



TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION

SPECIAL MEETING

THURSDAY, SEPTEMBER 8, 2016

7:00 PM

**KILLINGLY HIGH SCHOOL AUDITORIUM
226 PUTNAM PIKE, KILLINGLY, CT**

MINUTES

RECEIVED
TOWN CLERK, KILLINGLY, CT
2016 NOV 18 AM 9:30
Elizabeth M. Wilson

I **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:01 p.m.
ROLL CALL - Brian Card, Todd Nelson, Sheila Roddy, Milburn Stone, Virge Lorents, Keith Thurlow.
Staff Present – Sean Hendricks, Town Manager (Moderator); Ann-Marie Aubrey, Director of Planning and Development.
Town Council Liaison – Joyce Ricci

Consultant:

Carl Stopper, Vice President of TRC Environmental Corporation, the third-party Consultant hired by the Town of Killingly.

From NTE Energy:

Tim Eves, Senior Vice President of Development
Mark Mirabito, Chief Operating Officer, (overseeing all development on this project)
John Gulliver, General Counsel (Energy and Corporate Law)
Ken Baldwin, Local Counsel
David Groleau, Developer
Norm Thibeault, Killingly Engineering Associates

From Tetra Tech, Environmental Consultant on this project:

Lynn Greysock, Vice President of Power
Fred Sellars, Vice President of Power

II. SEATING OF ALTERNATES – No Alternate Seated.

Sean Hendricks, Town Manager, stated that in order for NTE to be able to build a power plant in Killingly they have two major hurdles to cross: 1.) Air Permitting Permission from the DEEP; and 2.) Certificate of Environmental Compatibility and Public Need from the CSC. He gave an explanation that, although the CSC has jurisdiction which supersedes that of the Town, it doesn't mean that the Town does not have input. He explained that the CSC gains knowledge of how the Town feels about the project from the Town's Commissions (P&Z and IWWC). The P&Z Commission will look at this project as an application for a special permit and will formulate its orders, conditions and regulations (with the assistance of the Town's Engineering Consultant) and will submit them to the CSC. He stated that projects of this nature are permissible, under the Town's Regulations, in a rural development district which allow for public service corporations (railroad, electric, gas, telephone, telegraph, pipeline, sewer, water, fire, ambulance, or community antenna company, or corporation used for the generation of electricity). He also explained the role of TRC Environmental Corporation as the Town's Engineering Consultant to evaluate the technical reports in the application submitted by

NTE to the CSC. Mr. Hendricks stated that they are working to be sure that citizens'/residents' voices are heard. In the event that a power plant is constructed in Killingly, they are taking measures to ensure that the Town gets the best and safest products available.

Motion by Sheila Roddy to close the meeting at 10:30 pm. Second by Milburn Stone. Motion carried unanimously (5-0).

Keith Thurlow asked the Commission Members to keep in mind the requirements for the Special Permit Regulations and also the Gravel Regulations (regarding amounts of material to be moved).

III. CITIZENS' COMMENTS ON AGENDA ITEMS (Individual presentations not to exceed 3 minutes; limited to an aggregate of 30 minutes unless otherwise indicated by a majority vote of the Commissions)

Karen Johnson, 1819 Upper Maple Street, stated that she is shocked at Mr. Hendricks' comment regarding public service corporation. She read from the Regulations that the location of such use should be necessary for the health, safety, or general welfare of the residents of the Town of Killingly. She said that she had prepared another letter which supplements previous written correspondence to the P&Z Commission. She stated that the CSC process does give an opportunity for the Town to issue a regulate and restrict order to the CSC and she read from the CT General Statutes, Section 16-50X, paragraph d. She stated that the Commission has the authority to vote it up or down. She stated that this is not allowed in the rural developmental district which is a residential district. She commended the P&Z and IWWC Commission Members and Town Council for the work they have done. She stated that (in her opinion) the Commission also has authority under Municipal Improvements Statutes, Section 824 (Roadway Improvements, Extensions to the Sewer Line). She asked if the Town requires an easement for a line that crosses from the generating facility over to the switchyard and crosses Lake Road. She stated that this is being passed off as a public utility, but it is a private corporation proposing a for-profit entity in a residential zone that does not have the infrastructure necessary to support it. She stated that you're not getting to look at the extension of the gas line, the impacts associated with the extension of the sewer line, the water line or roadway improvements on Lake Road.

Jean Davis, 128 Kings Row, spoke of concern for citizens in Killingly, Pomfret, and the Windham Preservation Land Trust adjacent to the Rural Development District as well as bird and wildlife sanctuaries. She stated that Lake Road land owners chose to live and invest there because the Town of Killingly Zoning description documents stated that the permitted use was low density, residential and agricultural. She stated that in 2014, Town Council hired consultants who found that the land had physical obstacles.

Jason Anderson, 125 Lake Road, spoke of concern regarding NTE's Traffic Report:

- Lake Road & Route 101 (DOT Information Collected in 2013).
- C&N Corporation (150 s.f. manufacturing facility), Superwinch, Putnam Plastics (92,000 s.f. addition).
- Effects of traffic of bringing in the gas line, water line, and sewer line. Will 100% of traffic enter Lake Road from Route 101? The curve on Cotton Bridge Road is just as narrow as the S-turn (will they need to widen it?).
- Concern regarding moving the "No-Thru Trucks" Sign (Forbes Road).
- If the road gets widened, he has concern for the speed approaching the first curve coming from the west (90 degree bend).
- Noise Impact Study – He said that NTE misrepresented the Killingly Code of Ordinances - Section 12.5 – 125, zone in which receptor is located. They present it as a use and below 51 decibels.

Fred Williams, President of Windham Land Trust and Chair of the CT Audubon Society in Pomfret spoke in opposition with concern for wildlife habitats in the Last Green Valley. The property in question abuts permanently protected open space that is currently excellent wildlife habitat. This location, in the center of the Last Green Valley is critical to the health of all life in the surrounding communities and should not become a source of significant pollution. He spoke of the decline in various insects (which include pollinators), animals, and amphibians all of which are at or near the bottom of the food chain. The health of those at the bottom directly affects the welfare of all life above, including humans. He stated that the reason for the decline in these species is not known, but toxins are surely a factor. The problem, nationwide, is the worst right here in northeastern Connecticut. He stated that the introduction of a significant source of pollution in the immediate area will make their challenges more severe.

Renee King, Thompson, CT, referred to Section 120, Intent, of the Killingly Zoning Regulations - to promote the health, safety and general welfare of all residents of the Town. She demonstrated (displayed a map showing the cumulative impacts of the 8 existing operational and two proposed power plants on a 31-mile tract of land) how building the NTE power plant would add to the cumulative pollution of Killingly and many surrounding towns in the tri-state region. She stated that the residents are already

breathing the emissions of eight power plants and that more than 55 towns in the tri-state region are impacted by the eight operating plants. The Connecticut towns being impacted are Thompson, Putnam, Woodstock, Killingly, Pomfret, Brooklyn, Plainfield, Eastford, Canterbury, Hampton and Chaplin. She asked what would happen to the quantity of water and the quality of air in the tri-state region if the two more plants are built.

Ms. King stated that Burrilville Zoning Board recently issued an advisory opinion that opposes the proposed power plant citing concerns regarding water consumption, noise, potentially negative effects on air quality, wildlife and the landscapes of Burrilville. She stated that at the August 9th Rhode Island Department of Public Health Hearing, several health professionals voiced concerns regarding emissions from power plants that are linked to increased incidents of systemic inflammation, dementia, mood disorders, autism, cardio vascular disease, increased respiratory problems, and mortality rates.

Ms. King stated that she believes that the clustering of ten power plants on the 31-mile tract of land may have devastating consequences on the health of families, the environment and, ultimately, on the local economy as citizens choose not to reside in the tri-state region.

Ms. King requested that the citizens of the tri-state region be given the opportunity to meet with the Connecticut Department of Public Health, that a tri-state environmental impact study be conducted to specifically assess the cumulative impacts of ten power plants on the 31-mile tract of land.

A gentleman from the audience offered his three minutes of time to allow Ms. King to finish her comments.

Ms. King urged all citizens go to www.rhodeislandfuture.org to listen to the Rhode Island Department of Public Health Hearings.

Sandra Bove, North Shore Road, was concerned with noise pollution. She stated that she had read the Noise Mitigation Report from NTE which concludes that the facility will be a quiet neighbor (sound level of a quiet office setting) and meets Killingly Regulations and that, during nighttime hours, residents tend to be indoors. Therefore, the walls of their homes would provide sound reduction. She stated that people in the vicinity do not presently experience a sound level of a quiet office setting due to existing industry. She stated that NTE did not address the cumulative effect of noise or other pertinent factors regarding noise. She stated that she had supplied a written report to the P&Z Commission which contained information from Earthworks Noise Resources (She stated that she also included with her report, a copy of the Killingly Noise Ordinance). She stated that, noise does not always increase as you move away from the source and noise is cumulative. Tree clearing will open a clear path for more sound waves to travel to nearby homes. According to the U.S. Environmental Protection Agency the persistent and escalating sources of sound can be considered an annoyance which can have major consequences contributing to one's overall health. She stated that the current noise pollution in the vicinity already affects the quality of life as she has to close windows and turn on the air conditioner. She referred to Section 120, Intent, and Prohibited Uses, of the Killingly Zoning Regulations. She asked that the Commission look at the negative impact of the proposed power plant as it relates to the intended purpose that drives the P&Z Regulations of Killingly. A safe environment, along with a sound, healthy quality of life should be the top priority.

Donald Shippee, Sr., Burrilville, RI, stated that NTE's plan almost identical to the one in Burrilville except that it is not as large (550 megawatts as opposed to 900 megawatts). He voiced concern for:

- Pollution
- Water usage (Will there be enough water for other businesses that may want to come to Killingly? Will that end future economic growth?)
- Noise – Affects humans, wildlife (prey and predatory rely on sound), farm animals (chickens will lay less eggs, milk-producing animals will produce less milk, and the reproduction of all animals will decrease.
- Traffic - Noise and the dirty smell of diesel from construction vehicles. Is it worth just one spill?

Mr. Shippee asked the Commission to fulfill its obligations to its citizens with courage, leadership, and transparency by sending a strong message (including citizens' concerns and expert testimony) to the CSC: no zone changes, no noise variances, no special use permits, no water supply. The proposal does not meet the Town's comprehensive plan.

John LaBelle, 57 Island Road, stated that the proposal is not consistent with the plan of development. He spoke of concern for wetlands/storm drain locations, water source, 2 million tons of new pollution to an existing plant that is only running at 70 percent capacity now. He stated that the plant, the pollution, and the risk of polluting the water are not needed. He submitted a packet of information to the Commission.

Cheryl Cappel-LaChampe, on behalf of the Pomfret Conservation Commission, stated that residents of Pomfret who own a property at Alexander's Lake attended a meeting and presented information regarding the proposed power plant. The Commission decided to send a letter expressing opposition to the CSC for the same reasons that have been expressed this evening. She stated that air quality affects everyone, it has no town lines or state lines, we are all in this together. She stated that there is concern for the wellbeing of the children as northeastern Connecticut has one of the highest rates of asthma which will go up with another power plant. She voiced concern regarding the fracked gas coming from the west, that there will be more propositions for power plants to produce energy which will be pumped out elsewhere. She asked that the Commission take a conservative view.

Ed Grandelski, Upper Maple Street, voiced concern for the following:

- The area leading up to the S-turn. He asked who will buy that land. Will it be taken by eminent domain?
- How will they put the large gas main in the narrow right-of-way which is in a residential area. Will more land need to be purchased?
- How will traffic from Route 395 be handled during the sewer and water infrastructure installation. Frito-Lay would not want to be interrupted.
- The million-gallon storage tank and the containment structure around the tank. Is there a design proposed?
- Containment area where the trucks fill up the fuel tanks. Is there a design?

Bill Tetreault, Cotton Bridge Road, read from the POCD:

- Goals
- Water Resources
- Wetlands
- Forest
- Objectives

Mr. Tetreault stated that, in order to operate this power plant, NTE must find a pristine, wooded, residential-zoned site in an economically distressed community that is begging for good business. They control the site with an option to purchase from the landowner that can be extended annually for five years that the landowner can't get out of. Several things must happen: a gas line; a sewer line; a water line; a suitable roadway; and a way to connect the electrical grid on both sides of the road. We don't have it. It would cost the Town of Killingly a lot more than they will ever get in revenue to connect all of those things and to make all of those things happy and safe.

Motion by Brian Card to extend Citizens' Comments another 30 minutes. Second by Sheila Roddy. Motion carried unanimously (5-0).

Dan Burke, representing the owners of the abutting farm land on the east side. The farm has been in his family for 150 years. Three streams that feed into the wetlands on his property. They already have pollution issues with one of those streams and the other two streams come from the property that the power plant is proposed for. He is concerned with runoff water coming from that property into the wetlands on his property.

Rochelle Rose, 739 Cook Hill Road, read from Articles which speak of natural gas/methane/carbon dioxide being released into the atmosphere. She asked why another power plant in Killingly when we already have two? She spoke of Killingly having the Algonquin which is the primary, most significant methane pipeline that runs directly through Connecticut and, again, asked why Killingly? She read that studies show that power plants are often planned in areas of lower socioeconomic standing and, of the 15 cities listed in Windham County (which is the lowest county), Killingly is in the bottom 4 (Danielson in the bottom 2). This means that they are the lowest per-capita income in the County with the County being the lowest in the State. She also read from an Article which quoted people who own property at Alexander's Lake and spoke of water usage and concern for wells in the area. She spoke of another Article regarding environmental impacts: air pollution from methane; and land use and wildlife. Our objective should be finding 100 percent global resource alternatives and shutting these things down.

Danny Rovero, Laurel Point Road, asked if the almighty dollar is more important than health and the precious water supply.

Nelson King, 91 Island Road, spoke in opposition. He is concerned with blasting impacts:

- Toxic fumes created by the detonation of explosives. He explained that gas that remains in the ground after the blast can travel hundreds of feet through underground fractures and collect in confined spaces such as basements of homes, well sites, underground sewers and septic systems. He asked if a geologist will be employed to identify these naturally formed pathways so that these potential dangers can be pointed out to area residents. Monitoring and testing prior to and after the blasting should be part of the process. Wind direction should also be monitored prior to blasts to prevent noxious gases from entering neighboring homes.
- The impact of the blasting on water wells and aquifers. He read from a Study (2000) which stated that all area wetlands should be tested before any construction begins so that they may be properly monitored throughout the operation. The Study also addressed impacts that blasting could have on wells.

Mr. King said that there are too many questions and not enough answers from NTE as NTE has, to date, not provided any assessments or specific details on how they plan to address the impact that these potential dangers present.

Frank Aleman, 30 Sawmill Road, submitted a list of concerns for the P&Z Commission to ask the consultant publicly as the system does not allow interaction between the public and the consultant.

Mr. Aleman referenced a document that he had submitted previously regarding permissibility. He understands about eminent domain, but the P&Z Commission does not have to agree to it. He stated that he hopes that the Killingly P&Z Commission will have the courage to reject the application as the Burrilville P&Z Commission did.

Richard Peloquin, Slater Hill Road, stated that he had spoken with Michelle Bockman, the Acting Executive Director of the CSC, and that she would like to hear from the citizens regarding this proposal as she was very receptive of his points made. He encouraged people to write to her.

Mr. Peloquin stated that one thing he has not heard expressed is that NTE is a limited liability corporation. He spoke of fracking being outlawed in states where it takes place which would impact NTE's supply sources for cheap fuel. He stated that their liability is limited if something really goes wrong. 500,000 gallons of diesel fuel and 400,000 gallons of water for one day.

Jeremy, Burrilville, RI, stated that he read the application which spoke about reducing regional emissions. He said that Killingly would be taking one for the team as far as air emissions.

Jeremy explained that they went through four rounds of competitive bid at auction this past year. 6,000 megawatts did not make it into the auction.

Jeremy asked that the Commission take into account the effects of the property values of the neighbors. This year, although Rhode Island saw a 16-percent increase in median sales price, Burrilville saw a 15-percent decrease.

IV. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – There were no comments.

V. BUSINESS

1) Discussion and Comments by and between the Town's Consultant and the Commission regarding the Application for a Certificate of Environmental Compatibility and Public Need for the Killingly Energy Center by NTE Connecticut, LLC to the CT Siting Council – discussion to include all appendices and maps.

Carl Stopper, TRC Environmental Corporation, stated that TRC's technical experts in each of the specific areas and fields associated with the components of the project/application have reviewed all the technical reports that accompanied the application. Senior Air Scientist,

He explained that there are 28 pages of comments in the document from TRC that are very technical in nature. The report had been provided to the Commission Members and will become part of the record and will be available for viewing by the public also. He will review major areas of concern that have been identified and what TRC has found to give a fair accounting of all the facts. As the process evolves, they will expand upon the comments as they learn of more information. They will be meeting with the IWWC on September 12th as well as a site walk which will generate additional comments regarding wetlands/ecological impacts.

Mr. Stopper reviewed each of the technical reports:

- Analysis of Need and Economic & Environmental Impacts

It was found that the consultant retained by NTE (PA Consulting) relied on a variety of different modeling software methods for evaluating the economic impact as well as for some of the environmental impacts of the project. The report is lacking information regarding what inputs are used in assessing the projections, therefore, it is difficult to judge whether the output from the model is valid. These models should only be used as a screening tool. He stated that the Town, the Commission and the CSC should use caution in relying on them. He cautioned, that when reviewing the data, to take a lot of what is in there with a grain of salt because the basis for the conclusions is uncertain.

Even less is known about the model that was used to assess the environmental impacts and the reduction in emissions that they were projecting on a regional basis. There is no information about the content of the model, how the model assesses the data and very little information about what input went into the model. He, again, cautioned reliance on the predictions in the report.

- Geo-Technical Engineer Report

This report was fairly thorough. There were a number of test borings and observation wells and samples of soil that were collected over the various areas of the site. There were some concerns with the data contained within the report as it affects other aspects of the site development:

- Five temporary observation wells were installed immediately following the drilling activities. Seasonal impacts to ground water are not known as they only sampled and did water-level monitoring on one occasion immediately following the drilling. The report did not present ground water contours that would show what the general direction of the ground water flow is based on (measurements). The proposal is to do a significant amount of cut and fill on the property. It is not known what the impact of the ground water levels are on the excavations and blasting activities that may occur because they were not covered in the report.

One well was placed in close proximity to where the major storm water basin is proposed (furthest to the north and closest to the wetlands). It shows the water table in early June at about 4 feet below the bottom of the dry basin. Seasonal impacts on the functioning of the basin are not known as only the one round of measurements were taken.

- Soil Type and Permeability (translates into a variety of potential issues with the development of the site). The soil on the property is primarily a glacial till material (a mixture of soil and rock conditions). The consultant did measure the ability of the soil to drain water through it and infiltrate water. The numbers that they tested in five locations were significantly lower for hydraulic conductivities (two orders of magnitude lower) than what the consultant who did the storm water analysis used in the analysis of recharge on the property. This is a significant aspect of the overall storm water design and the impact to wetlands. He pointed this out as an important aspect of the functioning of the storm water retention and recharge system that is being proposed.

The report also shows the overburdened soils (the horizon lies above the bedrock surface). It states in the boring logs that it is medium dense to very dense glacial tills (very compact). Once disturbed and re-worked, as with the building of the platform for the power plant and substation and other areas, it will compact like concrete. It will have very little capacity to infiltrate rain water and it changes the dynamic of the storm water runoff from the site. There will need to be some re-analysis of this.

- There were no volume projections on how much material would be removed and cut, then replaced and compacted and re-used on the site. How much material, if any, will be taken off site? Will they need to import materials onto the site? Do they plan to do any processing on the site? These things impact truck traffic, dust, noise, storm water management, soil, sediment and erosion control issues.

When there are large areas of this type of soil (glacial tills) is disturbed, managing sedimentation and runoff controls becomes more complicated and require a lot more detail than what he has seen in other parts of the application.

Dust needs to be addressed with a very rigorous plan as these types of materials become airborne easily with heavy equipment moving on the property.

- Storm Water Pollution Prevention Plan

Mr. Stopper explained that the Applicant and their consultant relied upon methods typically used in Connecticut (Connecticut Soil & Sediment & Erosion Control Manual 2002 and Connecticut Storm Water Quality Manual 2004). The Connecticut Storm Water Quality Manual 2004 requires that an applicant rely upon site-specific information when preparing their sediment and erosion control plans and their storm water design and management for the site. However, TRC's review found that the report relied on more general information that is published by the Soil Conservation Service using non site-specific information. It is TRC's opinion that they should have relied on the site-specific geotechnical report information and it appears that those aspects of the documents that were available were not referred to at all in the Storm Water Pollution Prevention Plan.

- Part One: How are they going to manage sediment and erosion control measures?

TRC's review found that they did a thorough presentation of techniques, but a lot of detail from a phasing standpoint was not well presented. There needs to be some kind of mechanism for enforcement and implementation during construction. There is normally a third-party monitor responsible for ensuring that the techniques are properly applied. Mr. Stopper identified the two wetland areas (on the main plant site) which form a "V" shape and they come together at the northerly part of the property and leave the site to the northwest. There is a ridge in the center of the site and two valleys that feed both wetlands. TRC is concerned that the runoff during construction is going to be directed toward these two wetlands. Additional features, other than just silt fence and hay bales, are needed to protect the upper reaches of those wetlands. Temporary sediment basins are needed.

The close proximity of the site grading to the two wetland areas makes it more difficult. There is no room for error and there should be a larger undisturbed buffer separating the proposed grading activities from the wetland areas. They normally like to see 100 feet separating the two, but in some cases there are only 10 feet of separation which is not adequate. Mr. Stopper stated that there are a couple of things that can be done to adjust the position of the grading and the plant to accommodate a greater buffer:

- If the entire plant were shifted more to the south and southwest, you'd be able to pull the grading activities further from the wetlands. There is plenty of space to the west to be able to accomplish that.
- The oil tank and the containment area for the tank are what is causing the plant to be located closer to the wetlands. TRC suggests that a double-wall tank without a containment berm would allow the tank to be moved anywhere to create the space needed to the west and in the south to minimize the disturbance in proximity to the wetland areas. Mr. Stopper stated that he does not know what impact moving the plant further to the south/southwest would have on noise. The westerly boundary is probably the most critical from a noise standpoint.

- Part Two: What is the long-term storm water management for the site?

Storm Water and Ground Water Recharge

Mr. Stopper explained that when the Storm Water Analysis was performed, they combined all of the area from the plant into one drainage area and they did not look at the individual wetland areas that are fed on either side of the main part of the plant as separate features in terms of the impact that the storm water runoff and recharge have on those features. Because of that and because of the major grading activities there will be huge changes in the drainage going into the two upper ends of the two individual wetland areas. Looking at the report and mapping on the drainage, the reduction in drainage going to each of those wetland areas is huge: A-1 & A-2 - Probably more than ¾ of the drainage area currently going in there will no longer be going into the upper end; and A-3 to the west - The change is probably 50% of the surface area.

Mr. Stopper stated that another concern is that there appears to be an error regarding the calculation of runoff from the developed area of the site. Wherever the buildings and impervious surfaces are, they used the wrong runoff curve number for those areas. He explained that these impacts can change with varying levels of

storm events. An area of 6.5 acres is being misrepresented in the runoff calculations which accounts for 40 percent of the total plant area.

Mr. Stopper spoke of how the permeability will be significantly reduced. It is TRC's opinion that they should have used a much higher runoff co-efficient to come up with their projections for the amount of runoff from the areas that are not paved (gravel surface and vegetated areas).

Rainfall projections used in Connecticut were developed in the 1960's and 1970's. The Connecticut DEEP and DOT have adopted new information regarding rainfall amounts published by NRCC as new standards for design. Therefore, the rainfall amounts used in the design analysis are lower than what is currently recommended. This means that there will be a lot more water running off the developed area of the site than they are predicting and the systems designed will need to be increased in size and capacity to manage the larger rainfall amounts.

Because they relied upon information that is not site specific to estimate the amount of recharge and they did not consider the perimeters cited in the Connecticut Storm Water Quality Manual for different soil types, there is a problem with the dry recharge basin which is part of the storm water basin located in the northerly end of the developed area of the property. The recharge component of the design is not going to function the way it was intended to function. He stated that there are also other areas of the site that the recharge estimates will not equal what is there now because of the disturbance that will occur and the re-compaction of the soil materials.

The wet pool systems, when located near wetlands/vernal pools, are not suitable because they become an attractant to amphibians that are breeding. This can potentially reduce amphibious populations. TRC does not recommend incorporating a wet pool in the proposed location because of its proximity to the existing wetlands and nearby vernal pool.

Two other areas of the site where there are changes in storm water runoff:

- Where it discharges to the east toward the power line area due to steep slopes;
 - Switchyard area – some of the wetland area will be destroyed. There is no feature in the storm water design to manage the runoff from this area.
- Mr. Stopper stated that he would save comments on the Wetlands Report for Monday's IWWC meeting when the Wetlands Expert would be present to comment on existing and proposed conditions on reported information. The Wetlands Expert may also accompany the IWWC on a site walk at some time to verify if the documents are consistent with his findings.

Doug Murray, Air Modeler, TRC Environmental Corporation, stated that he, an Air Permitting Specialist, and an Air Quality Control Engineer have all reviewed the documents that were submitted to the Connecticut DEEP in April with a supplement submitted (with some minor corrections) in August. Mr. Murray explained that the CSC relies on the DEEP's analysis and comments on the Air Permit Application and takes the recommendations of the DEEP. The Applicant has completed the required forms and analyses required by the DEEP and, generally, it is in pretty good shape.

Mr. Murray's comments:

- Regarding what the Applicant did in estimating the emissions of formaldehyde (recognized air toxin) from the natural gas turbine and duct burners: They looked at the NESHAP (National Emission Standard for Hazardous Air Pollutants). They rely on Subpart YYYY which sets limits for major sources of formaldehyde. Mr. Murray stated that Subpart YYYY is not applicable to this source, therefore, this is not an appropriate approach. The Applicant has stated that this is a minor source of formaldehyde. To remedy this, Mr. Murray suggested:
 1. To find different emission estimates for formaldehyde and show that it meets the standards for air toxins; or
 2. Submit to air quality source testing for the facility to show that they meet the 91 parts per billion standard for formaldehyde.
- Turbine is also subject to TTTT which is the greenhouse gas NSPS.

- Treatment of best available control technology (BACT) forces new power plants (emissions sources) to demonstrate that they are using the best control technology available. NESCAUM (North East States for Coordinated Air Use Management – New York and New England States) asks for a review of existing control technologies (proven and practiced) which should include emissions limitations imposed by other jurisdictions and test results that reflect what is actually achieved in performance. Look at technically feasible alternatives (some emissions source other than a turbine) – control technology transfer. Look at innovative control technologies. Using production process fuels.

What was done in the Application (pg. 214): If there has been an existing permit, it is considered to be technology feasible. The BACT analysis that was performed stopped at the first of the approaches of existing control technologies. They only reviewed power plants and only those power plants that showed that they had completed an analysis that showed that they met their standards were included (three steps short of a complete BACT analysis). TRC recommends that the BACT analysis be reconsidered.

Mr. Stopper continued with his review of the technical reports:

- Appendix H – Water and Waste Water Information
Connecticut Water Company has indicated that they would need to install 12,000 feet of water main to connect from the Town of Plainfield to the Killingly system and there a booster pumping station would need to be constructed. An additional 3,000+ feet of water main would need to be installed along Lake Road to get service of this capacity to the plant.

The expansion of the water system is necessary for the success of this project and there should be a condition that they get all of the regulatory approvals. They will need a diversion permit – the DEEP will need to be involved. They may also need approval from the Connecticut Department of Health regarding the interconnection to ensure that one system does not have an adverse effect on the other.

It has been a long-term goal of Connecticut Water to extend the water main connection from Plainfield into the Killingly system. Mr. Stopper assumes that this project will fund the extension and expansion. He does not know what the excess surplus capacity will be beyond the 400,000-gallon demand for the peak requirements of the plant.

Based on the review by Suez (water treatment operator of Killingly's wastewater plant), it appears that there is more than enough capacity to handle the additional discharge from the plant. The capacity for Killingly is 8 million gallons per day and they are currently at 3 million gallons per day. They will need to get permits from the State of Connecticut.

- Traffic Impact Report
The primary impact will be during construction activities and that was the focus of the traffic impact analysis.
TRC Noted:
 1. Additional truck traffic due to site regarding was not accounted for or mentioned in the traffic study.
 2. The disruption during utilities along Lake Road – The impacts to the plans for the maintenance and protection of traffic should be addressed more clearly.
 3. Damage that may occur to local roads that may need to be repaired should be covered by the Applicant.
 4. Change in the level of service is not significant - one intersection near the southbound ramps of I-395 will be impacted during construction activities, but does not warrant any additional changes/corrections.
 5. Regarding modifications and the widening of Lake Road to accommodate the narrow curve and other deficient areas – there was no information provided on how this would be accomplished. It is not part of the Application.
 6. Parking during construction – It may be necessary, during construction, to do some monitoring or traffic counts.
- Visual Impact Assessment

The CSC does not have a particular standard/requirement that Applicants are obligated to follow. It appears that the methodology/thoroughness/visual simulations of that evaluation were adequate and well done. The floating of a balloon will help local people to see what the stack height will look like from various locations.

- Sound Survey and Analysis Report

The noise expert's findings:

1. The standard that was applied for evaluating the impact of noise from the project – LEQ which is the existing ambient background condition. Based on the State noise standards and the Killingly Noise Ordinance, they should use the L90 sound level which takes the upper 10th percentile (a narrower range) and usually results in much lower levels that are needed for requirements to be met for compliance.
2. A statement was made about 51 dba being the sound level of a quiet office which is actually closer to 40 dba.
3. Discrete Noise Intervals/Tones should have been more carefully evaluated.
4. Monitoring the neighborhood for ambient conditions was done up until midnight. Measurements from 2 a.m. to 5 a.m. should be used to set the standard for the ambient levels in the analysis.
5. There is a need for a better analysis regarding nearby residential properties.

- Cultural Resources

1. Could not review the Cultural Resources Reconnaissance Survey as it currently not available.
2. Historical Places Eligibility Report addressed all areas that they would normally look at regarding the main parcel and the switchyard parcel.

2) Discussion and Comments between NTE Connecticut, LLC and Commission Members and the Town's Consultant

Sheila Roddy stated that besides Hawaii, we have the highest electric rates in the country. She asked about the cost of energy going down as a result of this plant being constructed. If the electricity is being sold on the open market, how does that help Killingly residents get less expensive energy.

Mr. Stopper explained that, ISO New England regulates energy production and distribution, and that in Connecticut, your monthly bill can fluctuate depending on which power supplier you choose. The CSC will determine whether the assertions by NTE in the Application are accurate or need to be adjusted.

Virge Lorents asked if there is a list of protected rivers by the State of Connecticut or DEEP and if the Quinebaug River is on it.

Mr. Stopper stated that he will check with their expert who will be attending the IWWC meeting.

Todd Nelson stated that he did not see mention of the solar power movement in Massachusetts. This plant is being designed and built to supply power to the Boston market. He asked if this affects the economic feasibility of the project overall.

Mr. Stopper stated that needs issues are the purview of the CSC and ISO who controls the grid. They decide whether there is a need and what type of generation it should be. Each state has different requirements.

Virge Lorents stated that each Citing Council is making its own decisions based on their own boundaries. She asked if there is a higher entity that could get the three States take a look at this region (with its eight current and two proposed power plants) together.

Mr. Stopper explained that the various citing councils rely on information from ISO.

Virge Lorents asked who is keeping track of cumulative emissions.

Mr. Murray explained that the facilities are required to look at the criteria for pollutants and perform an air quality monitoring analysis to determine whether the emissions from the proposed facility are significant. If they are significant, under CT Regulations, they will have to go to MA DEEP and get the emissions for sources (with an air permit) for a distance of 50 kilometers and include those in a modelling analysis for total impacts.

Brian Card stated that there was a limitation size/emission on permits that were included in the report. He did not see Frito-Lay in the report. He also asked if any adjustments need to be made to emissions based on the location of the plant in relation to receptors. In this case, there are schools located within two miles.

Mr. Murray stated that it would be a short list, but Frito-Lay should be on it.

Mr. Murray stated that it is common practice to include sensitive receptors in the analysis, but he did not recall if they were included or not.

Brian Card asked if there was an analysis from the water company regarding the assumption of the need to use diesel fuel one-to-two days every couple of years, and having to supply 400,000 gallons on each of those days and what it would do to the system.

Mr. Stopper stated that his understanding of the concept of having the separate fuel supply (diesel) is that they would have an uninterruptable power supply/generation (either gas or diesel) available to the grid. They have to be able to produce power under all circumstances with no limitations. They had not worked out the commitment of setting aside 400,000 gallons per day whether NTE was using it or not. The water company would not be able to commit to another user.

Brian Card asked if there was an analysis regarding an alternative location (across the street) for the switchyard.

Mr. Stopper stated that they have concerns overall regarding alternatives evaluation. There are comments under the wetlands section of the TRS Review Document provided. NTE had not provided figures or explanations.

Brian Card asked about blasting impacts on nearby wells.

Mr. Stopper stated that given the depth that they will be penetrating with their blasting operations, they can control the charges to minimize the shock waves. There should not be impact to wells or other features distant from the property, except for the on-site home that will be either demolished or not used in the future.

Brian Card referred to page 133 and he asked about a statement regarding additional measures for noise being employed at a later date. He asked if this is a fair statement with regard to the noise study.

Mr. Stopper stated that there would be follow up measurements during the start of the operation to prove that they are meeting the standards.

Keith Thurlow asked about the water injection system and the potential noise coming from the stack.

Mr. Stopper stated that water injection is for NOX control in the turbine. Mr. Murray stated that there is injection into the SCR of liquid, but it is not generally a noise source.

Keith Thurlow, regarding grading, asked about the ramifications of lowering the site.

Mr. Stopper explained that you try to balance everything as much as you can and that lowering would produce a lot more and deeper rock cuts (and rock removal). It would also affect the stack height. He stated that they did not see anything in the report for what alternatives may have been considered and why those were rejected.

Keith Thurlow asked if lowering the site would positively affect noise.

Mr. Stopper stated that it may depending where the noise is coming from and where the sensitive receptor is. He stated that there are other natural things that could be done to create buffers/noise barriers as opposed to putting up a physical barrier (which would be less attractive).

Milburn Stone stated that he would make a few generalizations to see if Mr. Stopper was in agreement:

- Regarding sections of the NTE report were lacking in transparency and there wasn't anything you could rely on.

Mr. Stopper explained that when modelling things, you have to know what the inputs are before you can assess whether those assumptions being made are reasonable or not. Even with that information, some of the models being used should not be relied upon to any great degree – they are approximations. He advised caution any reliance on that information. There are other things that are known that are of more importance than looking at those projections.

Milburn Stone stated, for the record, that Mr. Stopper did not comment on the Need Assessment and that he does not understand how the company made its determination. He stated that maybe this could be explained to him sometime later.

Milburn Stone asked if it is accurate that it seems to him that Appendix C of the Geotechnical Report was effectively done in terms of transparency which revealed a number of serious problems.

Mr. Stopper stated that it is accurate particularly with the storm water, recharge.

Milburn Stone asked, regarding protecting groundwater/wetlands, if the plant is in the wrong position.

Mr. Stopper stated that he feels there is room to adjust things without major impact on the site grading and, in conjunction with modifying the oil tank design, he feels that they would be able to accomplish that and improve on the overall site plan and its potential impact to wetlands. Regarding infiltration and recharge, the Geotechnical Report identified that they need to take a harder look at how they can affect additional recharge into the areas that are feeding the two wetland areas.

Milburn Stone stated that the report on noise was also transparent in terms of revealing serious miscalculations/errors in evaluating impact.

Mr. Stopper stated that TRC feels that they did not use the right criteria to evaluate the actual impact of noise and that additional monitoring and measurements should have been collected to support the conclusions made in the report.

Milburn Stone asked if the information in the TRC review regarding air pollution (Appendix G) was specific to this site. He stated that another analysis is required to put it in perspective with the, potentially, ten power generating plants

Mr. Stopper stated that the information was pulled from NTE's Air Permitting Plan. The information used is based on the permitted maximum emission rates of those facilities as that information has been received from the respective Environmental Departments.

Milburn Stone stated that a lot of the opposition doesn't have to do with this particular plant, it is that this plant is one of ten in this area. He spoke of responsibility to consider that aspect.

Keith Thurlow asked about the Ocean State Power Plant having a zero discharge and what the difference is between that plant and this plant.

Mr. Stopper stated that he is not aware of the technology used in that plant and would have to research. He stated that, with any type of water use, it has to be very high quality water in order for it to not have a negative impact on the hundreds of millions of dollars' worth of equipment. He explained that, even with reverse osmosis, it is hard for him to imagine that you could get it down to zero. Maybe there is secondary use for the excess water.

Brian Card asked about the gas fuel supply contract (guaranteed fixed rate) and how it would be affected if interrupted by other uses. What does the contract mean, what is the guarantee, and does it protect them from fuel shortages when there is a high demand?

Mr. Stopper stated that they can look at that and that this would be a good question to ask the Applicant as well.

Sheila Roddy asked about the two projects that NTE is in the process of being built. Are they on time? Are there any problems with the construction? Are there issues with the local environment?

Mr. Stopper stated that they did not consider that as part of their scope, but they could see what they could find out from what is publicly available.

Virge Lorents asked about seismic activity and if backstops took into account that, recently, this region (southern Killingly and Plainfield) had a cluster of tremors. She mentioned a long fault line that goes from Nova Scotia to Route 21 which had been stable for a long time. She referred to Section C, Page 7, Volume 2, where there is reference to seismic activity (Subsection 7.4 and 7.5) recommending seismic testing for shear wave and compression wave velocity measures. She asked what factors led them to decide to put off these measurement given that there is seismic activity around here.

Mr. Stopper explained that, at this point of the planning stage, the geotechnical engineers probably haven't put that level of effort (for design) into it. If the Project is approved, they would have to meet all of the code requirements that are necessary to comply with State of Connecticut codes for seismic design.

Virge Lorents referred to Appendix D, Storm Water Pollution Prevention Plan, Page 21, she asked if there are any regulations that would forbid the use of compost from urban sewage treatment plants.

Mr. Stopper stated that he does not know if they are planning on importing material. He doubts that they would as he has never seen that done for sedimentation and erosion control.

Brian Card would like to see information regarding ammonia storage: deliveries (how much; truck counts; storage issues; plans for emergency response; etc)

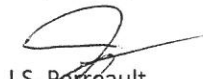
Keith Thurlow asked that NTE keep the Killingly Gravel Regulations in mind. He stated that hours of operation are a concern.

The continuation of the public meeting will be held Thursday, September 22, 2016, at 7:00 p.m. at the High School Auditorium.

VI. ADJOURNMENT

Motion by Milburn Stone to adjourn at 10:09 p.m. Second by Todd Nelson. Motion carried unanimously (5-0).

Respectfully submitted,



J.S. Perreault
Recording Clerk