerce Road was part of  
 23 the access system to the proposed site?

24 THE WITNESS (Gustafson): At  
 25 the time I was doing the assessment I was

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1 unaware of that link.

2 MR. SAVARESE: Okay. You  
3 reported of the presence of numerous adult  
4 green frogs and Pickerel Frogs in Wetland II.  
5 Are these species typically found close to  
6 our far from water?

7 THE WITNESS (Gustafson):  
8 Typically they're associated with water.

9 MR. SAVARESE: And what are  
10 the breeding larval and adult habitats used  
11 by these species?

12 THE WITNESS (Gustafson): Can  
13 you rephrase that question, please?

14 MR. SAVARESE: What are the  
15 breeding, larval and adult habitats used by  
16 species which we identified as the adult  
17 green frog and the Pickerel Frogs?

18 THE WITNESS (Gustafson): I  
19 still don't understand, what's your point?

20 MR. SAVARESE: You found them  
21 at the Wetland II. Where else might you have  
22 expected that they would have migrated in  
23 their entire life cycle?

24 THE WITNESS (Gustafson):  
25 Thank you for that clarification.

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1 Certainly they could utilize  
2 Wetlands I, II and III.

3 MR. SAVARESE: So they  
4 wouldn't migrate as far as the Towantic Pond  
5 which is that 3400 feet distance.

6 THE WITNESS (Gustafson):  
7 Generally, I wouldn't expect them to -- to  
8 migrate that distance.

9 MR. SAVARESE: They might be  
10 migrating half that distance?

11 THE WITNESS (Gustafson): It  
12 would probably be within, you know, 1 to  
13 2,000 feet, potentially.

14 MR. SAVARESE: And what was  
15 the basis of your determination that the  
16 drainage ditches shown on the wetland  
17 delineation map were not jurisdictional  
18 intermittent watercourses as defined by the  
19 State of Connecticut or the Corps of  
20 Engineers?

21 THE WITNESS (Gustafson): The  
22 drainage ditch along the east side of  
23 Woodruff Hill Road was constructed as a storm  
24 water management feature as part of the road  
25 construction. That drainage ditch was dug in

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1 an upland soil location, and it takes an  
2 underdrain that drains that conveys both  
3 surface and subsurface flows eventually  
4 discharge itself to the end of Wetland III.

5 Based on our observations  
6 during our wetland investigation, we felt  
7 that it didn't satisfy the statutory  
8 definition of inland watercourse. There --  
9 it is clearly storm water management feature  
10 in an upland area is not anticipated to flow  
11 beyond a particular storm event. There was  
12 no evidence of scour or detritus within the  
13 stream over within that drainage ditch. And  
14 the -- although some hydrophilic vegetation  
15 was observed with the bottom of that drainage  
16 ditch, this wasn't the dominant cover type.  
17 So based on that, in my professional  
18 experience, I didn't consider that an  
19 intermittent watercourse feature.

20 The drainage ditch that's  
21 located south of Wetland I is located at the  
22 end of the open field and is agricultural  
23 ditch that was dug along an old stone --  
24 stonewall that ends the field habitat, the  
25 transitions to Wetland I. The drainage ditch

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1 has no permanent outlet and there was no  
2 evidence of flow or standing water during our  
3 investigation. It's dug within upland soils  
4 and again, no features, wouldn't expect to  
5 have any standing water or flows, for that  
6 matter, beyond a particular storm event. And  
7 it wasn't observed to have any erosive  
8 sediment deposition or nutrient deposition so  
9 we felt that feature did not satisfy the  
10 statute definition of a inland watercourse  
11 either.

12 MR. SAVARESE: Thank you.

13 On Figure 5 in Exhibit 1,  
14 shows that the storm water runoff from the  
15 plant's 26 acres will be diverted to the town  
16 of Oxford's sewers. Did you analyze the  
17 impact of this diversion on wetlands to the  
18 northwest or east?

19 THE WITNESS (Gustafson): We  
20 provided an analysis of potential effects,  
21 hydro-period impacts in our late-file exhibit  
22 identified as 2-C. It's Connecticut Siting  
23 Council Late-File Exhibit dated 1/30/15. I'd  
24 direct you to that for our discussion on  
25 potential impacts.

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1 MR. SAVARESE: Did you look at  
2 that in the -- sort of the high water table  
3 period?

4 THE WITNESS (Gustafson): Yes.

5 MR. SAVARESE: How would you  
6 characterize -- when was that other  
7 investigation? Are you saying that was June?

8 THE WITNESS (Gustafson): The  
9 actual -- it wasn't a specific investigation.  
10 It was an analysis provided based on our  
11 understanding of the storm water management  
12 system and the changes in drainage area that  
13 would occur as part of the proposed  
14 development.

15 MR. SAVARESE: Section 2 point  
16 -- or on Exhibit 1, Section 4.2.6 indicates  
17 that filed investigation did not reveal the  
18 presence of any flora or fauna listed as  
19 federal or state endangered threatened or  
20 special concerns on the site. Who conducted  
21 that investigation?

22 THE WITNESS (Gustafson): It  
23 was not done as part of our work on the  
24 project, so unaware of who actually performed  
25 that.

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1 MR. SAVARESE: All right.

2 Connecticut DEEP's letter of  
3 6/10/2014 specifically states that their  
4 consultation should not be substituted for an  
5 on-site survey required for an environmental  
6 assessment for any such surveys by qualified  
7 botanists, wildlife biologists conducted?

8 THE WITNESS (Gustafson): No,  
9 but if no our response to Interrogatories  
10 Set II Question 6, would detail wildlife  
11 survey that will be performed in the next  
12 month or two.

13 MR. SAVARESE: When is  
14 expected to be completed?

15 THE WITNESS (Davison): Eric  
16 Davison.

17 It would be completed roughly  
18 early June.

19 MR. SAVARESE: It's my  
20 understanding these proceedings by law, need  
21 to close by, I believe, a May 12. How will  
22 that be brought into evidence?

23 MR. SMALL: Objection. I  
24 believe you're asking a legal question about  
25 the -- two legal questions about when the

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1 proceeding is required by law to close and  
2 how a particular matter will be brought into  
3 evidence.

4 MR. SAVARESE: Mr. Chairman,  
5 again, we're --

6 THE CHAIRPERSON: And the  
7 answer to your question is, if this were to  
8 be approved, I use the word "if" and there is  
9 a follow-up D and M plan and information such  
10 as that could be readily available as part of  
11 that D and M.

12 MR. SAVARESE: So it would not  
13 expect to be available for deliberations on  
14 the initial threshold.

15 THE WITNESS (Davison): I  
16 think I answered your question.

17 MR. SAVARESE: As a soil  
18 scientist what is your opinion regarding the  
19 ability of the silty sand and sandy silt  
20 glacial till at the site to infiltrate storm  
21 water under its native conditions?

22 THE WITNESS (Gustafson):  
23 Certainly the silty clay component, if  
24 there's erosion that occurs during  
25 construction, that it will be properly

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1 treated by the storm water management system  
2 during the construction phase. Certainly  
3 those components, could get -- become  
4 suspended in that water.

5 MR. SAVARESE: How about after  
6 construction with regard to, you know,  
7 maintaining portions of the site that have  
8 not been disturbed?

9 THE WITNESS (Gustafson):  
10 Postconstruction, you know, all of the  
11 exposed soil surface will be permanently  
12 stabilized, so that it minimizes the risk of  
13 erosion postconstruction. Any potential that  
14 occurs would be monitored by the project  
15 facility and correct measures would be  
16 undertaken. However, the storm water  
17 management system has the capability to  
18 retain the sediment that may become  
19 transported through -- through the discharged  
20 storm water.

21 MR. LYNCH: Excuse me. These  
22 microphones are not turned on, and I'm having  
23 a hard time hearing all of our participants.  
24 Could you please speak up?

25 MR. SAVARESE: This is or is

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1 not turned on?  
 2 MR. LYNCH: They're not turned  
 3 on.  
 4 THE WITNESS (Bazinet): I  
 5 think you've got to just get real close.  
 6 THE CHAIRPERSON: You just  
 7 have to speak up, sir.  
 8 MR. SAVARESE: The wetlands  
 9 are located in one locale on the 26 acres for  
 10 the most part. Was there any effort to  
 11 relocate the proposed plant around the  
 12 wetland areas?  
 13 THE WITNESS (Gustafson): Our  
 14 engineer may be able to expand on my initial  
 15 response, but based on my review and  
 16 preparation of the Army Corps Category II  
 17 Application we did go through an alternatives  
 18 analysis to try to deem if moving some of the  
 19 operation around could be accomplished to  
 20 avoid impact to Wetland I. Unfortunately,  
 21 because of the size of the development and  
 22 the need for the facility components to be  
 23 properly placed, and the -- there isn't  
 24 sufficient land available to place the  
 25 facility elsewhere on the property, the

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1 alternative of trying to avoid Wetland I was  
 2 deemed infeasible.  
 3 And through our discussions  
 4 with both the Connecticut Department of  
 5 Energy and Environmental Protection and the  
 6 U.S. Army Corps of Engineers as part of our  
 7 Category II application, there was no  
 8 discussion if that alternatives analysis  
 9 would have been sufficient, so it was deemed  
 10 insufficient as part of that application  
 11 under the Clean -- the Federal Clean Water  
 12 Act.  
 13 MR. SAVARESE: Was there any  
 14 effort to build an alternate manmade wetland  
 15 to substitute for the amount of wetlands  
 16 being forfeited?  
 17 THE WITNESS (Gustafson):  
 18 There was the original application back in  
 19 1988 to the Siting Council included a wetland  
 20 creation area, located in the Northwest  
 21 corner of the subject property. Upon an  
 22 evaluation of that area we identified a  
 23 portion of Wetland II actually encompassing  
 24 that original mitigation area or wetland  
 25 creation area.

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1 In addition, there are --  
 2 there is a moderately mature forest cover  
 3 located within the surrounding uplands in  
 4 that corner of the property, there are also  
 5 relatively steep slopes. So all those  
 6 considerations made our assessment that  
 7 trying to create wetlands to compensate for  
 8 the loss of 10,500 square feet wetlands as  
 9 part of the project was not a feasible  
 10 approach. So our recommendation was to  
 11 request an inland fee payment into the  
 12 Audubon Connecticut In-Lieu Fee Program which  
 13 was approved by the U.S. Army Corps of  
 14 Engineers.  
 15 MR. SAVARESE: Was any portion  
 16 of the additional acreage that is to be  
 17 acquired suitable for wetland reconstruction?  
 18 THE WITNESS (Gustafson): I'm  
 19 sorry. Could please repeat the question?  
 20 MR. SAVARESE: The site  
 21 includes a new six acres to the South, no a  
 22 portion of that six acres is suitable for a  
 23 wetland creation?  
 24 THE WITNESS (Gustafson): No.  
 25 I mean, there -- that portion of the property

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1 is required as part of the proposed facility.  
 2 It's also located within, kind of near the  
 3 spine of that glacial till drumlin future so  
 4 it wouldn't -- it wouldn't represent a  
 5 suitable hydraulic location to try to create  
 6 wetlands there.  
 7 THE CHAIRPERSON: Mr. Hannon  
 8 has a follow-up question.  
 9 MR. HANNON: The payment in  
 10 lieu of the Corps of Engineers will accept,  
 11 the Department of Energy and Environmental  
 12 Protection will not accept that. Correct?  
 13 THE WITNESS (Gustafson): They  
 14 will -- it's my understanding talking with  
 15 the Doug Hoskins who is the permit analyst  
 16 from DEEP is that they -- they would not  
 17 accept In-Lieu Fee Program as a sole source  
 18 of mitigation for this project. They do  
 19 consider, at least it as partial mitigation,  
 20 and as a result of their concerns they  
 21 requested that we evaluated the two proposed  
 22 storm water detention ponds to see if those  
 23 would be suitable to create extended  
 24 detention constructed storm water wetland  
 25 systems to provide some type of wetland

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1 habitat. And that analysis was performed and  
2 has been documented in the submissions to the  
3 Council as well. We redesigned the storm  
4 water ponds to consist of low marsh, high  
5 marsh wetland vegetation habitat areas as  
6 well as form any micro pools that will  
7 contain some moderately deep water habitat as  
8 well, and the Department deemed that that was  
9 acceptable form of mitigation for this  
10 project with the understanding that a payment  
11 would be made into the In-Lieu Fee Program.

12 MR. HANNON: Thank you.

13 THE WITNESS (Gustafson):  
14 You're welcome.

15 Again, that was -- that  
16 agreement was codified in the Department's  
17 issuance of the 4011 quality certification on  
18 March 12, 2015.

19 MR. SAVARESE: Mr. Gustafson,  
20 you said you originally were not familiar  
21 with E-Commerce Road's relevance to the site,  
22 which is coming from the westerly direction  
23 and; intersects Woodruff Road to the South,  
24 and subsequently learning of that area and  
25 its road, would you have a different

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1 assessment as to whether the wetland could be  
2 added as part of that process to the west?

3 THE WITNESS (Gustafson): If  
4 -- I just would like to ask just a point of  
5 clarification. So you're asking if a wetland  
6 mitigation could be incorporated into the E  
7 Commerce Drive project?

8 MR. SMALL: Yes?

9 THE WITNESS (Gustafson): I'm  
10 not familiar, and maybe you are of what  
11 mitigation is being proposed as part of E  
12 Commerce Drive.

13 MR. SAVARESE: Again, are you  
14 familiar with the nature of the area to the  
15 West beyond the hundred feet that you've  
16 surveyed?

17 THE WITNESS (Gustafson): I am  
18 familiar with it with respect to using remote  
19 sensing techniques, essentially reviewing  
20 topographic and aerial photography, mapping.

21 MR. SAVARESE: Would you say  
22 that is a valuable wetland area to the west  
23 of the site?

24 THE WITNESS (Gustafson): Yes.  
25 Yeah, the wetland system that's associated

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1 with the Jacks Brook is -- is a wetland  
2 system that has -- supports a number of  
3 important functions and values.

4 MR. SMALL: Would that be  
5 suitable terrain then to enhance what is  
6 already there, to offset what is being lost  
7 in Wetland I, II and III?

8 THE WITNESS (Gustafson): That  
9 potential exists.

10 MR. SAVARESE: Wetland I was  
11 judged not to provide wildlife habitat as a  
12 principal function to the presence of wet  
13 meadow habitat. Is the wet meadow habitat  
14 common in Connecticut?

15 THE WITNESS (Gustafson): It's  
16 not a terribly common wetland buffer type.

17 MR. SAVARESE: Would it make  
18 more important wet wildlife than required --  
19 excuse me.

20 If it is less common, wouldn't  
21 that make it more important for wildlife that  
22 require that habitat?

23 THE WITNESS (Gustafson):  
24 Certainly that potential exists, however the  
25 level of disturbance that occurred to that

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1 wetland system resulted in a lack of  
2 diversity of wet meadow species and varying  
3 cover types within than you would typically  
4 find in a more native wet meadow habitat. So  
5 that was our determination of why we consider  
6 it a principal level.

7 We did recognize it at a  
8 secondary level, so it's still noteworthy.

9 MR. SAVARESE: And Woodruff  
10 Hill Road ends is the immediate facility --  
11 vicinity of Wetland I, how does it disrupt  
12 the possible biological connectivity to other  
13 nearby wetland habitats?

14 THE WITNESS (Gustafson): With  
15 respect Wetlands II and III, at least as far  
16 as the delineated portions, there's what I  
17 would characterize as minimal disruption at  
18 the end of a cul-de-sac and essentially at  
19 the juncture is where there's potential  
20 connection between the three wetland systems.

21 MR. SAVARESE: Is a redesign  
22 of the cul-de-sac of Woodruff Hill Road,  
23 would that enhance the interconnectivity of  
24 the wetland systems?

25 THE WITNESS (Gustafson): I'm

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1 not sure I understand the question, what you  
2 mean by "redesign"?

3 MR. SAVARESE: The current  
4 location of Woodruff Hill terminates in the  
5 region of Wetland I, and I understand you  
6 studied that hundred feet to the west, but  
7 not beyond that. I'm suggesting if you look  
8 beyond the hundred feet, would redesigning  
9 Woodruff Hill Road add to and enhance the --  
10 what was the locale.

11 MR. SMALL: I'm going to  
12 object. We're getting -- Woodruff Hill Road  
13 is a city road as we understand it, and we're  
14 getting -- is not something that the  
15 applicant has any control or ability to  
16 redesign, so we're going to object.

17 THE CHAIRPERSON: I'm going to  
18 sustain the objection.

19 MR. SAVARESE: Please describe  
20 for the Council whether box turtles are  
21 commonly found in or near success habitats  
22 such as oil fields, meadows, and utility  
23 right of ways?

24 THE WITNESS (Davison): Eric  
25 Davison. Again. Can you hear me okay?

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1 Yes, that's correct. The  
2 habitats that you describe are suitable for  
3 box turtle.

4 MR. SAVARESE: How does that  
5 understanding support the conclusion in the  
6 functional evaluation regarding the limited  
7 value of the habitat for the Eastern box  
8 turtle?

9 THE WITNESS (Davison): One of  
10 the factors that you have to consider for  
11 this site is -- and we've said all along that  
12 there's suitable habitat for box turtle, is  
13 that one of the major limiting factors for  
14 box turtle distribution in Connecticut is  
15 elevation, and this site is beyond the normal  
16 elevation range for box turtle. The site  
17 lies about 810 to 860 feet in elevation, and  
18 I happen to part of a group of scientists  
19 that are working on a mapping and analysis of  
20 the distribution of box turtles in  
21 Connecticut, and so just to give you an  
22 example we've analyzed and mapped 377  
23 occurrences of box turtle in the State. Two  
24 of those 377 occurrences would have -- are at  
25 this elevation or above.

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1 So although there's suitable  
2 habitat, which we stated all along, the  
3 likelihood of box turtles being on this site  
4 based on that elevation and furthermore the  
5 likelihood of a robust population on this  
6 site are very low.

7 The other major limiting  
8 factor for this site is the actual topography  
9 of the site. It's the apex of a hill so it's  
10 an exposed area. They generally don't habit  
11 the peak of the hill in any great density.

12 And more importantly is the  
13 soil types and service geology, some glacial  
14 till site on very fine textured soils, so it  
15 makes for poor quality nesting habitat, poor  
16 quality overwintering habitat.

17 So again, we've said all along  
18 yes, it's possible they could be here. The  
19 likelihood is low, and the likelihood of a  
20 robust population is very low.

21 MR. SAVARESE: But the --  
22 there is a range across the entire 26 acres  
23 as to the northerly to southerly as to --

24 THE WITNESS (Davison): Yeah,  
25 the range of the property in elevation ranges

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1 from 810 feet plus or minus a few feet to  
2 860 feet. And again, box turtle are fairly  
3 common up to about 500 feet. They become  
4 very uncommon up to about 700 feet. Beyond  
5 700 feet beyond 800 feet very rare.

6 MR. SAVARESE: So?

7 THE WITNESS (Davison): So  
8 this site lies within the -- if this site or  
9 to support box turtle it would be, as I  
10 stated, the third of -- it would be -- we'd  
11 have then 378 occurrences in the State and  
12 this would be the third at that range so less  
13 than 1 percent.

14 MR. SAVARESE: Thank you.

15 How much is the total wetland  
16 areas that are present today or in your  
17 survey as to the total of Wetlands I, II, and  
18 III?

19 THE WITNESS (Gustafson):  
20 There's, as far as -- well, I would include  
21 Wetland IV in that calculation. I don't have  
22 the specific number in front of me. There's  
23 only a portion of Wetland III that's located  
24 on the subject property, the majority of  
25 that, that was delineated is located

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1 off-site. Wetland II, the same. So it's,  
2 you know, less than 15,000 square feet of  
3 wetlands located on the property.

4 MR. SAVARESE: And what is  
5 expected to remain after construction?

6 THE WITNESS (Gustafson):  
7 10,500 square feet of the wetlands will be  
8 permanently impacted by the project.

9 MR. SAVARESE: I have no  
10 further questions.

11 THE CHAIRPERSON:  
12 Mr. Cornacchia, I believe you have questions.  
13 Would you please come up now, if you have any  
14 additional ones. Again, for Mr. Gustafson.

15 CROSS-EXAMINATION

16 MR. CORNACCHIA: Thank you,  
17 Mr. Chair.

18 Thankfully, for all of us,  
19 most of my questions have been answered.

20 Mr. Gustafson, I just have a  
21 few questions with regard to Long Meadow  
22 Brook and Long Meadow Pond but if any of  
23 these were included in some of the areas that  
24 were examined?

25 THE WITNESS (Gustafson): No,

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1 they were not.

2 MR. CORNACCHIA: Okay. And  
3 that the other question I had was with  
4 regards to the impervious nature of the  
5 development on the property.

6 For this site, what percentage  
7 of the site -- and I believe you probably  
8 answered this, what percentage of the site is  
9 going to be developed?

10 THE WITNESS (Gustafson): I  
11 would have to defer that question to  
12 engineering.

13 MR. CORNACCHIA: Okay. And  
14 I'm assuming that someone in the record.  
15 Probably Andy could answer that or --

16 THE WITNESS (Bazinet): Off  
17 the top of my head, I don't have the number.  
18 It may be in the record.

19 MR. CORNACCHIA: I saw  
20 different numbers that's why I was just  
21 trying to get a firm number on it. I wasn't  
22 sure if it was somewhere.

23 THE WITNESS (Gustafson): It  
24 was in the storm water management report.  
25 The majority of the facility will be

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1 underlined by impervious gravel surface, but  
2 obviously the buildings and the paved access  
3 road are --

4 MR. CORNACCHIA: Okay. And do  
5 you know of any residential developments that  
6 within the two-mile sphere that was examined  
7 sit at a higher elevation of the proposed  
8 development?

9 THE WITNESS (Gustafson): I  
10 don't -- I don't believe that's an  
11 appropriate question as far as my discipline  
12 goes on this project.

13 THE WITNESS (Bazinet): What  
14 was the question?

15 MR. CORNACCHIA: If there was  
16 any examination of any residential  
17 development within a two-mile examined area,  
18 whether there was a residential development  
19 that sat at a higher elevation than the  
20 project plan site?

21 MR. SMALL: Examination for  
22 what purpose?

23 MR. CORNACCHIA: Well, there  
24 were a number of issues, that's why I was  
25 asking. Because I've seen some -- some

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1 discrepancies with regards to how much of the  
2 site was being developed from an impervious  
3 fashion or not, and again, I'm not -- I'm  
4 still reading late-filings right now, if  
5 you'll bear with me, and I'm trying to just  
6 get some information that maybe you guys had  
7 readily available.

8 And my question to you simply  
9 was, I know that the site sits approximately  
10 840 feet in elevation. The question I had  
11 was if you knew of any residential  
12 developments within a two-mile view shed or  
13 the areas that have been examined with  
14 regards to storm water runoff or with regards  
15 to the soil, that any developments that were  
16 higher than the 840 feet elevation.

17 Because our particular  
18 development in Naugatuck sits several hundred  
19 feet below it and are aquifer in Long Meadow  
20 Brook, which again, the allegation I've been  
21 making from the beginning is that Naugatuck  
22 has been largely ignored, and -- and we have  
23 people that have existed prior to the -- our  
24 development was approved prior to your  
25 original approval for the 512 megawatt

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1 facility.

2 So these are serious questions  
3 that affect our particular neighborhood that  
4 is 62 wells in it, that are not part of the  
5 Connecticut water system.

6 MR. SMALL: Is there a  
7 wetlands question there?

8 MR. CORNACCHIA: There was,  
9 and I was trying to get an answer.

10 MR. SMALL: Okay. So can you  
11 rephrase it is a question for Mr. Gustafson  
12 involving wetlands-related issues?

13 MR. CORNACCHIA: I think he's  
14 already given me the answer at that's the  
15 point I was making. It's a little  
16 frustration. That's all, and I do appreciate  
17 having the opportunity to reexamine.

18 THE CHAIRPERSON: And a lot of  
19 people are welcome to be frustrated, as well  
20 as not always like the answers you get, but  
21 this is the way we run them, so if you have  
22 any specific questions.

23 MR. CORNACCHIA: That is all,  
24 and I do appreciate the opportunity. I thank  
25 you.

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1 THE CHAIRPERSON: Attorney  
2 Small, you have some other exhibit to verify  
3 at this point?

4 MR. SMALL: Yes. Yes,  
5 Mr. Chair.

6 A VOICE: Am I going to have  
7 an opportunity to --

8 THE CHAIRPERSON: We have a  
9 set way we're going today.

10 MS. BACHMAN: It's very  
11 specific.

12 MR. PIETRORAZIO: Excuse me,  
13 Mr. Chairman, will I have an opportunity to  
14 cross CPV with regard to the late-file that  
15 they just filed Monday, and I was up until  
16 1:30 this morning preparing questions?

17 THE CHAIRPERSON: You had an  
18 opportunity, a lengthy opportunity, many  
19 lengthy opportunity to cross on Tuesday.  
20 Please sit down.

21 MR. PIETRORAZIO: I --

22 THE CHAIRPERSON: Please sit  
23 down, sir.

24 MR. PIETRORAZIO: I think  
25 that's grossly unfair. I'm very sorry.

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1 THE CHAIRPERSON: Well, you're  
2 entitled to your opinion.

3 MR. PIETRORAZIO: I'm  
4 appalled.

5 THE CHAIRPERSON: You're  
6 entitled to be appalled.

7 MR. SMALL: Let me start.  
8 Ms. Bodell, there with one response to a --

9 MR. FRANTZIS: Mr. Chairman.  
10 Excuse me, Mr. Chairman.

11 THE CHAIRPERSON: Excuse me --

12 MR. FRANTZIS: I apologize.  
13 I'm asking if I could possibly, if there's no  
14 more questions of me that if I could go. I  
15 have to leave here before --

16 THE CHAIRPERSON: I'm sorry.  
17 You've had your opportunity --

18 DR. BELL: He wants to know if  
19 he can go.

20 THE CHAIRPERSON: Oh, can you  
21 go? Yes, sir. I'm sorry. Yes, sir.

22 MR. FRANTZIS: And again, I  
23 just would like to Council to reconsider  
24 making it mandatory that they put the  
25 monitors around our property as a mandate for

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1 the project.

2 THE CHAIRPERSON: Everything  
3 that's been said will be something that the  
4 Council considers.

5 MR. FRANTZIS: If not, then  
6 I'll be putting those monitors up as well.

7 THE CHAIRPERSON: We  
8 appreciate your testimony.

9 MR. FRANTZIS: So thank you  
10 very much for your time.

11 THE CHAIRPERSON: And good  
12 luck with your medical.

13 MR. SMALL: Thank you,  
14 Mr. Chairman.

15 Let me start with you,  
16 Ms. Bodell, you were the listed responsible  
17 witness for response to question Larkin-6?

18 THE WITNESS (Bodell): Yes.

19 MR. SMALL: Was that prepared  
20 by you or under your direction?

21 THE WITNESS (Bodell): Yes.

22 MR. SMALL: And is it true and  
23 correct to the best of your knowledge and  
24 belief?

25 THE WITNESS (Bodell): Yes.

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1 MR. SMALL: And do you adopt  
2 it as your testimony here today?

3 THE WITNESS (Bazinet): I do.

4 MR. SMALL: Okay. Thank you.

5 And then Mr. Bazinet, are you  
6 responsible for the document filed yesterday,  
7 the late-file submittal of information  
8 provided to the Naugatuck Wastewater  
9 Treatment Facility Manager?

10 THE WITNESS (Bazinet): Yes.

11 MR. SMALL: And is that  
12 document -- was that prepared by you or under  
13 your direction?

14 THE WITNESS (Bazinet): Yes,  
15 it was.

16 MR. SMALL: And is that  
17 document true and correct to the best of your  
18 knowledge and belief?

19 THE WITNESS (Bazinet): Yes,  
20 it was. Yes, it is.

21 MR. SMALL: And do you adopt  
22 it as your testimony here today?

23 THE WITNESS (Bazinet): I do.

24 MR. SMALL: We would like to  
25 move those two documents into evidence and I

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1 believe that we have covered all of our  
2 outstanding evidentiary items.

3 THE CHAIRPERSON: Is there any  
4 objection to the admission of those  
5 documents?

6 (No response.)

7 THE CHAIRPERSON: Hearing and  
8 seeing none, those documents are admitted.

9 (Exhibit II-B-24,  
10 Exhibit II-B-28 and Exhibit II-B-34:  
11 Received in evidence - described in index.)

12 THE CHAIRPERSON: Okay. We  
13 will now proceed with cross-examination by  
14 the Council staff, Mr. Perrone.

15 CROSS-EXAMINATION

16 MR. PERRONE: Thank you,  
17 Mr. Chairman.

18 Has CPV reviewed the plume  
19 study submitted by -- drafted by Dr. Egan  
20 dated March 3, 2015?

21 THE WITNESS (Sellers): Yes, I  
22 have.

23 MR. PERRONE: Okay. Do you  
24 agree or disagree with the data provided in  
25 that report?

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1 THE WITNESS (Sellers): I  
2 agree with some of it, and disagree with --  
3 with other parts of it.

4 MR. PERRONE: Which parts of  
5 the report to you disagree?

6 THE WITNESS (Sellers): A few  
7 points. Dr. Egan talks about the proposed  
8 stack height of 150 feet be less than good  
9 engineering practice height. I agree that  
10 that's the case. But he goes on to talk  
11 about if an exhaust stack is below GPE height  
12 the dispersion modeling has to account for  
13 downwash which our modeling did. And he  
14 basically does knowledge that the modeling  
15 which does account for the downwash does  
16 fully comply with -- with air quality  
17 criteria. And that the adverse pollution  
18 under the plume conditions that would result  
19 in a high levels of concentration with the  
20 very, very low wind speeds, particularly he  
21 talks about near the facility's property  
22 lines which -- which I all agree with.

23 He then goes on to talk about  
24 the use of meteorological data from the  
25 Oxford Airport, and he acknowledges that it

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1 would miss capturing some of those very very  
2 low wind speeds, but felt that the proximity  
3 would trump the omission of the low wind  
4 speed data and that's on the point that I  
5 very, very strongly disagree with.

6 He mentions complex terrain in  
7 the area, and just to, for you  
8 nonmeteorologists, complex terrain is a  
9 terrain feature that would be above the top  
10 of the stack. So if you had terrain features  
11 that were very tall, very close proximity to  
12 the stack, that under those conditions the  
13 maximum concentrations and that terrain  
14 feature might actually be observed when  
15 there's a higher wind speed, the wind would  
16 be blowing the plume directly there. But  
17 what Dr. Egan failed to recognize and  
18 acknowledge is that the nearest such terrain  
19 feature is off almost 20 kilometers away to  
20 the north, northeast.

21 So I really feel that the use  
22 of the meteorological dataset that sort of  
23 captures those very low wind speeds which  
24 result in the highest concentrations, as he  
25 points out, very close to the property line,

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1 is clearly more important than a dataset that  
2 would have higher wind speeds.

3 MR. PERRONE: With regard to  
4 the data, obviously I won't ask you to  
5 respond to every piece of data here, but  
6 generally, do you agree with the temperatures  
7 and exhaust exit velocities presented?

8 THE WITNESS (Sellers): Yes.  
9 What he's provided here is something called a  
10 plume rise. And he demonstrates, and I  
11 agree, that the newly proposed project being  
12 larger and having a larger mass flow will  
13 have a higher ultimate plume rise than the  
14 originally approved project.

15 However, where I differ a  
16 little bit is his assertion that the higher  
17 maximum plume height creates more turbulence  
18 for aircraft is actually a little bit  
19 misleading.

20 The velocities of -- within  
21 the plume are not the same throughout the  
22 entire plume. So the ultimate height of the  
23 plume doesn't necessarily mean more  
24 velocities, particularly very, very close to  
25 where the exhaust is immediately expelled

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1 into the atmosphere where you'd have the  
2 highest turbulence that could come into play  
3 with an aircraft.

4 Actually in that near field,  
5 the first 500 or so feet above the stack,  
6 velocity is extremely important. Now in  
7 spite of the facility -- the new facility  
8 having a larger flow rate, it actually has a  
9 lower velocity than what was originally  
10 proposed.

11 And you ask, Well, how can  
12 that be? Very simple because the diameter of  
13 the stacks is larger and so there's a  
14 lower -- actually a lower exit velocity than  
15 was originally proposed and he failed to  
16 acknowledge that in the report.

17 But as far as the plume rise  
18 calculations, I agree with the plume rise  
19 calculations themselves. And in fact,  
20 they're -- they're very, very important in  
21 that the higher the plume rise the more time  
22 for dispersion before the pollutants would  
23 reach ground-level concentrations and that's  
24 why in spite of having a larger facility now,  
25 the PM 2.5 concentrations for it to have --

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1 in addition to having lower counts per year,  
2 the actual concentrations that result in the  
3 modeling are considerably lower than what was  
4 originally proposed and that's a result of  
5 two factors, one the lower tons per year, and  
6 then secondly that higher plume rise and  
7 better dispersion, and therefore the  
8 improvement to actual air quality or ground  
9 is even more pronounced than the reduction of  
10 the tons per year.

11 MR. PERRONE: So you agree  
12 with the plume elevation above stack base  
13 that row that's about two-thirds of the way  
14 down?

15 THE WITNESS (Sellers): Yes.  
16 The plume elevation above the stack, I didn't  
17 do these calculations --

18 MR. PERRONE: Right.

19 THE WITNESS (Sellers): -- but  
20 they certainly seem to be reasonable. That's  
21 the point in which the velocity of the plume  
22 would essentially be zero.

23 MR. PERRONE: So when they say  
24 from the stack base, they're assuming would  
25 be ground level as zero. Is that how you

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1 interpret that?

2 THE WITNESS (Sellers): Yes,  
3 he includes the stack. Yes, that's how I  
4 would interpret it at this time.

5 MR. PERRONE: Okay. Because  
6 in a prior testimony, February 10th, it said  
7 in the 99th percentile, the plume height  
8 above the stack would max out at about  
9 532 feet, and so if you add that to a stack  
10 of 150, you're at something like 680. I was  
11 just trying to square that up with the  
12 numbers here.

13 THE WITNESS (Gresock): Lynn  
14 Gresock.

15 And I think the numbers you're  
16 talking about are discussions we had about  
17 the MITRE modeling that occurred in 2012 for  
18 the project, which wouldn't have calculated  
19 the total plume rise. It would have been  
20 calculating total heights at -- at greater  
21 levels of turbulence that would have the  
22 potential to affect aircraft.

23 MR. PERRONE: Okay. Great.

24 Okay. To move on to the  
25 environmental report by Mr. Klein. Could CPV

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1 respond to that report point by point. We  
2 could start with the bulleted points,  
3 perhaps.

4 THE CHAIRPERSON: We have 15  
5 minutes to lunch.

6 MR. SMALL: We can get it  
7 done. It may be the last answer we give  
8 Mr. Chairman, but we'll get it done.

9 We'll start with Mr. Gustafson  
10 and Mr. Davis and the Mr. Jones, each of them  
11 have certain responses I believe.

12 THE WITNESS (Gustafson): With  
13 respect to a couple of elements of the report  
14 prefiled by Mr. Klein, there was a couple of  
15 statements in there that I didn't quite agree  
16 with.

17 The first being the timing of  
18 the wetland inventory and functional  
19 evaluation was not a depiction by all  
20 resources present. The timing of the wetland  
21 inventory and functional evaluation utilize  
22 the standard of care common of wetlands soil  
23 scientist professionals which allowed for the  
24 collection of a sufficient  
25 scientifically-based data from which

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1 potential project impacts are properly  
2 valuated.

3 In addition, the wetland  
4 evaluation methodology used in the Army  
5 Corps, is a highway methodology does not  
6 restrict or specify the time at when a  
7 functional valuation need to be performed.

8 It should also be noted as  
9 part of the project's Category II permit  
10 application the Army Corps of Engineers and  
11 the Connecticut Department of Energy and  
12 Environmental Protection no comments were  
13 received by either agency on the wetland  
14 functional valuation to documentation.

15 Another element -- statement  
16 that Mr. Klein made was with respect to  
17 mitigation of what's being proposed for the  
18 project was, in his opinion, deemed  
19 unspecified in form and in an unspecified  
20 location and in unspecified time would result  
21 in an environmental benefit has no factual  
22 basis.

23 The project's payment to the  
24 Audubon of Connecticut In-Lieu Fee Program is  
25 a fairly recognized mitigation program that

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1 has been approved by the Army Corps of  
2 Engineers to provide suitable mitigation for  
3 the project's unavoidable wetland impacts.

4 Upon receipt of the  
5 applicant's payment into the In-Lieu Fee  
6 Program, Audubon Connecticut is legally  
7 responsible and bound for satisfying the  
8 mitigation parts of the permit issue for this  
9 project. The mitigation plan requiring  
10 approval by the Corps. The In-Lieu Fee  
11 program assures that environmental benefit  
12 will result from the proposed wetland  
13 mitigation.

14 The third statement is with  
15 respect to the wetland valuation be done, and  
16 include off-site portions of Wetlands II and  
17 III. The highway methodology requires  
18 evaluation of an entire wetland unit.

19 My response is the wetland  
20 evaluation did include off-site portions of  
21 II and III as noted in the applicant's  
22 Exhibit 1, Appendix C, page A-13. The  
23 highway methodology does not require a  
24 valuation of the entire wetland unit. It  
25 requires evaluation of wetland areas that

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1 would or may be impacted by the proposed  
2 project or an alternative design.

3 And then finally, Mr. Klein's  
4 statement that CPV Towantic's petition does  
5 not comply with the Connecticut water quality  
6 statements.

7 As I've noted earlier in my  
8 testimony this morning, the Connecticut  
9 Department of Energy and Environmental  
10 Protection issued a water quality  
11 certification on March 12, 2015, indicating  
12 that the project's discharge is consistent  
13 with the Federal Clean Water Act and the  
14 Connecticut water quality standards.

15 THE WITNESS (Davison): This  
16 is Eric Davison.

17 Just a couple of points that  
18 Mr. Klein made regarding eastern box turtle I  
19 think were overstated.

20 The first was the significance  
21 of the site to support box turtle, which I've  
22 already -- I just spoke about, so I won't  
23 repeat myself.

24 But the second, was the -- his  
25 discussion on the difficulties of surveying

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1 the box turtle and, if possible, having to  
 2 move them from the construction zone. He is,  
 3 in fact, correct that, you know, their  
 4 primary defense mechanism is camouflage and  
 5 so they don't make themselves readily known,  
 6 but for a qualified observer going out at the  
 7 right time of year which is late May, early  
 8 June, that's a period when they're very  
 9 active on the ground moving around, going to  
 10 nesting sites, feeding, basking so they're  
 11 exposed. And that's a period when the  
 12 vegetation is not at full growth. So they're  
 13 essentially visible from overhead. So if you  
 14 time your surveys for that period when the  
 15 vegetation is low and they're active, they  
 16 can be easily found. And also, as I think I  
 17 said on Tuesday, we've spent a considerable  
 18 amount of time for this survey at the  
 19 prime -- at the prime time up to ten days  
 20 with myself included another experienced  
 21 observer, and that's a lot of time for a site  
 22 this size.

23 On top of that, during  
 24 construction I think you saw in the water  
 25 quality certificate the DEEP mandated that we

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1 do exclusion fencing and two full weeks of  
 2 surveys prior to any construction to search  
 3 for any box turtle out of construction zone.  
 4 That's a long time. More than I've ever seen  
 5 them mandate more than I've ever done on a  
 6 site of this size. So between the survey  
 7 days and the time required under the water  
 8 quality certification, I disagree with his  
 9 statement about difficulties locating Eastern  
 10 box turtles.

11 MR. SMALL: Mr. Jones.

12 THE WITNESS (Jones): Good  
 13 morning. It's Curt Jones. I have a eight  
 14 points that I'd like to mention.

15 Mr. Klein states that there  
 16 are extensive areas with slopes, proposed  
 17 slopes greater than three to one on the site  
 18 and this is simply not true. The maximum  
 19 slope is 3 to 1 being proposed.

20 He also states that there are  
 21 greater than five acres draining into the  
 22 sediment traps. This statement ignores the D  
 23 and M process were detailed construction  
 24 plans are completed. We will have areas of  
 25 no greater than five acres draining into

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1 sediment traps and this will be provided as  
 2 part of the D and M plans.

3 He also states that the  
 4 guidelines suggest timing of work area,  
 5 limited the work area to five acres. In  
 6 fact, the 2002 guidelines dedicate an entire  
 7 chapter, Chapter 4, on large sites which may  
 8 take years to complete.

9 Mr. Klein states that one of  
 10 the reasons that the general permit cannot be  
 11 met -- when I say "general permit," that's  
 12 the DEEP general permit for storm water --  
 13 cannot be met because we haven't applied for  
 14 individual permit. So I didn't follow his  
 15 reasoning there.

16 Mr. Klein makes note that the  
 17 general permit requires additional measures,  
 18 yet, he fails to acknowledge that these  
 19 additional measures are shown on the plans.  
 20 These additional measures include extended  
 21 detention, shallow wetlands creations, seven  
 22 forebays, high and low marsh areas, wetlands  
 23 plantings and temporary sediment control at  
 24 the outlets.

25 In his testimony he tried to

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1 make the case that the factors that he cites  
 2 will require an increase in the size of the  
 3 storm water management measures, and that the  
 4 site is not large enough to accommodate those  
 5 measures. And again, this statement is just  
 6 wrong. This site accommodates all of the  
 7 necessary measures.

8 Mr. Klein states that the  
 9 outlet protection detail won't work and even  
 10 if it does work then it will be hard to  
 11 maintain. And, in fact, this is a detail  
 12 that we have used for many years on multiple  
 13 projects with success.

14 And then, finally, Mr. Klein  
 15 states that the erosion control measures are  
 16 inadequate. We disagree as does the  
 17 Connecticut DEEP which has issued a 401 Water  
 18 Quality Certification for the project.

19 MR. PERRONE: And you would  
 20 have compliance with the 2004 storm water  
 21 manual and the 2002 ENS guidelines.

22 THE WITNESS (Jones): Yes,  
 23 sir.

24 MR. PERRONE: All right. I  
 25 have nothing else on that topic. Moving on.

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1 Is it correct to say that tree  
2 clearing would be significantly greater in  
3 the proposed project versus the approved  
4 project, in other words pretty much the  
5 entire acreage would be clear.

6 THE WITNESS (Bazinet): The  
7 presence of trees is limited primarily to the  
8 east, northeast portions of the site and we  
9 have no intention of clearing any of the  
10 trees that are at the northern portion as was  
11 consistent with the original plan. So it  
12 would just be portions which are currently  
13 residing where the gas turbine and steam  
14 turbines would be laid out, the exact acreage  
15 I wouldn't be able to quote off the top of my  
16 head.

17 MR. PERRONE: But with the  
18 overall loss of habitat, so would that be  
19 largely mitigated by the In-Lieu Fee and  
20 other measures?

21 THE WITNESS (Gustafson): The  
22 In-Lieu Fee provides appropriate mitigation  
23 for the loss wetland habitat of the project.

24 MR. PERRONE: From a  
25 visibility perspective, generally speaking,

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1 if you relocate the stacks on the subject  
2 property while it may change near view  
3 slightly more distant views would stay more  
4 or less the same. Is that fair to say?

5 THE WITNESS (Gresock): That's  
6 correct.

7 MR. PERRONE: And I know there  
8 was this discussion yesterday about any  
9 possible banging noise. I understand that  
10 there is a noise standard relative to impulse  
11 noise. Would there be impulse noise, and if  
12 so, would it meet the standard?

13 THE WITNESS (Donovan): Jon  
14 Donovan, CPV. There would be an increase in  
15 noise during the start up and transient  
16 events like a steam-turbine trip.

17 MR. ASHTON: Could you speak a  
18 little louder, please.

19 Sure. There would be an  
20 increase in noise during transient events  
21 like start up and trips, steam-turbine trips,  
22 but we would meet the required noise  
23 ordinance.

24 MR. PERRONE: Could a  
25 decommissioning plan for the plant be

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1 provided in the D and M if approved?

2 THE WITNESS (Bazinet): The  
3 specifics of the plan, I guess we would scope  
4 that out but sure, absolutely.

5 MR. PERRONE: I believe we  
6 have the oil consumption rate because if  
7 water is not an issue you could run on oil  
8 for 68 hours and you have, you know, one and  
9 a half million gallons, but do you have the  
10 maximum natural gas consumption rate?

11 THE WITNESS (Bazinet): Jon,  
12 you want to?

13 THE WITNESS (Donovan): Sure.  
14 I just need a second and I can get that.

15 MR. PERRONE: Sure.

16 THE WITNESS (Donovan): You're  
17 looking for the natural gas consumption?

18 MR. PERRONE: Yeah, the  
19 worst-case?

20 THE WITNESS (Donovan): On a  
21 winter day, say, like 20 degrees at full  
22 output it's about 55 -- 5,531 million Btu's  
23 per hour.

24 MR. PERRONE: And that was  
25 based on something like 900 Btu's a cubic

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1 foot I think we said?

2 THE WITNESS (Donovan): So I  
3 -- that was on and HHV basis, so more like  
4 roughly a typical value on conversions I  
5 think are around 1,030 or so Btu's per hour.

6 MR. PERRONE: Okay. Would the  
7 transformers be separated by firewalls?

8 THE WITNESS (Donovan): Yes.

9 MR. PERRONE: And you would  
10 have will containment systems built into the  
11 foundations for the transformers?

12 THE WITNESS (Donovan): That's  
13 correct. It would be curbing.

14 MR. PERRONE: I understand  
15 it's called of the switchyard because the  
16 transformers aren't actually in those.  
17 You're going to boost it up to 115 kV before  
18 you go into the switchyard. What do you come  
19 out of the generator at, typically, as far as  
20 line voltage?

21 THE WITNESS (Donovan): About  
22 18 kV? Thank you very much Mike.

23 THE CHAIRPERSON: I think --  
24 and I know you're not quite finished, so I  
25 think going to take a break for lunch now,

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1 and I'm going to resume at 1:45.  
 2 (Whereupon, the witnesses were  
 3 excused, and a recess for lunch was taken.)  
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AFTERNOON SESSION

1:47 P.M.

4 A N D R E W J. B A Z I N E T,  
 5 T A N Y A B O D E L L,  
 6 D. L Y N N G R E S O C K,  
 7 D E A N G U S T A F S O N,  
 8 C U R T I S C. J O N E S,  
 9 F R E D R I C K M. S E L L A R S,  
 10 J O N D O N O V A N,  
 11 E R I C R. D A V I S O N,  
 12 having been previously duly sworn, were  
 13 examined and testified further on their  
 14 oath as follows:

15 THE CHAIRPERSON: Okay. I  
 16 would like to resume with again with the  
 17 staff, Mr. Perrone continuing with his  
 18 cross-examination.

CROSS-EXAMINATION

20 MR. PERRONE: Thank you,  
 21 Mr. Chairman. I understand the summer  
 22 rating, you know, 90 degrees and natural gas  
 23 is about 740 megawatts whereas the FCA  
 24 auction results were about 725. I know it's  
 25 not a big difference, but could you explain

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1 the difference?

2 THE WITNESS (Bazinet): So we  
 3 filed our original queue position with ISO  
 4 New England back in December of 2011 and the  
 5 facility at that point was based on a  
 6 different gas turbine and a slightly  
 7 different configuration as well. So we went  
 8 through a process with ISO New England in  
 9 early 2014 to update the values, but one of  
 10 the quirks I guess of the tariff is that you  
 11 can't increase your output. So we had keep  
 12 it at 725.

13 MR. PERRONE: So based on that  
 14 CEA report you expect your capacity factor  
 15 would be somewhere in the lower seventies on  
 16 average?

17 THE WITNESS (Bazinet): I  
 18 probably should have added we've  
 19 subsequently -- actually just in the last  
 20 month -- filed an incremental queue position  
 21 to capture that additional output. So I  
 22 mean, the capacity factors that you see in  
 23 the CEA report are reflective of the full  
 24 value of the facility and that's what we  
 25 expect to eventually transmit the 725 which

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1 is not reflective of the 90-degree case  
 2 obviously but --

3 MR. PERRONE: Okay. Could you  
 4 tell us what power pooling is and the pros  
 5 and cons, for example, in the New England  
 6 Power Pool?

7 THE WITNESS (Bodell): Tanya  
 8 Bodell with.

9 New England realized early on  
 10 compared to the rest of the United States  
 11 that coming together as multiple states to  
 12 take advantage of lower-cost generating  
 13 resources would be beneficial to all of the  
 14 utilities and the generation and transmission  
 15 companies that existed at the time. That  
 16 became formalized was into what's now the ISO  
 17 New England. The benefits of a power pool,  
 18 if you think about our West for example there  
 19 are a lot of bifurcated individual utilities,  
 20 individual municipalities, balancing  
 21 authorities, each one of those individual  
 22 entities is required to maintain enough  
 23 generation to meet their reserve margins, to  
 24 meet their load plus cover themselves in the  
 25 event of a contingency or an outage.

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1 Although there is some  
2 interaction with the other balancing  
3 authorities it's a very costly proposition.  
4 But if you band together and create a pool  
5 and you're able to pool your resources and  
6 that means that a lower-cost resource in a  
7 neighboring county might be able to be  
8 dispatched before your own resource and that  
9 savings to the broader pool accrues to all of  
10 the participants.

11 So the benefits of the ISO New  
12 England is it's a power pools that pools the  
13 resources, the generating resources as well  
14 as the demand-side resources to come up with  
15 the optimal or lowest cost possible to meet  
16 the requirements of the system.

17 MR. PERRONE: Okay. Turning  
18 to, back to water and wastewater issues, your  
19 discharge to sewer at the four and a half  
20 gallons per minute. That's basically a  
21 steady number year-round even if you were  
22 running on let's say gas during the winter?

23 THE WITNESS (Bazinet): The  
24 remaining discharge streams have nothing to  
25 do with the actual operation of the facility.

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1 They're related to surface water streams,  
2 rainwater and just domestic uses. Yes, I  
3 guess, is the answer.

4 MR. PERRONE: Okay. And  
5 briefly back to the demineralization trailer.  
6 I understand that an average usage of 131,000  
7 gallons per day, it could last about eight  
8 days, so let's say about a million gallons  
9 worth of treatment. Could one trailer handle  
10 the whole 218,000 gallons max coming in per  
11 day?

12 THE WITNESS (Bazinet): So  
13 they have different capacity trailers and the  
14 local literature that we provided I think  
15 indicated some of the different capacities of  
16 those trailers. The specific response, was a  
17 specific response to an interrogatory that  
18 indicated one particular type of trailer and  
19 I believe that had the capacity to handle the  
20 218 and we have spots for two trailers so  
21 there's basically redundancy there as well.

22 MR. PERRONE: Okay. But is it  
23 fair to say that if it could treat about a  
24 million gallons then, you know, that 218  
25 would be somewhere between four and five

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1 days?

2 THE WITNESS (Bazinet): Yeah.  
3 Yes.

4 MR. PERRONE: Okay. Which is  
5 greater than your 52 hours. So one trailer  
6 would handle full usage of oil?

7 THE WITNESS (Bazinet):  
8 Correct.

9 MR. PERRONE: Okay. Great.  
10 On the ULSD water consumption.  
11 I know we were given a range, 663 to  
12 712 gallons per minute. Could you operate on  
13 the lower end of that range?

14 THE WITNESS (Bazinet): There  
15 are going to be -- water -- the water is  
16 driven by emissions control requirements --

17 THE WITNESS (Donovan): For  
18 oil only.

19 THE WITNESS (Bazinet): For  
20 oil only. Correct.

21 The lower end of the range, it  
22 happens actually during the colder  
23 temperatures so it's actually more likely  
24 that you're going to be operating at the  
25 lower end of the range. Peak water use while

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1 firing oil tends to occur around I think the  
2 50-degree data point which is just a highly  
3 unlikely scenario to be firing oil at 50  
4 degrees ambient temperature.

5 MR. PERRONE: And lastly, just  
6 to address the potential disagreement where  
7 it's noted that interconnect agreements with  
8 other water utilities would not be relied  
9 upon to meet the facility's water demands,  
10 whereas the letter from the water company  
11 says otherwise. Could you comment on that?

12 THE WITNESS (Bazinet): So --  
13 so I mean, I think we readily acknowledge  
14 that the service request says that -- I'm  
15 sorry, the commitment letter says that. We  
16 don't disagree with that notion.

17 MR. PERRONE: Okay. So in the  
18 event that the interconnect permits could not  
19 be renewed, let's say, in 2017 going forward,  
20 would CPV have any contingency plan or  
21 perhaps reduce capacity during those periods?

22 THE WITNESS (Bazinet): So  
23 the -- the expectation that that  
24 interconnection would be -- would be required  
25 to serve the facility is based on the

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1 long-term projection for Heritage Village. I  
2 don't -- I'd have to go back and look at the  
3 details. I don't think we've been afforded  
4 sort of the long-term forecast to understand  
5 where the crossover point is. I know it's  
6 well beyond and well out into their planning  
7 horizon, but what they need to start sourcing  
8 new -- new supplies, I just don't know what  
9 that time frame is.

10 MR. PERRONE: Okay. And since  
11 you've mentioned schedule, one question about  
12 that. In Section 2.6 of the petition, it had  
13 basically mentioned, you know, if approved  
14 and securing a D and M approval an estimated  
15 beginning construction before yearend 2015  
16 and support commercial operation by June 2018  
17 with those assumptions is that schedule still  
18 roughly accurate?

19 THE WITNESS (Bazinet): Yes,  
20 that's the schedule that we're targeting.

21 MR. PERRONE: Okay. Because  
22 it contained a note that it is also possible  
23 based on market conditions that construction  
24 could be delayed by one year. But given the  
25 results of the FCA auction, is that delay

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1 less likely now?

2 THE WITNESS (Bazinet): We --  
3 it may or may not be. The FCA -- or I'm  
4 sorry, ISO New England allows for a one-year  
5 deferral if you run into issues where if such  
6 a delay is occurs.

7 MR. PERRONE: Okay. I  
8 understand. I have, just one general  
9 question. I know there was a lot of  
10 discussion about the diameter of the  
11 balloons, but generally, is it correct to say  
12 that the balloons were only flow to simulate  
13 the height of the stacks in the locations?

14 THE WITNESS (Gresock):  
15 That's -- that's correct.

16 MR. PERRONE: What sort of  
17 containment or protected measures would be in  
18 place to protect against any releases of  
19 ammonia?

20 THE WITNESS (Donovan): We  
21 have -- we have curbing in place around the  
22 ammonia. Besides the tank itself --

23 MR. PERRONE: Right.

24 THE WITNESS (Donovan): -- we  
25 have curbing around the ammonia storage area.

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1 MR. PERRONE: And what other  
2 protective measures would be place around  
3 hydrogen storage?

4 THE WITNESS (Donovan): Back  
5 on the ammonia, is 110 percent containment of  
6 the -- 110 percent of the tank lining. And  
7 your -- your follow-up question is on  
8 hydrogen?

9 MR. PERRONE: Yes.

10 THE WITNESS (Donovan):  
11 There's no containment for hydrogen other  
12 than bottles that they -- they're delivered  
13 in. It's such a small volume that if  
14 there's -- if there's an accidental leak or  
15 something you would know it by the pressure  
16 reduction. But it's in such small amounts  
17 that it really doesn't warrant any kind of  
18 containment. In fact, just the opposite, you  
19 would not want to contain hydrogen. You  
20 would wanted to dissipate in the air.

21 MR. PERRONE: And any  
22 containment or protective measures, let's say  
23 refer to ammonia or anything else, that would  
24 be included in the D and M plan if approved?  
25 THE WITNESS (Donovan): That's

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1 correct.

2 MR. PERRONE: And I know we  
3 had a lot of discussions on plumes but just  
4 one other final clarification. Since the  
5 air-cool condenser is a dry system, is it  
6 correct to say that the air-cool condenser  
7 would not create a plume?

8 THE WITNESS (Donovan): That's  
9 correct?

10 THE WITNESS (Gresock):  
11 That's correct.

12 MR. PERRONE: But there is a  
13 brief mention of evaporative coolers on  
14 page 26. Under what conditions with those  
15 operate?

16 THE WITNESS (Donovan): Those  
17 -- those generally operate at ambient  
18 temperatures greater than say 59 degrees, and  
19 it acts like a humidification system. It  
20 basically lowers the turbinig lead  
21 temperature to help with power output and  
22 efficiency.

23 MR. PERRONE: I understand  
24 there would also be an on-site emergency  
25 diesel generator. Would that be just for

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1 house power? What would that power?  
 2 THE WITNESS (Donovan): That's  
 3 correct. What it would power is emergency  
 4 loads like plant lighting, plant control  
 5 system and some of the necessary emergency  
 6 loads like, you know, lube oil, you know,  
 7 things to protect the turbines but that's  
 8 essentially -- those are the main, main  
 9 consumption uses.  
 10 MR. ASHTON: That could not be  
 11 used for cranking power for black start?  
 12 THE WITNESS (Donovan): That's  
 13 correct. Yeah, because I think it's the size  
 14 of it is -- the size of our emergency diesel  
 15 generator is a thousand kilowatts whereas I  
 16 think we may have stated in the earlier --  
 17 one of the earlier sessions that we needed  
 18 greater -- the interrogatory responses 12 to  
 19 15 megawatts to crank the engine.  
 20 MR. PERRONE: What would be  
 21 your ballpark possible run-time on the  
 22 generator? Two days?  
 23 THE WITNESS (Bazinet): It's  
 24 only for emergency --  
 25 MR. PERRONE: If you know.

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1 THE WITNESS (Bazinet): --  
 2 uses and we're going to be capped at, I think  
 3 it's --  
 4 THE WITNESS (Sellers): Yeah,  
 5 I can help you there. The cap for the hours  
 6 of operation for the emergency generator is  
 7 250 hours per year like the fire pump,  
 8 although one of those could be -- the sum two  
 9 together can't exceed 500 but each one  
 10 individually could be as high as 300.  
 11 MR. PERRONE: Okay. And being  
 12 that that generator would have a fuel source,  
 13 could the details of any fuel containment  
 14 such as a double-walled tank also be included  
 15 in the D and M if approved?  
 16 THE WITNESS (Donovan): Sure.  
 17 You know, at least typically tank that's not  
 18 been in the skid, and I'm sorry, I think I  
 19 said a thousand kilowatts. It's -- we  
 20 specified 1500 kilowatts.  
 21 MR. PERRONE: Okay. So one  
 22 and a half megawatts.  
 23 THE WITNESS (Donovan): That's  
 24 correct.  
 25 MR. PERRONE: Okay. And just

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1 a little bit more clean up.  
 2 In Figure 2, Number 5 it  
 3 mentions an auxiliary cooling system. Under  
 4 what conditions with the auxiliary cooling  
 5 system operate?  
 6 THE WITNESS (Donovan): The  
 7 auxiliary cooling system operates anytime the  
 8 plant is operating, and this -- this system  
 9 specifically its purpose is to cool items  
 10 like lube oil that go to the turbines, you  
 11 know, it's water cooling for the generators,  
 12 and it's water cooling for, you know, your  
 13 pumps. So it's really -- it handles any of  
 14 the cooling loads of the major machinery in  
 15 the power plant.  
 16 MR. ASHTON: The generator  
 17 starters are water cooled?  
 18 THE WITNESS (Donovan): So the  
 19 -- that's correct. It's hydrogen  
 20 intercooled, but then there's water coolers  
 21 that are in the --  
 22 MR. ASHTON: Let me go a  
 23 little bit more specific: There is or is not  
 24 water flowing through the stator conductor  
 25 bars?

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1 THE WITNESS (Donovan): No.  
 2 It's all hydrogen.  
 3 MR. ASHTON: So it's hydrogen.  
 4 Then the heated hydrogen then is cooled by a  
 5 water --  
 6 THE WITNESS (Donovan): Heat  
 7 exchanger.  
 8 MR. ASHTON: -- heat  
 9 exchanger?  
 10 THE WITNESS (Donovan): That's  
 11 correct. Yeah, that's correct.  
 12 MR. ASHTON: Thank you.  
 13 MR. PERRONE: And generally  
 14 the monopole transmission line structures,  
 15 would they be comparable in height to what's  
 16 there?  
 17 THE WITNESS (Donovan): That's  
 18 correct. And one other -- one add-on comment  
 19 is on the ox cooling water system, that is  
 20 like the air-cooled condenser that is also in  
 21 a contained and dry system. It's a fin-fan  
 22 cooler that's the cooling medium for the --  
 23 the water loop. So water goes to each of the  
 24 major components to cool those components,  
 25 then it goes back to what's equivalent to a

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1 radiator, and that's the fin-fan cooler  
2 that's shown on the O and G.

3 MR. PERRONE: Right. So  
4 that's a dry system with no plume on that  
5 also.

6 THE WITNESS (Donovan): That's  
7 correct.

8 MR. PERRONE: Okay. And there  
9 was discussion about discharging storm water  
10 into wastewater. Have you looked into  
11 perhaps making a modification where storm  
12 water would not be introduced into  
13 wastewater?

14 THE WITNESS (Bazinet): We  
15 have. We're looking at the technical  
16 feasibility of complying with the storm water  
17 general permit from the -- from those areas  
18 that would be are currently designed to go to  
19 the sanitary sewer.

20 MR. PERRONE: Okay. And if  
21 approved and that be addressed in the  
22 D and M?

23 THE WITNESS (Bazinet): Yeah,  
24 Absolutely. Yeah.

25 MR. PERRONE: Okay. Just a

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1 couple more environmental questions and  
2 that's it. In the March 3rd filing by the  
3 Naugatuck River Revival Group, it mentions  
4 nests from Eagles, and Osprey as well as the  
5 Peregrine Falcon and it gives varying  
6 distances. How would the project impact  
7 those bird species?

8 THE WITNESS (Davison): Eric  
9 Davison. Could you just repeat that for me,  
10 please?

11 MR. PERRONE: Okay. The  
12 filing listed three species of birds, the  
13 Bald Eagle, the Peregrine Falcon, and Ospreys  
14 and it gave distances to nests. The closest  
15 Eagle nest listed was three and half miles,  
16 the Peregrine Falcon nearest nest was  
17 six miles, and the nearest Osprey nest was  
18 3.7 miles. Generally speaking, how would a  
19 project impact those bird species?

20 THE WITNESS (Davison): The  
21 best I could answer that is those three  
22 species wouldn't find nesting habitat on the  
23 site. The Peregrine nest is on big exposed  
24 rock faces or on high-rises, and the Eagle  
25 and Osprey are associated with large water

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1 bodies or towers, are essentially species  
2 that are associated with the waterways and  
3 water bodies.

4 These are -- these are birds  
5 that have a broad foraging distance. So  
6 could they forage on the site? Potentially.  
7 Again, most of those forage in and near their  
8 nesting habitat, so I don't really see a  
9 direct correlation between -- I don't see  
10 much in the way of habitat for those species.  
11 Could they pass over the site? Sure. That's  
12 probably the best I could -- I can say. I  
13 don't really see much relevance for those  
14 species on this site.

15 MR. PERRONE: And in Wetland 2  
16 adult green and pickerel frogs were observed  
17 within the shallow pools. How would those  
18 two species be impacted by the project?

19 THE WITNESS (Davison): The  
20 observations were made by Mr. Gustafson and  
21 APT, but just to answer that, how it might  
22 impact them. If they're breeding on those  
23 wetlands that are going to be built,  
24 obviously the breeding habitat is going to be  
25 lost. I don't know that we have information

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1 on whether they're, in fact, breeding there  
2 or if they move into those wetlands from  
3 nearby areas. Likely the bigger breeding  
4 areas are downstream and downslope. We have  
5 a longer hydro period of wetland. But yeah,  
6 if they're breeding in those wetlands,  
7 obviously, the wetland is going to be then  
8 cleared and filled, yeah, the habitat is  
9 going to be gone. Those are two -- those  
10 happen to be two very common species,  
11 widespread and common in Connecticut.

12 MR. PERRONE: So as common  
13 species they're not threatened, endangered,  
14 or of special concern?

15 THE WITNESS (Davison): No.  
16 Those are two -- those are two species we  
17 consider generalist species, species that are  
18 disturbance tolerant. They occur in urban  
19 areas, and they're widespread throughout --  
20 throughout Connecticut, yeah. Very abundant.  
21 They're not species of conservation concern  
22 by DEEP or any other conservation  
23 organization.

24 MR. PERRONE: And lastly back  
25 to the bird species real quick. So are the

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1 Bald Eagle and Peregrine Falcon both  
2 state-listed threatened species?  
3 THE WITNESS (Davison):  
4 They're both state listed. I don't know off  
5 the top of my head whether they're threatened  
6 or endangered. It's one of those listing,  
7 they're not special concern, they're above  
8 that but I can't remember offhand which is  
9 which.

10 MR. PERRONE: That's fine.  
11 That's all I have. Thank you very much.

12 THE CHAIRPERSON: Thank you.  
13 And I'll go to  
14 cross-examination by the Council.

15 Senator Murphy.

16 SENATOR MURPHY: Thank you,  
17 Mr. Chairman.

18 Just one item. On your  
19 late-filing, Attorney Small or actually this  
20 is Mr. Bazinet, this morning on the -- with  
21 the Naugatuck pollution people. You had the  
22 letter of September 19 from them and then an  
23 e-mail from John Batorski and your response  
24 and then the documents attached. And I heard  
25 the testimony yesterday, and admittedly I

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1 came in late, but I didn't hear yours. What  
2 is there after the e-mail that you,  
3 Mr. Bazinet said to Mr. Batorski? It  
4 indicates that you have sent the material,  
5 and possibly some phone conversations that  
6 took place. And I don't remember anything  
7 yesterday in your testimony that tells me  
8 that anything happened after that, other than  
9 I see this letter from the Authority  
10 indicating that they've authorized  
11 Mr. Batorski to review and approve but it's  
12 dated sometime after the e-mails.

13 THE WITNESS (Bazinet): So  
14 you've got it pretty well accurate. There  
15 were a couple of phone -- well, there was one  
16 phone conversation with Mr. Batorski, I  
17 didn't record or document that phone call  
18 other than to say that I had it.

19 SENATOR MURPHY: That he had  
20 it, you mean?

21 THE WITNESS (Bazinet): John  
22 Batorski and I spoke after my transmittal of  
23 the -- that information on August 27th. In  
24 that conversation he shared with me that the  
25 nature of our discharge was not a big deal at

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1 all relative to the capabilities of the new  
2 plant, and this wouldn't be a problem at all.

3 Subsequent to that, there were  
4 a couple of calls placed to the director of  
5 the public works office. I never spoke with  
6 Jim Stewart directly, but -- and that was,  
7 you know, the time period between August 27th  
8 and September 19th, and that's when I  
9 received by e-mail the letter without a  
10 signature basically approving, if you will,  
11 the fact.

12 SENATOR MURPHY: Indicating  
13 that they had voted to approve -- voted to  
14 approve his approving and -- reviewing and  
15 approving?

16 THE WITNESS (Bazinet):  
17 Correct. Yes. So that was the information  
18 that was shared with DEEP and that's --  
19 that's where we left it. We had no further  
20 communication with Naugatuck because we  
21 thought we were effectively --

22 SENATOR MURPHY: But you --  
23 you did have a phone conversation with  
24 Mr. Batorski who acknowledged that, in fact,  
25 he received it and it wasn't a problem?

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1 THE WITNESS (Bazinet): After  
2 the August 27th, correct. Yes.

3 SENATOR MURPHY: Right. And  
4 before these, you got the letter of  
5 September 19?

6 THE WITNESS (Bazinet): Yes,  
7 sir.

8 SENATOR MURPHY: That's all I  
9 have right now, Mr. Chairman. Thank you.

10 THE CHAIRPERSON: Thank you.  
11 Dr. Bell.

12 DR. BELL: Thank you,  
13 Mr. Chairman.

14 I have some questions related  
15 to your comments on the final IRP that we got  
16 on Tuesday's hearing. I don't want to go  
17 over all of them but I'm just picking out a  
18 couple.

19 On your page 5 -- I don't  
20 think it is on your page 5. Sorry. I guess  
21 I'll just read the beginning of the exhibits.  
22 You say -- you comment on a sentence in the  
23 IRP that says that natural gas generators  
24 have lower emissions, and so forth and so on,  
25 to justify or to confirm that the CPV plant

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1 will be a benefit to the region. But there's  
2 a sentence that comes after that that says --  
3 immediately after that, that says there is a  
4 growing concern over New England's increasing  
5 dependence on natural gas as  
6 energy-generation fuel, and the implications  
7 resulting from such dependence in terms of  
8 reliability and cost.

9 So first of all, you  
10 acknowledge that that's the sentence  
11 immediately following your justificatory  
12 sentence. And secondly, you recall that  
13 that's in the section that is talking about  
14 challenges to Connecticut in their energy  
15 picture Looking forward.

16 In other words, it  
17 certainly -- the first sentence that you cite  
18 certainly justifies the lowered omissions.  
19 But the context of that is a troubled context  
20 in the sense that the IRP is presenting the  
21 challenges that arise. Is that fair to say?

22 THE WITNESS (Bazinet): So,  
23 yeah. I would say it's fair to say, but I  
24 would also add that that's, I think,  
25 precisely the reason Towantic being a

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1 dual-fueled resource is -- is still  
2 beneficial to the region. So not only is it  
3 a flexible generation source, as noted, but  
4 it can operate on both flexible in terms of  
5 ramp profile and the ability to meet varying  
6 loads, be a facilitator to the -- excuse me  
7 -- increasing penetration of renewables in  
8 the system, but also in that it can switch  
9 fuels, natural gas or ultra low sulfur  
10 distillate and still be the same type of  
11 resource for the region.

12 DR. BELL: Okay. I want to  
13 come back to dual fuels is a minute, but  
14 meanwhile you point out that the IRP says the  
15 system needs fast-acting resources, and you  
16 just mentioned that again. But how does that  
17 fit with the IRP that says the need is -- for  
18 fast-acting resources is already met. It  
19 says that on page 3. Not page 3. Little  
20 Roman numerals III in the introductory part  
21 in a footnote that's Footnote 4.

22 This is under the same  
23 category, regional and -- heading regional  
24 and national challenges affecting Connecticut  
25 ratepayers, as introduced on Roman Numerals

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1 II, and then Roman numeral III, there's a  
2 footnote where you're discussing the cost of  
3 gas and how it costs more in Connecticut  
4 because of constrained resources. But  
5 there's a footnote in that, on that page;  
6 which says -- Footnote Number 4 which says:  
7 Connecticut is also expected to have enough  
8 local fast-start generation capability to  
9 meet its locational forward reserve market  
10 requirements through 2024. That's what I'm  
11 asking about?

12 THE WITNESS (Bazinet): So  
13 the locational forward reserve market is a  
14 specific market that sizes the amount of  
15 resources needed to be available on a  
16 10-minute basis or a 30-minute operating  
17 bases, depending on per -- for contingency  
18 type events. So that doesn't speak to  
19 necessarily, in fact, quite contrary, those  
20 resources are by definition bid into the  
21 market at a heat rate that is intended to  
22 make the unit not operate.

23 So as renewables continue to  
24 penetrate into the system and load varies  
25 across the course of a day, you still need

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1 flexible generation resources that can kind  
2 of balance that, those dips and peaks, and  
3 Towantic, given its ramping profile and its  
4 ability to operate between I believe it's  
5 30 percent of plant load and a hundred  
6 percent and still remain in emissions  
7 compliance makes it a tremendously valuable  
8 resource especially at the efficiency it  
9 offers.

10 DR. BELL: Okay. So you're  
11 saying that your ramping speeds, which have  
12 to do with operating -- putting out more  
13 power or putting out less power on a curve  
14 during operation, that that doesn't have to  
15 do with the Footnote I was citing about fast  
16 start?

17 THE WITNESS (Bazinet):  
18 Correct. Those -- those resources are  
19 reserve resources that are not operating.  
20 There's another market called regulation  
21 which in intended to fill those gaps that I  
22 mentioned in the course of the day. So load  
23 you know, load may -- they may forecast load  
24 to be X, and it comes in is X minus 1, so  
25 they need resources that can come down to be

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1 at X minus 1, and not tip -- tip the balance  
2 of the system.

3 DR. BELL: Okay?

4 THE WITNESS (Bodell): If I  
5 could add to that?

6 DR. BELL: Thank you. Sure?

7 THE WITNESS (Bodell): The --  
8 there are other areas in the United States  
9 that have very high levels of renewable  
10 integration including the Pacific Northwest  
11 and West Texas which has had a lot of wind  
12 built. Both of those have experienced an  
13 increase need for flexible resources. And in  
14 the Pacific Northwest public utilities are  
15 putting out RFPs for what they call flexible  
16 capability resources in order to be able to  
17 put more of this flexibility onto a system  
18 that is otherwise constrained between fairly  
19 inflexible hydroelectric set of resources and  
20 the additional wind that they've been  
21 building.

22 So in the west, in West Texas  
23 they've found that the irony integration of  
24 renewables the more they need to have  
25 flexibly responding resources such as gas

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1 plants to be able to help maintain the  
2 reliability of the system.

3 DR. BELL: I understand why  
4 you're saying -- has New England, has ISO  
5 forecast the an integration problem on the  
6 scale of what's going on in the West,  
7 however?

8 THE WITNESS (Bodell): The  
9 SAULT report, 2014, has indicated that this  
10 renewable programs continued to growth they  
11 need to ensure that there are flexible  
12 resources to be able to help balance the  
13 system. So they've recognize that as a  
14 potential challenge.

15 DR. BELL: Okay. And would it  
16 make any difference where the flexible  
17 resource was located with respect to the  
18 renewable resource? For instance, let's talk  
19 about the wind in Maine, say, would it make  
20 any difference where the flexible gas plant  
21 or whatever would be located?

22 THE WITNESS (Bodell): I mean,  
23 I think all else equal, the preference would  
24 be to have the flexible resources located  
25 closer to where the renewables are because

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1 you may get transmission constraints  
2 elsewhere that could limit the ability of a  
3 further away flexible resource from meeting  
4 that need. And given Connecticut's  
5 intensions with respect to a very robust  
6 renewable program, it could be very useful in  
7 to have this type of flexible resource  
8 located in Connecticut to support that  
9 policy.

10 DR. BELL: We don't have a  
11 large potential for wind in Connecticut.  
12 What would be the resource in Connecticut  
13 that we would have a problem with?

14 THE WITNESS (Bodell): Well,  
15 with -- with Connecticut solar programs, I  
16 think, also understanding how other resources  
17 that are less flexible may or may not be able  
18 to ramp -- again, flexibility is good for the  
19 system with respect the renewables, the  
20 programs that Connecticut is putting forth  
21 with respect to demand response, energy  
22 efficiency, which also provides some of the  
23 flexibility but also the solar programs could  
24 be very helpful to have flexible resources in  
25 Connecticut.

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1 DR. BELL: Okay. Thank you  
2 for that answer. That's opening up a  
3 territory that we don't always go into too  
4 much in Connecticut.

5 I want to come back to the  
6 matter that Mr. Ashton raised in our very  
7 first hearing, which had to do with available  
8 gas. And said firm contracts and  
9 interruptibles, so I'm not going to ask you  
10 to go through back over that, but come at it  
11 in a little bit different way.

12 Of the challenges facing  
13 Connecticut, the IRP has two related to  
14 related to the price of natural gas. One,  
15 the price of natural gas in the winter, that  
16 we kind of talked about, but the other  
17 challenge is slow upper creep of natural gas  
18 prices averaged over the entire year. And I  
19 wanted to know if you agree with their  
20 figures on that. And those figures they put  
21 forward on pages, Roman numeral III and Roman  
22 numeral IV where we were just looking at  
23 page III where they were talking at the top  
24 where they were talking about that, and it  
25 goes over onto Roman numeral page IV.

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1 And I'm simply asking if you  
2 agree with their concerns over the upward  
3 creep of natural gas prices going forward  
4 averaged over the whole entire year?

5 THE WITNESS (Bazinet): So  
6 there's -- I think there's two questions  
7 there. You asked about sort of the  
8 consistency with our view of gas on a  
9 long-term basis, but also if we agree with  
10 the notion that -- that prices creeping  
11 upward are a problem, I guess?

12 DR. BELL: I'm starting with  
13 the one are prices creeping upward over the  
14 course of the whole year as opposed to only  
15 during the winter periods when there are  
16 constraints because of firm contracts, only  
17 interruptible contracts, so, but the matter  
18 of price increases because of the general  
19 constraints on the natural gas infrastructure  
20 in New England?

21 THE WITNESS (Bazinet): I  
22 think the average annual price is increasing  
23 as a result of the constraints that you're  
24 noting in the winter, but beyond those really  
25 short and infrequent winter periods when gas

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1 prices spike, there is still abundant  
2 supplies of gas available for generators like  
3 Towantic or any other gas generators on the  
4 system the balance of the year. We're really  
5 talking about a very small window of the year  
6 when this -- this happens and as a result,  
7 you're absolutely right, average annual  
8 prices are going to sort of start to creep  
9 upward. But during the summer, I wouldn't be  
10 able to quote numbers off the top of my head.

11 I'm pretty certain that basis  
12 differentials were still significantly well  
13 below historical averages, as a result of  
14 shale -- shale gas entering the system from  
15 Pennsylvania, et cetera.

16 DR. BELL: Okay. Sorry.

17 THE WITNESS (Bodell): No,  
18 that's all right.

19 I think in general the  
20 projected creep in gas prices is not  
21 disturbing. I mean it's around the rate of  
22 inflation. But I think the other thing to  
23 realize is that the gas prices and the  
24 corresponding electricity prices send signals  
25 to alternatives that can come in and mitigate

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1 the overall impact, and we did see it this  
2 last winter where the buoy for LNG was  
3 reactivated. And a lot of LNG came into the  
4 system which helped to dampen the price  
5 spikes that could occur.

6 Now, part of that was because  
7 we had lower oil prices and correspondingly  
8 lower LNG prices worldwide, and we got the  
9 benefit of that deflating impact. But there  
10 are a number of alternatives that are  
11 available to New England to be able to help  
12 mitigate the potential price spikes that may  
13 end up happening in the future, not the least  
14 of which is some of the programs that the  
15 states are embarking on, a hydro import via  
16 transmission line, energy efficiency, demand  
17 response, as well as the LNG.

18 So the projections as they are  
19 projected are not -- I don't find those to be  
20 of concern, and as far as the price spikes  
21 they've shown themselves able to create a  
22 market response which has been quite  
23 beneficial this past winter which was much  
24 more extreme than the prior winter as far as  
25 keeping the lights on and keeping the heat

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1 on.

2 DR. BELL: Okay. On this same  
3 subject on page 24, and that's regular 24,  
4 not Roman numeral XXIV, of the IRP report,  
5 they have a graph. Do you see that?

6 THE WITNESS (Bodell): I'm  
7 sorry. Page 24?

8 DR. BELL: Page 24. It's a  
9 bar graph with gray blue bars and a green  
10 arrow. It's Figure 7?

11 THE WITNESS (Bodell): Yes.

12 DR. BELL: And it says days  
13 with zero interruptible capacity available on  
14 the Algonquin pipeline. And it starts out  
15 for August 2010 to July 2011, they're just  
16 using this, instead of January to January,  
17 they're going --

18 THE WITNESS (Bodell): The  
19 winter season.

20 DR. BELL: They're going the  
21 summer season.

22 So that's 89 days with zero  
23 interruptible capacity. And then August 2011  
24 to July 2012 is 292 days, so there's a jump  
25 there. August 2012 to July 2013, 349 days of

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1 zero interruptible capacity. So it seems to  
2 me that that's telling me that on the  
3 Algonquin pipeline there's zero interruptible  
4 capacity for 349 days, they're most recent  
5 period of the data. That's only six days of  
6 a year on the Algonquin pipeline where they  
7 have any interruptible capacity of any kind.  
8 Would that seem -- how would you interpret  
9 that in that in terms of what you saying  
10 about prices only spiking in the winter?

11 THE WITNESS (Bazinet): So  
12 you're absolutely true. That is -- that is  
13 the case. Some of the pipeline expansion  
14 projects that are ongoing, namely the  
15 Algonquin -- excuse me, Algonquin Incremental  
16 Market Project subsequently the Atlantic  
17 Bridge Project and then if there's any of  
18 these initiatives that Northeast Utilities is  
19 planning in conjunction with Spectra, I don't  
20 recall the name of the project, but --

21 DR. BELL: We did discuss that  
22 and I, just to jump in on your answer, you  
23 discuss with Mr. Ashton that the expansion of  
24 Algonquin would go the LDCs and we discussed,  
25 in a question that I asked in another hearing

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1 the other expansion projects, and we kind of  
2 agreed that the only one that was realistic  
3 was the second project you just mentioned.  
4 Was it the Atlantic, is that what it's  
5 called?

6 THE WITNESS (Bazinet): Well,  
7 the Incremental Market Project is starting  
8 construction in the very near term. But --

9 DR. BELL: Yeah, but the  
10 second one we originally --

11 THE WITNESS (Bazinet):  
12 Atlantic Bridge.

13 DR. BELL: Atlantic Bridge  
14 that was it. That was reasonable. The other  
15 one -- but we also decided that that was --  
16 so we kind of reached an agreement that that  
17 was also going to the local gas companies.  
18 So then the other one, the further one with  
19 Spectra, we didn't really know about it, was  
20 something way in the future so, I --

21 THE WITNESS (Bazinet): You're  
22 absolutely right. I was going to say those  
23 projects would be expected to perhaps free up  
24 some interruptible capacity, however, the  
25 lion's share of the year and this is true for

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1 all gas generators in New England, gas is  
2 being brought to the generator, burner tip by  
3 capacity release. So there are folks,  
4 entities, LDCs, power marketers that own the  
5 rights to that firm transportation capacity,  
6 and I'd say -- well, 349 days divided by 365  
7 days that capacity is released to gas-fired  
8 generators because it's not needed for  
9 serving domestic heating load or otherwise,  
10 or it's being purchased by a power marketer  
11 who is attempting to make money off of the  
12 reservation of that firm capacity release.  
13 So that's the way gas has been transacted on,  
14 and that's the way that business has been  
15 done in New England for quite some time now.

16 It's just, I think the  
17 frequency for which interruptible capacity,  
18 which is very rarely relied by gas-fired  
19 generation is, you know, dwindling. But  
20 again, like I said, I think that's going to  
21 be mitigated somewhat by some these expansion  
22 projects.

23 THE WITNESS (Bodell): If I  
24 could also say, you know, there's a symbiotic  
25 relationship between the gas an electricity

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1 markets in New England, and the electricity  
2 markets peak in the summer when the gas  
3 demand is the lowest, and the studies that --  
4 we perform studies that have been performed  
5 by a number of other consultants don't  
6 project any concern about the availability  
7 the natural gas during those peak electricity  
8 periods, because the demand from the gas  
9 markets, the LDCs, is so low. It's just not  
10 the peaking period. Whereas in the winter  
11 when the gas demand peaks, that's what we've  
12 been seeing some of the tightening of supply.

13 Now I will note the paragraph  
14 directly under that chart talks about the LNG  
15 and that Deepwater Neptune Deepwater has not  
16 been reactivated. That's now wrong. It was  
17 reactivated this past winter, and it was used  
18 heavily, and there was a significant amount  
19 of inflow coming from the -- the GDF Suez  
20 Northeast Gateway this past winter as well,  
21 and so that is definitely a resource that  
22 provides guess from the East to compliment  
23 what's available from the West.

24 DR. BELL: Thank you.

25 THE WITNESS (Bodell): Not to

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1 harp on the dual fuel, but I think it's also  
2 important to realize during the winter when  
3 you may have those tight supply demand  
4 conditions this is a plant that is able to  
5 convert to an oil-fired capability which  
6 provides the benefits of very efficient  
7 natural gas-fired unit most of the year,  
8 without imposing on the system during those  
9 periods of peak very tight supply in the  
10 winter.

11 DR. BELL: So we can move on  
12 to that, to the dual-fuel matter. Do you  
13 happen to know how much dual-fuel capability  
14 is -- in in Connecticut that the power plants  
15 do not, have not activated so far?

16 THE WITNESS (Bodell): Not off  
17 the top of my head, no.

18 DR. BELL: The Council has  
19 gotten familiar with this because we were  
20 asked by several power companies to release  
21 them from their dual fuel commitments. So  
22 I'm looking to see if I can find a piece of  
23 paper that I have it certainly down at.  
24 Metric Power on Lake Road and the two of the  
25 larger stance that asked to be released from

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1 their dual-fuel capability or availability  
2 and we did so, but they can reactivate their  
3 dual-fuel capability in different amounts of  
4 time. They have their all their permits.  
5 They have the affirmant that's there and so  
6 forth. To put this as a question, I'm not  
7 quite sure why you don't treat those plants  
8 or you don't treat that issue of reactivation  
9 of dual-fuel capability in discussing your  
10 proposal, because those plants do exist. And  
11 I'm assuming they exist elsewhere in New  
12 England, too. I'm just mentioning the ones  
13 that we know about in Connecticut.

14 So how do you treat that  
15 issue? I understand that dual-fuel  
16 capability is important as a proffer for this  
17 plant. So how do you regard the fact that  
18 there's sort of a pool of plants waving, as  
19 it were, to leap in and provide what you  
20 could offer?

21 THE WITNESS (Bazinet): A  
22 couple just points to be made on that regard.  
23 So the efficiency of the proposed Towantic  
24 facility is -- and I'll take Milford as an  
25 example. We have a little experience with

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1 the Milford power project from the early 2000  
2 timeframe. I believe Milford operates in  
3 roughly at 7200 Btu's a kilowatt hour,  
4 somewhere in that range. So there's a  
5 significant advantage just in that regard  
6 with respect to efficiency, for a plant like  
7 this to come on and provide its energy on a  
8 dual-fuel basis relative to a plant like  
9 Milford for example.

10 But similarly -- or not  
11 similarly, but separately over the last two  
12 winters there have been two procurement  
13 programs for oil-fired resources where ISO  
14 New England has reached out and said Hey, you  
15 know, gas can be a problem in the winter so  
16 we'd like to have some reserve capacity in  
17 the form of oil for generation in the event  
18 those situations occur. And I think notably  
19 some of those units that may have mothballed  
20 their oil-fired capability have not come out  
21 of mothballs to respond to those economic  
22 price signals presumably.

23 So while it is sitting there  
24 on the sidelines and potentially could be  
25 repermited or reengaged as a -- as a

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1 resource for New England, it hasn't happened  
2 yet, and there have been economic price  
3 signals to suggest it should happen, but  
4 that's not causing -- causing them to do so.  
5 So I don't know how -- how reliable or how --  
6 how much the system would be able to rely on  
7 that as being future capacity.

8 DR. BELL: But maybe the price  
9 signals just haven't been strong enough, and  
10 do have this forecast in your Exhibit 2 that  
11 the pricing signals are going to get stronger  
12 because ISO is going to have a pay for  
13 performance program presumably that will up  
14 the ante. You now have this incentive for  
15 whatever, the power companies can have -- can  
16 bid into the capacity market and they can  
17 have their prices guaranteed for seven years  
18 as opposed to the previous period, and so  
19 forth.

20 So I'm just saying you don't  
21 -- that the price signal just simply isn't --  
22 it's the same idea as plants that bid into  
23 the forward capacity market this year and did  
24 not make the clearing price. They're still  
25 waiting in the wings, so for a better price

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1 signal. So how do you treat that? And we're  
2 talking about a significant amount of  
3 megawatts. If you add up, for instance,  
4 Milford Power and Lake Road you get 1427  
5 megawatts waiting in the wings?

6 THE WITNESS (Bazinet): Yeah.  
7 It would definitely be beneficial to the  
8 system with that capacity to come back online  
9 as a dual-fueled resource, combined cycle in  
10 many regards. They haven't done so. You're  
11 absolutely right that these winter  
12 procurement programs, they were allowed to  
13 bid in their price and that that price level  
14 hasn't yet been met.

15 The pay-for-performance regime  
16 that you're referencing is more of a, I'll  
17 call it -- they call it an incentive program,  
18 but it's a strong incentive to make sure  
19 you're there, whether or not that's going to  
20 cause somebody to take out of mothballs their  
21 oil-fired capability is not a decision I can  
22 make for them, but you're -- you're right.  
23 There's capacity waiting in the wings. The  
24 price signals haven't been there to support  
25 it yet. I don't know that the

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1 pay-for-performance regime will cause them to  
2 do so but -- excuse me, the Towantic proposal  
3 is ready to do so having cleared the capacity  
4 market without those additional incentives or  
5 additional costs to ratepayers, so...

6 THE WITNESS (Bodell): And I  
7 think two things to add. The price signal  
8 doesn't have to go up to change the  
9 economics. Oil prices falling has changed  
10 the relative economics of oil and gas so that  
11 there's less of an abyss to breach before you  
12 actually might get oil units as the economic,  
13 the next economic dispatch. And we did see  
14 that happen last winter when gas prices  
15 spiked, you know, above the 100, 150 dollar  
16 per million Btu level briefly, you had  
17 situations where the oil plants were actually  
18 more economic to run than the less efficient  
19 gas plants. This is letting the market send  
20 the signal and letting the plants respond.

21 I think with respect to  
22 Towantic, the dual-fuel capability is not a  
23 substitute for any of the other dual-fuel  
24 capability that's there. It's a mitigating  
25 impact with respect to gas demand that this

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1 plant would otherwise impose on the system.  
2 And what it brings to the table is a more  
3 efficient breaching displacing plant that can  
4 operate year-round and during the winter  
5 months if there is a gas shortage so that  
6 more expensive units, it's more economic to  
7 operate or they have to operate, Towantic is  
8 able to operate because it is a dual-fuel  
9 unit.

10 DR. BELL: Okay. Thank you.  
11 I'm just going to ask just one more question  
12 on a different subject entirely.

13 What I don't see much about in  
14 your proposal, and I think quite justifiably  
15 it has to do with transmission and your tie  
16 to the -- your connection to the nearby line  
17 from Eversource. I have to practice that  
18 name.

19 As I understand it, your  
20 presentation to us so far and CL&P's  
21 appearance so far has been your job is to --  
22 your near a connecting point. You're going  
23 to organize that with Eversource, and that's  
24 about it in terms of how you think of the  
25 connection with the outside world. So let me

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1 just ask one question.

2 Would you agree that the most  
3 efficient connection to a transmission line  
4 for a large power plant such as -- you are a  
5 large power plant for Connecticut, such as  
6 you are, that it would be from sort of an  
7 ideal world point of view, a transmission  
8 planner's point of view, you'd want to have a  
9 strong connection so you'd want to be tied to  
10 the -- into the highest voltage line  
11 possible. Does that sound like a reasonable?

12 THE WITNESS (Bazinet): Well,  
13 so ISO -- ISO New England conducts a bunch of  
14 studies to ensure that the plant's capacity  
15 and energy can be delivered on the system  
16 efficiently and without, you know, damaging  
17 effects, in the event of contingency as well.

18 This project is not tying into  
19 just one 115 kV line. So the output of the  
20 facility is actually the split between three  
21 115 kV circuits. So, you know, arguably you  
22 could say it's effectively 345 kV because  
23 we're splitting the generators between those  
24 115 kV circuits.

25 If the system can support the

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1 load and we can upgrade the system so that it  
2 will support the load, even under these  
3 contingency events, then other than being  
4 able to transmit power maybe over longer  
5 distances as 345 kV can without -- yeah, with  
6 less losses, I don't know. I think there,  
7 they're -- they're pretty -- they're pretty  
8 equal.

9 DR. BELL: Okay. And would  
10 you -- would you agree that the other gas  
11 plants that are comparable to the CPV  
12 proposal are connected with 345 kV lines?

13 MR. SMALL: Just for a  
14 clarification, Dr. Bell, are you talking  
15 about when originally constructed or are you  
16 talking about at this point or directly --

17 DR. BELL: At this point. At  
18 this point in time. I'm talking about -- I  
19 don't mean to make it a mystery. I'm talking  
20 about Kleen, Milford Power and Lake Road?

21 THE WITNESS (Bazinet): We  
22 could look that up and get you an answer and  
23 you know, probably under 15 minutes or so,  
24 but off the top of our head, I don't think we  
25 know.

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1 DR. BELL: That's okay. All  
2 right. Then that's the first question was  
3 the more important. Those are my questions.

4 Thank you, Mr. Chair.

5 THE CHAIRPERSON: Thank you.

6 Mr. Ashton.

7 MR. ASHTON: Can this last  
8 regard would you accept, subject to check,  
9 that Milford is connected to the 115, Lake  
10 road is connected to the 345, as Kleen Energy  
11 is 345 connection also.

12 Okay. I have some questions I  
13 want to ask that are broad, and just to fill  
14 in some of the gaps here. With regard to the  
15 ISO studies, has CPV Towantic participated in  
16 those studies?

17 THE WITNESS (Bazinet): Yes,  
18 we received our reliability committee  
19 approval in July or August of 2000.

20 MR. ASHTON: So you have to  
21 supply transformer impedances, generator  
22 characteristics and so forth, is that fair?

23 THE WITNESS (Bazinet): Yeah.  
24 That's all complete.

25 MR. ASHTON: And are those

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1 studies finished or ongoing or to be started?

2 THE WITNESS (Bazinet): So  
3 they are complete for the -- so for the --  
4 Mr. Perrone asked a question earlier about  
5 our -- why there was a difference between our  
6 90 degree expected data point and the 725  
7 megawatts. So we filed an incremental queue  
8 position to understand the thermal impacts of  
9 that small increment --

10 MR. ASHTON: Okay.

11 THE WITNESS (Bazinet): -- but  
12 all of the underlying generator data  
13 impedances remain the same.

14 MR. ASHTON: Would it be fair  
15 to say that a lot of questions regarding the  
16 transmission interconnection would fall to  
17 CL&P -- pardon me, Eversource?

18 THE WITNESS (Bazinet): Yeah.  
19 Completely. We have a --

20 MR. ASHTON: And you would  
21 provide answers to them as far as they have  
22 questions about the internal electrical  
23 characteristics of the generation?

24 THE WITNESS (Bazinet):  
25 Correct.

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1 MR. ASHTON: Okay. I want to  
2 get into gas supply a little bit. It's an  
3 area I know a little about. Is it fair to  
4 say gas supply, gross gas supply is really  
5 driven by price insofar and we've seen this  
6 with the whole fracking businesses. The  
7 price rose wasn't it true that a lot of  
8 expiration went on and we found techniques of  
9 extracting from the ground oil and gas?

10 THE WITNESS (Bazinet): Yes.

11 MR. ASHTON: Okay. And isn't  
12 it true that the gas supply on a local basis  
13 is really driven by what the firm load  
14 requirements are?

15 THE WITNESS (Bazinet): Yes.

16 MR. ASHTON: Okay. And so the  
17 supply of interruptible gas is, in brief,  
18 what is left over after firm gas requirements  
19 have been met, be it unused contract capacity  
20 on the pipeline which you're sold, and you  
21 could move -- go to a supplier and buy gas or  
22 the LDCs, local distribution companies give  
23 up their contract capacity which you can then  
24 acquire?

25 THE WITNESS (Bazinet):

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1 Correct.

2 MR. ASHTON: Okay. And isn't

3 it true that the gas price in our area really

4 is driven by two factors. One is the cost of

5 the commodity, the source, and then the cost

6 of transportation?

7 THE WITNESS (Bazinet): That's

8 correct.

9 MR. ASHTON: And so as

10 transportation improves with pipeline

11 increments, is it not reasonable to hope

12 that -- hope as expect, that gas prices in

13 this area may decrease a bit?

14 THE WITNESS (Bazinet): Yes.

15 Yes.

16 MR. ASHTON: Okay. Is it also

17 true that besides, we use Algonquin as the

18 villain of the moment, isn't it true that

19 there can be some transfers of capability

20 from one pipeline to another? For example

21 Iroquois has a connection with Algonquin in

22 Brookfield. Is that correct?

23 THE WITNESS (Bazinet): That's

24 correct.

25 MR. ASHTON: And is it also

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1 true that the Sable Island Gas can get down

2 into Maine via the pipeline through Nova

3 Scotia/New Brunswick?

4 THE WITNESS (Bazinet):

5 Correct, Maritime.

6 MR. ASHTON: Okay. It's in

7 small quantity, smaller quantities in that

8 it's a single pipe, but it's, you know, and

9 broadly speaking, it's fair.

10 Okay. Has natural gas supply

11 ever been interrupted? And I don't mean -- I

12 mean cut off not interrupted. Interruptible

13 is a commercial term, but has it ever been

14 cut off into this region?

15 THE WITNESS (Bazinet): We

16 asked that question of Algonquin. Not that

17 I'm aware of, no.

18 MR. ASHTON: Has oil been cut

19 off into this region?

20 THE WITNESS (Bazinet): I

21 don't believe so.

22 THE WITNESS (Donovan): The

23 oil embargo.

24 MR. ASHTON: I can see here

25 the laughter was overwhelming.

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1 THE WITNESS (Donovan): I

2 believe the oil embargo in the early

3 seventies.

4 MR. ASHTON: Right. Yeah.

5 Okay. So, and there is some advantage to gas

6 in that it's a North American commodity. Is

7 that fair to say, as opposed to coming from

8 Syria, Libya, Nigeria, and a few of these

9 other wonderful places?

10 THE WITNESS (Bazinet): Yes.

11 MR. ASHTON: Okay. All right.

12 I don't want to belabor it but you can draw

13 your own conclusion. I want to go on to

14 power pooling a bit because I think we've had

15 a lot of comments that Connecticut shouldn't

16 worry about the power pool. Do you recall

17 that the power pool was established after the

18 -- you weren't even born then -- but the 1965

19 blackout?

20 THE WITNESS (Bodell): I'm

21 sorry. How old do you think I am? So, I'm

22 sorry, the power pool was established --

23 MR. ASHTON: Formally after --

24 shortly following the 1965 Northeast

25 blackout?

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1 THE WITNESS (Bodell): Yeah,

2 it was a long time ago, yes.

3 MR. ASHTON: Okay. And ISO

4 was the successor to the NEPOOL which was the

5 unit that was formed at that time?

6 THE WITNESS (Bodell): Correct.

7 MR. ASHTON: And is it fair to

8 say that New England operates as a pool, but

9 has interconnections with the Canadian

10 Maritime provinces and 345. It's gotten

11 interconnection with New York 115 and 345 and

12 one and 69 that's normally open, and I can't

13 recall whether it's got direct ties to

14 Canada. Yes -- no it doesn't.

15 THE WITNESS (Bodell): It

16 does.

17 MR. ASHTON: It does. Okay.

18 THE WITNESS (Bodell): They

19 HVDC lines to Canada.

20 MR. ASHTON: It's fair then to

21 say that we operate as do other power pools,

22 but we operate sort of as a unit with

23 interconnections to others where we need it?

24 THE WITNESS (Bodell): Yes.

25 And those aren't just physical

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1 interconnections. There are processes in  
2 place between but the system operators on a  
3 regular basis especially during potential  
4 system emergencies such as last -- not this  
5 past winter, the winter before.

6 MR. ASHTON: Right. And we do  
7 economic interchange with some of these other  
8 pools.

9 THE WITNESS (Bodell): As well  
10 as in --

11 MR. ASHTON: -- and by that I  
12 mean where it's cheaper to buy power from  
13 another pool up to the limits of the  
14 transmission system we make purchases.  
15 Similarly we sell to other power pools as the  
16 case may be.

17 THE WITNESS (Bodell): So  
18 there are the natural market transactions  
19 that happened between the markets --

20 MR. ASHTON: Yeah.

21 THE WITNESS (Bodell): -- as  
22 well as emergency requirements that are  
23 arranged between the entities and the  
24 transmission operators.

25 MR. ASHTON: Is it fair to say

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1 that a benefit power pooling is that we  
2 consider the New England area as a whole  
3 rather than as an individual small area. At  
4 that enables the large generating units to be  
5 built much larger than they would be if it  
6 was, for example, Connecticut only, and that  
7 the large generating units are cheaper on a  
8 per kilowatt capital cost and cheaper on per  
9 kilowatt capital cost and cheaper in terms of  
10 operating costs because they can drive  
11 efficiency harder?

12 THE WITNESS (Bodell): The  
13 power pool allows for economies of scale as  
14 well as economies of scope.

15 MR. ASHTON: Okay. And it  
16 allows for sharing of reliability. For  
17 example if a Millstone 1200-megawatt unit  
18 tripped, instantaneously where does the power  
19 come from. At the time that the unit  
20 tripped, where does all that energy, makeup  
21 energy come from. Do you know?

22 THE WITNESS (Bodell): That  
23 would come immediately from the spinning  
24 reserves that the ISO has in place to be able  
25 to address a contingency.

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1 MR. ASHTON: Wouldn't they  
2 come in with the tie lines also?

3 THE WITNESS (Bodell): It most  
4 certainly would come over the tie lines. It  
5 would come from wherever the spinning reserve  
6 units would be in Connecticut and elsewhere.

7 MR. ASHTON: Right. Right.  
8 So we operate as in synchronism with the rest  
9 of the country more or less and a  
10 1200-megawatt loss of the unit would be  
11 spread out over all units operating  
12 synchronously, instantaneously?

13 THE WITNESS (Bodell): Within  
14 New England as well as with respect to the  
15 other markets.

16 MR. ASHTON: Right. And then  
17 immediately the power pool here seeks to  
18 adjust its generation schedule to restore the  
19 tie-line flows?

20 THE WITNESS (Bodell): That is  
21 a benefit to the market participants.

22 MR. ASHTON: That's correct?

23 THE WITNESS (Bodell): And the  
24 entire collection of states that are part of  
25 New England. That is correct, yes.

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1 MR. ASHTON: So that in a case  
2 of Towantic, as a for instance, it is a --  
3 its size drives and some economic benefits,  
4 incremental economic benefits compared to a  
5 small, smaller unit. And that would be  
6 beneficial overall to the pool as Connecticut  
7 derives benefits from the pool?

8 THE WITNESS (Bodell): That is  
9 correct. And in addition be located in  
10 Connecticut, you have that --

11 MR. ASHTON: Okay. I don't  
12 want to belabor this, but I want to make sure  
13 you understand.

14 Mr. Bassinet I've got one  
15 specific question for you. As I look at the  
16 dialogue that you had with Naugatuck and the  
17 permit, on Table A on page 4 of the permit  
18 I'm reading that the average and maximum flow  
19 and gallons per day is, first of all, the  
20 average is 37,440 and the NOX is 104,000.  
21 Those are GPD. Is that correct?

22 THE WITNESS (Bazinet): Yeah.  
23 That was the previously approved version.

24 MR. ASHTON: Right.

25 THE WITNESS (Bazinet): Yeah.

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1 MR. ASHTON: And the proposal  
2 you have before the house now, without -- I  
3 guess it includes some storm water is for  
4 6700 gallons per day?  
5 THE WITNESS (Bazinet): 6480.  
6 MR. ASHTON: 6480. So roughly  
7 the permit last time was for six times as  
8 much daily flow?  
9 THE WITNESS (Bazinet):  
10 Correct. Yeah.  
11 MR. ASHTON: No further  
12 questions. Thank you.  
13 THE CHAIRPERSON: Thank you.  
14 Mr. Hannon.  
15 MR. HANNON: Thank you,  
16 Mr. Chair. I apologize for my voice. I hope  
17 you can hear me.  
18 Most of my questions are  
19 focused on the storm water system. The first  
20 question, and this is just hopefully a quick  
21 calculation, 0.05 millimeters and 0.2 -- I'm  
22 sorry, 0.002 millimeters. What does that  
23 work out to as microns? Approximately.  
24 THE WITNESS (Jones): I'm  
25 sorry. Could you say those numbers again,

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1 And then the site that  
2 somebody is going to be developing, you'd  
3 really have to focus in on what that  
4 particular site would yield when you start  
5 doing any construction on it?  
6 THE WITNESS (Jones): That's  
7 my understanding.  
8 MR. HANNON: Okay.  
9 In reviewing some of the  
10 latest material that came in with some of the  
11 slopes, you made a comment earlier I think  
12 that the maximum slope is three to one?  
13 THE WITNESS (Jones): Yes,  
14 sir.  
15 MR. HANNON: Then why does the  
16 erosion sedimentation control plan say the  
17 maximum slope would be 2.1?  
18 THE WITNESS (Jones): I don't  
19 know.  
20 MR. HANNON: In the erosion  
21 sedimentation control plan --  
22 THE WITNESS (Jones): Okay.  
23 MR. HANNON: -- I think it's  
24 on C-330 and it states that slopes created by  
25 counterflow shall not be steeper than 2.1.

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1 please?  
2 MR. HANNON: Sure. I basing  
3 it on the report that was submitted by  
4 Mr. Klein where he talked about the silt  
5 being the 0.05 millimeters and  
6 0.002 millimeters and the clay particles  
7 being 0.002 millimeters. I'm just trying to  
8 get an idea of roughly what that would  
9 translate for microns.  
10 THE WITNESS (Jones): 0.002  
11 would be 2 microns, if I had my decibels  
12 correct.  
13 MR. HANNON: Okay. So the  
14 millimeters is microns?  
15 THE WITNESS (Jones): I'm  
16 sorry.  
17 MR. HANNON: Millimeters is  
18 microns then?  
19 THE WITNESS (Jones): No,  
20 1,000th of a millimeter is a micron.  
21 MR. HANNON: Okay. Thank you.  
22 As a general question, the  
23 guidelines for soil erosion, sediment control  
24 are strictly that, aren't they? They're just  
25 guidelines.

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1 So if the maximum slope is 3.1  
2 then why doesn't the erosion and  
3 sedimentation control plan parallel what  
4 you're saying would be the maximum slope on  
5 the property?  
6 THE WITNESS (Jones): I can  
7 tell you that the maximum slope is 3 to 1 and  
8 that it may be a typo in the area that you're  
9 pointing at.  
10 MR. HANNON: Okay.  
11 THE WITNESS (Jones):  
12 Subsequent to Mr. Klein's comments, I did  
13 carefully go over the site plan and  
14 doublecheck all the slopes and they are at a  
15 maximum of 3 to 1.  
16 MR. HANNON: Okay. Is there a  
17 reason why reverse slope benches were not  
18 considered on the site?  
19 THE WITNESS (Jones): Yes,  
20 sir. It's because the maximum slope is 3 to  
21 1 or less and are not required.  
22 MR. HANNON: Well, they may  
23 not be required, but based on the soil  
24 conditions of the site it may be something  
25 that should really be considered. I'm

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1 dealing with situations in areas where slopes  
2 have been roughly 3 to 1, and a 30- to  
3 35-foot difference in elevation and that has  
4 created some major problems when the slope  
5 gave way. And especially where some of these  
6 slopes are located, one of them is the  
7 embankment just north of the northern  
8 retention basin and then some of the other  
9 properties are right along River Field Road.

10 That may be something you just  
11 want to go back and take a look at simply  
12 because with this type of site, I think one  
13 really does need to go beyond what the  
14 general guidelines are.

15 In terms of -- and I missed  
16 this the first time around, so, and  
17 fortunately it's still on the revised plans  
18 that were just submitted, so I'm going to ask  
19 it.

20 The 24-inch pipe that's  
21 associated with the storm drainage easement,  
22 that's an existing pipe?

23 THE WITNESS (Jones): That's  
24 my understanding. That was put in when they  
25 developed Lot 9A that Towantic is purchasing.

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1 MR. HANNON: Okay.

2 THE WITNESS (Jones): And  
3 there's a -- the pipe was put in and an  
4 easement was filed on the land records when  
5 the lot was split.

6 MR. HANNON: Okay. And that  
7 24-inch pipe is adequate to take the 24-inch  
8 pipe that's draining from north to south and  
9 then also the 18-inch pipe that draining  
10 along the southern end of the property?

11 THE WITNESS (Jones): Yes,  
12 sir. All those calculations are in the  
13 report.

14 MR. HANNON: Okay. One of the  
15 profiles that's it here is the emergency  
16 spillway swale for storm water renovation  
17 area A. Is that for the entire relocated  
18 swale when you move the --

19 THE WITNESS (Jones): Let me  
20 get the plans and look at exactly what you're  
21 looking at.

22 MR. HANNON: Okay. Okay.  
23 C-320. The original spillway was located on  
24 the eastern side of the detention basin.  
25 It's been moved more towards the southern,

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1 southwestern side, and I'm just trying to  
2 doublecheck to make sure that the profile  
3 that's in for the emergency spillway swale is  
4 for both the spillway and the swale that goes  
5 down into the catch basin?

6 THE WITNESS (Jones): When you  
7 say "profile," do you mean detail?

8 MR. HANNON: Well, seeing as  
9 how it says "profile."

10 THE WITNESS (Jones): I'm  
11 sorry. I'm on page 320.

12 MR. HANNON: 320.

13 THE WITNESS (Jones): I see a  
14 detail.

15 MR. HANNON: Right. And I  
16 guess it's the -- on the right-hand side  
17 you've got the storm drain, drainage pipe  
18 bending detail, and just below that --

19 THE WITNESS (Bazinet): Yeah.

20 MR. HANNON: -- you've got the  
21 berm and that below that is the profile which  
22 I'm asking if that's the emergency spillway  
23 swale for the entire length down to the catch  
24 basin?

25 THE WITNESS (Jones): Okay.

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1 So -- okay. So, the bottom portion which is  
2 -- it says "cross-section" where it's a  
3 ten-foot wide, 12 inches deep.

4 MR. HANNON: Yes.

5 THE WITNESS (Jones): Yes, I  
6 believe that's true.

7 MR. HANNON: Okay.

8 THE WITNESS (Jones): And it  
9 shows riprap protection on there.

10 MR. HANNON: Yeah. No, I just  
11 wanted to make sure that that was for the  
12 entire swale.

13 And looking at the erosion  
14 control narrative, that was not revised as of  
15 any date in February. I think like the other  
16 plans were, this is C-330.

17 THE WITNESS (Jones): Right.

18 MR. HANNON: My question is  
19 you talk about storm drainage system  
20 maintenance, but you don't talk all about the  
21 detention basins. It's strictly the catch  
22 basins, the piping, the swales and the level  
23 spreaders. So is something missing from that  
24 in terms of the maintenance of the detention  
25 basins?

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1 THE WITNESS (Jones): We can  
2 add something there with regards to that --  
3 with the -- with regard to -- with the -- in  
4 the D and M process.

5 MR. HANNON: Okay. One of the  
6 things that I have to admit I was very  
7 surprised to read, this had been briefly  
8 discussed, back in January I guess. Somebody  
9 had made the comment that there would be an  
10 oil-water separator located on-site. I will  
11 admit I was very surprised when I read the  
12 response for the Naugatuck Question Number 3,  
13 that the oil-water separator was actually  
14 tied in only with the storm water collected  
15 in contained areas but unrelated to the  
16 facility processes or part of the water  
17 supply.

18 And the reason I say that is  
19 because with the silting material and the  
20 clay materials on-site I would have assumed  
21 that that would have been more appropriate  
22 for some of the outlet points before going  
23 into either the neighbor's property or into  
24 Woodruff Road.

25 So I'm -- I'm just kind of

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1 surprised in that respect that there hasn't  
2 been anything proposed like, of what tracks  
3 storm water. Anything along those, I mean,  
4 as a way to try to make sure that there's not  
5 been adverse any adverse impact off site.

6 THE WITNESS (Jones): Yes.  
7 Generally the vortex units are considered a  
8 secondary treatment and it is preferred to  
9 have, you know, the larger detention basin  
10 and the constructed wetlands that we're  
11 doing. It's more effective and less prone to  
12 maintenance issues.

13 MR. HANNON: So is that  
14 something that's being contemplated as the  
15 site gets further developed.

16 THE WITNESS (Jones): No. No.  
17 we don't anticipate any hydrodynamic swirl  
18 concentrators for the storm water. The  
19 oil-water separator was more for the  
20 industrial processes as has been discussed.

21 THE WITNESS (Donovan): Well,  
22 and just to clarify it, Curt, it's for the  
23 curbed areas around the equipment.

24 MR. HANNON: I fully  
25 understand that, but I was surprised to read

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1 that that's what the oil separator was being  
2 put in for and nothing else went around on  
3 site, because of the condition of the site in  
4 terms of the silt and the clay, I've seen too  
5 many sites where there are problems off-site  
6 that -- and you want to make sure that you  
7 don't get to that point, so --

8 THE WITNESS (Donovan): Right.

9 MR. HANNON: -- I'm just  
10 suggesting there may be some things that you  
11 need do to do, sort of outside of the box,  
12 which would be standard erosion sedimentation  
13 control measures for a site because I think  
14 this site is going to be more difficult than  
15 a number of sites just based on the soil  
16 conditions?

17 THE WITNESS (Donovan): Sure.  
18 And I think the intent of the detention basin  
19 with the constructed wetlands was meant to  
20 achieve that goal for the main storm water of  
21 the site.

22 THE WITNESS (Jones): Yes, we  
23 are doing, taking a closer look at the  
24 sediment traps, and as I mentioned briefly  
25 earlier and dividing the murk area into

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1 smaller segments and grading those segments  
2 into balance within the siltation traps,  
3 sediment traps, sediment traps. And we are  
4 going to be taking a closer look at that in  
5 the D and M process.

6 Just parenthetically, your  
7 oil-water separator wouldn't help us with,  
8 you know, the finer materials that become  
9 suspended, but there are other measures which  
10 we would certainly contemplate.

11 MR. HANNON: No, and that's  
12 what I'm asking you to contemplate. I'm just  
13 saying, I was very surprised to see an  
14 oil-water separator tied in with storm water  
15 that might be about 2500 gallons a day  
16 maximum. So that just surprised me given the  
17 balance of the site and the soil conditions  
18 that are associated with that site.

19 One of the things that I had  
20 raised questions about before was any  
21 additional test pits done, since I guess I  
22 was 2000 or 2001, and the response was, this  
23 is response to the Siting Council Question  
24 Number 20, dated 2/11/15, and it said that  
25 additional test pits will be performed on the

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1 site. The reason I was asking that is  
2 because very close to where the southern  
3 detention basin is located, that was the only  
4 spot where there was any type of these deep  
5 test pit dug, going back to like 2000, 2001.  
6 That indicated the ground level elevation I  
7 believe it was 839, and the water level was  
8 833, and this was in I believe in like  
9 October or November.

10 So the concern that I have is  
11 that with all of these are being done on  
12 site, now, you're going -- I think the new  
13 elevation for the basin, the detention basin,  
14 the southern one is down to like eight, 18,  
15 eight, 19 somewhere in that range. I think  
16 it's been revised. So my concern is that if  
17 you're starting to do this major cut how much  
18 groundwater are you intercepting and what  
19 does that do the calculations for the storm  
20 water? Because I believe that the  
21 calculations that you provided have basically  
22 been for storm water, and I'm not sure it  
23 contemplates possibly intercepting a lot of  
24 currently subsurface groundwater.

25 THE WITNESS (Jones): There's

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1 a chance that groundwater will be encountered  
2 during construction and dewatering techniques  
3 will be needed. We will be studying that  
4 further during the D and M phase as well as  
5 doing the additional test pits. The  
6 groundwater will not affect the storm water  
7 calculations just because of the huge  
8 difference in the volumes.

9 So groundwater, in those  
10 swales tends to come out rather slowly  
11 because they're so finely grained, but it  
12 does have to be controlled during the  
13 construction process. So you know, in  
14 combination of dewatering points, cut off  
15 swales, perhaps some -- some drainage, and so  
16 that program does need to be worked out once  
17 the further test pits have been done.

18 MR. HANNON: Okay. One of the  
19 other questions I have, if I can find where I  
20 wrote it, was really again dealing sort of  
21 with the general erosion and sedimentation  
22 control measures on the site. I noticed that  
23 the detail for more protective catch basins  
24 on site is strictly a ring of hay bales. I'm  
25 just wondering if anybody has considered

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1 getting in some type of drain filter for the  
2 top of the catch basins to collect that type  
3 of material.

4 And I'm only asking -- I  
5 realize that this may be somewhat preliminary  
6 in terms of the general approach that's been  
7 taken, but these are some of the things that  
8 if this application is approved, and I'm  
9 going to be looking at very closely, so I  
10 think there are a number of things. And  
11 given, I think, the complexity of the site in  
12 terms of the erosion and sedimentation  
13 control measures, I think they really need to  
14 be in place. And then --

15 THE WITNESS (Donovan): Just  
16 respond to that, we would certainly consider  
17 that.

18 MR. HANNON: And while the  
19 site is under construction and I know that  
20 you have got a deal with the type of  
21 groundwater that you went into doing  
22 construction, but is there any potential use  
23 of flocculants or things of that nature to  
24 help sort of pull out some of the sediment  
25 load from the overflows.

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1 THE WITNESS (Jones): Yes.

2 MR. HANNON: Okay. I think  
3 I'm about done.

4 THE CHAIRPERSON: Okay. I  
5 have a few questions, but before everybody  
6 checks to see whether their ride is ready, I  
7 did want to ask Mr. Pietrorazio you had  
8 expressed some serious concern before lunch  
9 that you did not have an opportunity to  
10 cross-examine relative to a specific document  
11 that should have -- I think everybody should  
12 have gotten on Monday.

13 Before you get up, I'm a very  
14 patient man as Rex Harrison said, but  
15 patient -- patients has its limits too.  
16 Which specific document are you referring to?

17 MR. PIETTORAZIO: The  
18 integrated resource plan, the analysis of the  
19 integrated resource plan.

20 THE CHAIRPERSON: And  
21 that's --

22 MR. PIETTORAZIO: That was  
23 submitted on Monday evening is when I got it  
24 on my computer.

25 THE CHAIRPERSON: Right.

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1 Okay. If you can keep your questions  
2 specifically to this document and also five  
3 minutes -- and I'm not interested in serial  
4 numbers nor model numbers, I think you know  
5 where I'm going. If you can do that, I'll  
6 allow you to ask several questions, but I'll  
7 tell you if you start wondering or going off  
8 the specific topic I'm just going to close  
9 you down.

10 So I won't give you -- I'm not  
11 giving anybody else. You have probably  
12 spoken as much if not more than anybody else  
13 so I just want to make sure that everybody  
14 understands I'm giving you all the  
15 opportunity possible.

16 So please, if you want, come  
17 on up.

18 CROSS-EXAMINATION

19 MR. PIETRORAZIO: Thank you  
20 very much, Mr. Chairman. Good afternoon,  
21 panel.

22 Attorney Small, your  
23 transmittal letter of March 23rd, 2015, where  
24 you enclose the quote, analysis of proposed  
25 facilities consistency with the final

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1 Connecticut 2014 integrated resources plan,  
2 close parentheses, was not identified as a  
3 late-file was it?

4 MR. SMALL: I'm not a sworn  
5 witness.

6 THE CHAIRPERSON: He's not a  
7 witness, so if you have a specific question.

8 MR. PIETRORAZIO: To anyone on  
9 the panel that can answer it, was it  
10 identified as a late-file.

11 MR. SMALL: We adopted -- my  
12 adopted it as an exhibit at the last hearing  
13 and it was admitted as a full exhibit. It's  
14 the record I believe.

15 MR. PIETRORAZIO: But the  
16 question is was identified as a late-file.

17 MR. SMALL: Why don't you move  
18 on.

19 THE CHAIRPERSON: They did  
20 adopt it as part of their -- part of an  
21 exhibit, so let's go on.

22 MR. PIETRORAZIO: Did CPV  
23 actually conduct an analysis of the  
24 Connecticut 2014 integrated resources plan  
25 and if so is the analysis representative of

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1 the entire plan?

2 THE CHAIRPERSON: Again, we  
3 want to be specific to Towantic. We're not  
4 interested in the entire plan, so it's only  
5 as specifically pertains to this application.  
6 The plan is broader in scope, but I assume if  
7 you want to answer the question as to whether  
8 or not you analyzed the plan, feel free?

9 THE WITNESS (Bazinet): Yes.  
10 We've analyzed the plan and we've identified  
11 where there's consistency with our proposal.

12 MR. PIETRORAZIO: Thank you.  
13 The title of your analysis  
14 indicates that deals with the facility's  
15 quote, consistency, end quote, with the  
16 Connecticut 2014 integrated resource plan.  
17 Correct?

18 THE WITNESS (Bazinet): Yes.

19 MR. PIETRORAZIO: Page 2  
20 Dr. Bell was referring to, the small letter  
21 ii double I, page 2, I guess on the  
22 introduction. What percentage of your  
23 statement, quote, air pollution emissions in  
24 Connecticut have decreased markedly, unquote,  
25 is attributable to electric generation.

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1 MR. ASHTON: If you know.

2 THE CHAIRPERSON: If you know  
3 the answer?

4 THE WITNESS (Bazinet): I'm  
5 not sure I understand the question. We're  
6 quoting the IRP.

7 MR. PIETRORAZIO: Would you  
8 like me to repeat it?

9 THE WITNESS (Bazinet): Sure.

10 MR. PIETRORAZIO: What  
11 percentage of your statement, quote, air  
12 pollution emissions in Connecticut have  
13 decreased markedly, unquote, is attributable  
14 to electric generation.

15 Well, could I expand on the  
16 question to help you?

17 THE CHAIRPERSON: Yes, but I  
18 would appreciate from the applicant if you  
19 don't know you could say that, that's not --  
20 that's not --

21 THE WITNESS (Bazinet): I  
22 don't understand the question so I'm not sure  
23 if I know the answer or not.

24 MR. PIETRORAZIO: Sure. The  
25 statement was a bland statement and it

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1 doesn't indicate whether it was electric  
2 generation, whether it was transportation, or  
3 aviation. It was just made a blank statement  
4 about emissions in Connecticut. So I'm  
5 saying what percentage is attributable to  
6 electric generation?

7 THE WITNESS (Bazinet): We're  
8 quoting from the directly from the IRP, sir.

9 MR. PIETRORAZIO: Okay.

10 THE WITNESS (Bazinet): If you  
11 look at the top of the page, replacement of  
12 coal and oil. I'm not going to read the  
13 quotes for anybody, but it's the first two  
14 sentences of the first full paragraph of  
15 Romanette ii.

16 MR. PIETRORAZIO: All right.  
17 That's fine. Thank you.

18 On page 3 of the intro.  
19 Doesn't page 119 state very clearly, quote,  
20 Connecticut does not have a need for  
21 additional capacity at this time, unquote,  
22 and that, quote, the State be prepared to  
23 procure traditional conventional generation  
24 resources or demand response in the event  
25 that the market fails to attract such

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1 resources as needed, unquote?

2 THE WITNESS (Bazinet): The  
3 quote you read is accurate. Correct.

4 MR. PIETRORAZIO: Thank you.

5 And does your analysis mention  
6 anything from Appendix D, 33 pages in length  
7 from the total report of 339 pages dealing  
8 with renewable sources of the Connecticut  
9 2014 integrated resource plan?

10 THE WITNESS (Bazinet): No.

11 MR. PIETRORAZIO: Thank you.

12 Under demand response and  
13 other uncertainties, it's one of your bold  
14 items in your report. It's page 14, the last  
15 sentence in the integrated resource plan.  
16 Isn't the sentence, quote, due to these type  
17 of regional supply conditions capacity prices  
18 are expected to increase to levels that will  
19 prevent further retirements in Connecticut  
20 and in the rest of the region in direct  
21 conflict with the list you have proffered  
22 that have announced their plans to retire  
23 soon?

24 THE WITNESS (Bazinet): No.  
25 It's not in conflict.

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1 MR. PIETRORAZIO: Could you  
2 explain that?

3 THE WITNESS (Bazinet): The  
4 list that we provided was a list of either  
5 retired assets or assets that had been deemed  
6 at risk by ISO New England, the regional  
7 wholesale -- the entity that administers the  
8 wholesale electric system. So we provided  
9 that list based on that information. It's  
10 not in conflict at all.

11 MR. PIETRORAZIO: Okay. The  
12 same above section, sir, why is CPV selecting  
13 out and thereby amplifying issues of  
14 uncertainty when huge baseload power plants  
15 should be based on facts and certainly?

16 THE WITNESS (Bazinet): Could  
17 you repeat the question. I'm not sure I  
18 understand.

19 MR. PIETRORAZIO: The emphasis  
20 is on the word certainty. Why is CPV  
21 selecting out and thereby amplifying issues  
22 of uncertainty when huge baseload power  
23 plants should be based on facts and  
24 certainty?

25 THE WITNESS (Bazinet): Could

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1 you repeat the question. I'm not sure I  
2 understood it.

3 MR. PIETRORAZIO: Yeah, the  
4 emphasis is on -- is on the word certainty.  
5 Why is PV -- CPV, excuse me, selecting out  
6 and thereby amplifying issues about a  
7 certainty when huge baseload power plants  
8 should be based on facts and certainty.

9 THE CHAIRPERSON: I'm going to  
10 object. That question -- I don't even know  
11 what you're driving -- I know what you're  
12 driving at but that question is -- unless you  
13 can reword it, please go on.

14 MR. PIETRORAZIO: Okay. The  
15 title of the underlying title, the heading of  
16 the section on page 4 of your analysis is  
17 demand response and other uncertainties. And  
18 I'm asking why are we using uncertain data  
19 for siting of a baseload power plant?

20 THE WITNESS (Bazinet): So the  
21 ISO New England region in February procured I  
22 want to say it was 4,000 megawatts, over  
23 4,000 megawatts of new resources.  
24 1400 megawatts of which were traditional  
25 gas-fired resources, two in Connecticut, one

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1 in Massachusetts. Those were needed to  
 2 mitigate the price impacts that were realized  
 3 in the prior auction of last year, February  
 4 of 2014 where prices of the regions spiked,  
 5 Connecticut included, to \$15 a kilowatt  
 6 month. So without the addition of those  
 7 resources prices would remain at those high  
 8 levels. And furthermore there's significant  
 9 generation at risk, as noted by ISO New  
 10 England, of retirement, and in addition to  
 11 that there are -- as pointed out, Order 745  
 12 calls into question the viability of a  
 13 significant -- and even much more  
 14 significant, I believe it's upwards of  
 15 3,000 megawatts of generation that's now  
 16 being relied upon in ISO New England to  
 17 continue to participate in the wholesale  
 18 markets. So I think the -- I think the  
 19 premise that there's no generation needed  
 20 because of -- well, generation was needed  
 21 this year, period.

22 MR. PIETRORAZIO: In the  
 23 region?

24 THE WITNESS (Bazinet): In the  
 25 region including, Connecticut. Without the

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1 generation process would remained at  
 2 sustained high levels, call it \$15 a kilowatt  
 3 month. In the future there's a substantial  
 4 risk that upwards of 3500 -- I'm sorry, 5500  
 5 megawatts of generation could evaporate  
 6 overnight because of a court ruling included  
 7 3,000 megawatts of demand response and say,  
 8 2500 megawatts or so of oil-fired generation  
 9 in Connecticut that is not economically  
 10 viable today.

11 So those risks are simply  
 12 being pointed out that not only are we -- not  
 13 only is no generation needed now, but it's  
 14 likely to be needed in the -- in the near  
 15 future as well to due to these uncertainties.  
 16 So better plan for it now.

17 MR. PIETRORAZIO: Thank you.

18 Under dual-fuel benefits,  
 19 aren't the inherent problems of providing  
 20 adequate water and fuel oil, as discussed  
 21 throughout both Docket 192 and Docket 192B  
 22 the Oxford site going to prevent CPV from  
 23 providing the degree of reliability called  
 24 for on pages 39, 91, 96 and 102 of the  
 25 Connecticut 2014 integrated resource plan?

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1 THE WITNESS (Bazinet): No.

2 MR. PIETRORAZIO: And why is  
 3 that?

4 THE CHAIRPERSON: I think the  
 5 answer is -- you know, how many more?  
 6 Because I went out of my way. You had now  
 7 over ten minutes. I know part of it is the  
 8 answers, but you do have a sort of a habit of  
 9 having trouble ending your questioning, so I  
 10 don't know how many more you have but --

11 MR. PIETRORAZIO: I think I'm  
 12 on --

13 THE CHAIRPERSON: You asked --  
 14 that last --

15 MR. PIETRORAZIO: -- six  
 16 questions.

17 THE CHAIRPERSON: That last  
 18 subject they've explained it at length.  
 19 Whether or not you agree with them, so...

20 MR. PIETRORAZIO: We're going  
 21 by the quote in the analysis and I even  
 22 mentioned in the pages.

23 THE CHAIRPERSON: Well, but --

24 MR. PIETRORAZIO: It's the  
 25 analysis and the report that we are talking

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1 about.

2 THE CHAIRPERSON: Go on to  
 3 your next question, please.

4 MR. PIETRORAZIO: It's not my  
 5 opinion.

6 How does your facility help to  
 7 enhance the renewable sources goals set in  
 8 the Connecticut 2014 integrated resources  
 9 plan to Page D-3, Figure 1, Connecticut RPS  
 10 requirement chart which is mandated by  
 11 Connecticut statute in Public Act --

12 THE WITNESS (Bazinet): So  
 13 we've made reference to this in other answers  
 14 today, but and Ms. Bodell and my myself in  
 15 response to some of Dr. Bell's questions.

16 The increasing penetration of  
 17 renewables in any system, whether it's New  
 18 England, Texas, California, necessitates the  
 19 addition of flexible resources to backstop  
 20 the reliance on that intermittent generation.  
 21 It's just it's a fact.

22 MR. PIETRORAZIO: So the CPV  
 23 plant would enhance the renewable sources  
 24 goal?

25 THE WITNESS (Bazinet): The

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1 CPV plant would facilitate the penetration of  
2 additional renewables in New England.

3 MR. PIETRORAZIO: So your  
4 answer is yes.

5 MR. ASHTON: He answered it.

6 MR. PIETRORAZIO: Excuse me.  
7 My fault.

8 Why is there no mention in  
9 your analysis that the new 2014, Connecticut  
10 integrated resource plan adds an additional 5  
11 percent to Connecticut's load to additional  
12 Class I renewables. There's no mention  
13 whatsoever?

14 THE WITNESS (Bazinet): I  
15 don't have -- I don't have an answer for you  
16 there. We didn't reference it.

17 MR. PIETRORAZIO: Thank you.  
18 Do natural gas fuel-cell  
19 plants qualify for Class I renewable  
20 resources in Connecticut --

21 THE CHAIRPERSON: That's not  
22 relevant.

23 MR. PIETRORAZIO: I haven't  
24 finished the question.

25 THE CHAIRPERSON: Well, that's

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1 -- you're going -- going down the road that's  
2 not --

3 MR. PIETRORAZIO: According to  
4 the integrated resource plan.

5 THE CHAIRPERSON: It's still  
6 not relevant. No one is claiming that this  
7 is a Class I. Are they? I don't believe so.

8 MR. SMALL: No, sir.

9 THE CHAIRPERSON: So, it's not  
10 a relevant question.

11 MR. PIETRORAZIO: Your answer  
12 is no to that?

13 THE CHAIRPERSON: No, my  
14 answer is it's not relevant.

15 MR. SMALL: It was objected  
16 to.

17 THE CHAIRPERSON: The chair  
18 has objected as not being relevant.

19 MR. PIETRORAZIO: I guess my  
20 last question is why didn't CPV submit to the  
21 Council 2014, Connecticut integrated resource  
22 plan in it's entirety rather than an obvious  
23 one-sided and cherry-picked analysis designed  
24 to further --

25 THE CHAIRPERSON: The document

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1 happens to be part of the record. It's on  
2 the administrative notice list.

3 MR. PIETRORAZIO: I thank the  
4 Chair very much.

5 THE CHAIRPERSON: Okay. Thank  
6 you.

7 I just have a few questions.  
8 I guess since I started all this, I can  
9 probably have the right to -- I believe  
10 Mr. Bitman, even though he has been hiding  
11 back there, is still here and maybe wonders  
12 why he'd spend a couple more days here is  
13 that of going back to Florida, but -- and I  
14 know, I'm pretty sure I asked this question  
15 before but when you weren't here.

16 Just so I have this straight  
17 in the -- it was actually, I think,  
18 January 22nd, you updated FAA materials, and  
19 there's a whole list of the sort of -- almost  
20 like form from the FAA relative to the  
21 various facilities and the height of the  
22 facilities, and it states for each one that  
23 notice of presumed hazard, and the stacks and  
24 the other things exceed the obstruction  
25 standards and would adversely impact one a

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1 VFR flight per day. And do you have a better  
2 answer than the great bureaucratic word  
3 circularization is going to solve all the  
4 problems. I'm trying to figure out what this  
5 really means if anything?

6 THE WITNESS (Pittman): Well,  
7 part of what the FAA looks at is how many --  
8 what the impact is to -- to aviation by  
9 structure that would penetrate a horizontal  
10 surface. Now a horizontal surface in onto  
11 itself does not generate a hazard from the  
12 FAA. It's just an obstruction identification  
13 surface. That's all it is. If you're  
14 penetrating that would not necessarily mean  
15 that you would get a hazard determination.

16 So when they look at the IFR,  
17 the VFR, climb, descent, they look at all the  
18 other aspects of a case when they look at it  
19 and one of those that they look at is the  
20 amount of the VFR flights. If there was a  
21 VFR flight that was on a regular schedule  
22 that was impacted, then that might constitute  
23 a hazard, but in this particular case the  
24 location of where the stacks are based upon  
25 the existing penetrations that already exist

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1 at the horizontal surface that are also  
2 unmarked and unlit, that -- that there would  
3 be no greater impact to any aviation activity  
4 that already exists today.

5 THE CHAIRPERSON: So I'm just  
6 curious. Where did they come up with this --  
7 I don't know what the number is -- 36 or  
8 48 feet that everything was no higher than  
9 that it would be not a hazard?

10 THE WITNESS (Pittman): Well,  
11 the horizontal surface is 876 feet above the  
12 -- in overall height which is 150 feet above  
13 the airport elevation. So the ground  
14 elevation of the site is A40. I don't recall  
15 right off the top of my head but it's  
16 something like that. So you subtract the  
17 difference in the two and that's how tall you  
18 can be before you penetrate the horizontal  
19 surface. That's it.

20 THE CHAIRPERSON: That's it.

21 Okay. That's my only question  
22 to you. I just had -- when I saw whether it  
23 was a footnote that ISO New England had  
24 qualified, I think it was a total of a  
25 thousand megawatts of which whatever the

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1 number was 725 or 775, it was for the  
2 Towantic project. So that means there's  
3 something else, there's another project, a  
4 project for the remaining 200 and whatever it  
5 is, 75 megawatts was also qualified?

6 THE WITNESS (Bazinet): So to  
7 clarify the term, qualified and cleared are  
8 two different things but yeah, there were  
9 1400 megawatts of resources that cleared the  
10 market and took on a capacity supply  
11 obligation of which -- or, I'm sorry.  
12 1400 megawatts of new traditional generation  
13 resources. There is additional -- I think it  
14 was 2600 megawatts of other types of  
15 resources. That -- that 1400 megawatts  
16 consists of -- I just want to make sure we  
17 get the numbers exactly right for you. I'm  
18 sorry. It's 1100 not 1400 megawatts. So 725  
19 is Towantic. There's another roughly hundred  
20 megawatts of another resource in Connecticut.  
21 And then there's 200 megawatts of resources  
22 in Massachusetts.

23 THE CHAIRPERSON: Because I  
24 guess this leads to my next question. You  
25 were providing, which it pretty much verified

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1 by ISO and also by our own -- the Siting  
2 Council's future loads report, about  
3 potential -- again if I'm using the wrong  
4 term and potential retirements which add up  
5 older plants, but isn't there also or should  
6 not there also be another list of potential  
7 additions? Aren't there some other proposed  
8 facilities that maybe didn't make the cut  
9 now, but they could in the future?

10 THE WITNESS (Bazinet): Sure.  
11 Absolutely typically the first stop for  
12 someplace like that is the ISO New England  
13 generator interconnection queue. So for  
14 entry into the market, beginning June 1,  
15 2019, any resource that's in the queue prior  
16 to I think it was March 3rd of this year can  
17 actually enter the market then. They could  
18 enter it theoretically on an energy-only  
19 basis, but most new construction is not  
20 supported by an energy-only type entry.

21 So participation in the  
22 capacity market is a necessity and the  
23 generator interconnection queue as of March 3  
24 would give you a fair representation of those  
25 resources that could actually do that.

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1 DR. BELL: May I ask a  
2 follow-up question, Mr. Chair.

3 THE CHAIRPERSON: A follow-up  
4 question. Dr. Bell.

5 DR. BELL: It's an interesting  
6 discussion about the queue. My question is  
7 just directed to this matter of demand  
8 response and Order 745. Failing a final  
9 decision in the matter, are those -- will  
10 those demand resources remain in the queue,  
11 or are they -- my question is based on an  
12 understanding -- I have an understanding  
13 relative to PJM that their tactic given this  
14 order, which applies to everybody, their  
15 tactic is to just go ahead as if the order  
16 hadn't been given while the legal matters are  
17 being resolved.

18 And so my question is, is that  
19 also more or less true with some legalisms in  
20 ISO or not?

21 THE WITNESS (Bazinet): Yes,  
22 that is what happened for this past auction  
23 and ISO New England as well.

24 DR. BELL: Thank you. Sorry  
25 Mr. Chair.

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1 THE CHAIRPERSON: When you get  
2 three calls and a voicemail from your wife  
3 she must be telling you it's time to go home.  
4 But I just wanted to try to clarify one  
5 thing.

6 Are the -- initially when we  
7 talked about the value of, you know, this  
8 project we're talking that to have it in  
9 Connecticut was of some value to the State.  
10 I don't know whether it was -- and so I can't  
11 remember the details and if I got this all  
12 wrong I apologize. But then when I look at  
13 the report and also what we've heard today,  
14 the report that we were just talking about,  
15 you know, it says several times that  
16 Connecticut is -- again, to use my term --  
17 you know, in very good shape as far as  
18 satisfying the market, but it's the region as  
19 a whole. So is there a difference?

20 I mean, is there some value in  
21 having a plant like this in Connecticut as  
22 opposed to, I don't know, Western  
23 Massachusetts or I guess if we could get  
24 Governor Christie to join, we'd put all the  
25 plants into New Jersey, but probably not.

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1 Anyway so I'm just trying to understand, or  
2 am I just splitting hairs here.

3 THE WITNESS (Bodell): No,  
4 you're not splitting hairs at all.

5 There's more than two benefits  
6 but the two benefits you've referenced, one  
7 is the reserve margin benefit which is tied  
8 to the capacity market and the fact that the  
9 Towantic cleared to meet the need that ISO  
10 New England has expressed with the announced  
11 retirements, a need for new capacity. So  
12 that is a benefit to the region as well as to  
13 Connecticut, so much so that in the IRP it  
14 says if there's not a market-based response  
15 we need to consider making sure that there is  
16 a solution.

17 The second aspect that you  
18 referenced and that we did the analysis of on  
19 the benefits in Exhibit 2 is the benefit to  
20 the energy market. And any time even if  
21 there's enough capacity in a region, a local  
22 area, if you put a new facility into that  
23 region there's a price deflation effect if  
24 it's an efficient unit. And so by putting in  
25 Towantic in Connecticut you're placing a less

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1 costly, more efficient, lower-polluting  
2 facility into the local area and that has a  
3 price impact that is what we calculate  
4 \$1.5 billion of energy cost savings and that  
5 compares to the \$4.5 billion benefit on  
6 energy price savings to the New England  
7 region as a whole. So approximately  
8 one-third of the total benefits to the region  
9 accrues to Connecticut.

10 And I think the IRP also  
11 mentioned and we had read the draft, and I  
12 don't think they talked about that, the  
13 cushion. Because of the uncertainties -- not  
14 uncertainty of data, but uncertainty of the  
15 future, are there plants that are going to  
16 retire? Is it going to be uneconomic for  
17 them to operate? This facility provides a  
18 cushion. There are assumptions that have  
19 gone into the IRP that paint a positive  
20 picture with respect to the capability, but  
21 if those assumptions do not come to fruition  
22 there very well could be a need for a  
23 Towantic facility to meet the reserve margins  
24 and so therefore this facility provides a  
25 cushion as well as the reliability and

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1 everything else that we've talked about  
2 today.

3 THE CHAIRPERSON: Okay. Thank  
4 you. I don't have any more questions?

5 THE WITNESS (Bazinet): So do  
6 you want me to add on to that?

7 THE CHAIRPERSON: Ask somebody  
8 else. In fact, I decided to just turn on the  
9 phone and my wife thinks I'm at some --

10 SENATOR MURPHY: Let's all  
11 start singing.

12 THE CHAIRPERSON: I'm going to  
13 close the hearing. And I have some I guess  
14 -- so I just want to announce that briefs and  
15 proposed findings of fact may be filed with  
16 the Council by any party or Intervenor no  
17 later than April 27, 2015. Submission of  
18 briefs or proposed findings of fact are not  
19 required by this Council, rather we'd leave  
20 it to the choice of the parties and  
21 intervenors. Anyone who has not become a  
22 party or intervenor, but who desires to make  
23 his or her views known to the Council may  
24 file written statements with the Council  
25 within 30 days of today. The Council will

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1 issue draft findings of fact and thereafter  
 2 parties and intervenors may identify errors  
 3 or inconsistencies between the Council's  
 4 draft findings of fact and the record,  
 5 however no new information, no new evidence,  
 6 no argument or no reply briefs without our  
 7 permission will be considered. Copies of the  
 8 transcript of the hearing will be filed at  
 9 the Oxford and Middlebury town clerks office.

10 And I want to take -- also  
 11 take this opportunity to particularly thank  
 12 the applicant and your team for your  
 13 professionalism, and I want to thank those  
 14 who are still in attendance, the intervenors  
 15 and the other parties and other people  
 16 concerned for the amount of effort and time  
 17 that your help in educating us and in helping  
 18 us to do what comes next is come up with a  
 19 decision.

20 So again, thank you all. And  
 21 I hereby declare the hearing adjourned and  
 22 thank you, all. Drive home safely.

23 (Whereupon, the witnesses were  
 24 excused and the above proceedings were  
 25 adjourned at 4:06 p.m.)

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CERTIFICATE

1 I hereby certify that the foregoing 217  
 2 pages are a complete and accurate  
 3 computer-aided transcription of my original  
 4 verbatim notes taken of the Continued Council  
 5 Meeting in Re: DOCKET NO. 192B, CPV  
 6 TOWANTIC, LLC MOTION TO REOPEN AND MODIFY THE  
 7 JUNE 23, 1999 CERTIFICATE OF ENVIRONMENTAL  
 8 COMPATIBILITY AND PUBLIC NEED BASED ON  
 9 CHANGED CONDITIONS PURSUANT TO CONNECTICUT  
 10 GENERAL STATUTES SECTIONS 4-181A(B) FOR THE  
 11 CONSTRUCTION, MAINTENANCE AND OPERATION OF A  
 12 785 MW DUAL-FUEL COMBINED CYCLE ELECTRIC  
 13 GENERATING FACILITY LOCATED NORTH OF THE  
 14 PROKOP ROAD AND TOWANTIC HILL ROAD  
 15 INTERSECTION IN THE TOWN OF OXFORD,  
 16 CONNECTICUT, which was held before ROBIN  
 17 STEIN, Chairperson, at the Connecticut Siting  
 18 Council, 10 Franklin Square, New Britain,  
 19 Connecticut, on March 26, 2015.

-----  
 Robert G. Dixon, CVR-M 857  
 Court Reporter  
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I N D E X		
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4	Mr. Cornacchia	
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14	Mr. Frantzis	
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