

Interrogatory CSC-1

Plainfield Renewable Energy LLC
Petition 784MR

Witness: Scott Atkin
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Q-CSC-1: Has the location or any component of the water intake facility changed since the February 6, 2007 site plan filing? If so, please indicate the extent of the changes and the associated impact on the parcel's natural resources.

A-CSC-1: The general location and overall design and size of the water intake/outfall structure and pump house facility on the Man-Burch Property have not significantly changed since the February 6, 2007 site plan filing.

However, in the fall of 2007, the location of the pump house within the Man-Burch property and the proposed installation method for the pipelines from the pump house to the river were modified at the request of the U.S. Army Corps of Engineers ("ACOE"). The pump house location was moved approximately four hundred feet to the east of its originally proposed location. Horizontal directional drilling methods will be used to install the pipelines from the pump house to the river, instead of using open trenching methods. By implementing the suggestions of the ACOE staff, PRE was able to reduce the amount of roadway required to construct and access the pump house, reduce wetlands impacts, reduce the work required in the river to install the pipelines, and further reduce impacts to potential rare, threatened and endangered species habitats.

Furthermore, in response to a request from the Connecticut Department of Environmental Protection ("DEP") Inland Fisheries Division, PRE has increased the diameter of the intake structure from approximately 13 inches to approximately 18 inches. See Exhibit A, Memorandum from Brian D. Murphy, DEP Inland Fisheries Division, to Sara Radacsi, DEP Inland Water Resources Division, dated May 23, 2007, at p. 2. This change will reduce water intake velocities for the benefit of the fish in the Quinebaug River.

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Q-CSC-2: Provide a copy of the most recent water intake site plan. Include abutting property boundaries, addresses and names of owners on record.

A-CSC-2: The most recent boundary survey and site plan for the water intake/outfall structure and pump house on the Man-Burch Property are attached at Exhibit B.

The following are the names and addresses of the owners on record of the properties abutting the Man-Burch Property (including properties across Packer Road and across the Quinebaug River):

Michael P. Kumiega
124 Packer Road
Canterbury, CT 06331

Packer Limited LLC
135 Packer Road
Canterbury, CT 06331

Quinebaug Valley Regional Resources LLC
137 Packer Road
Canterbury, CT 06331

Steven Potter
108 Packer Road
Canterbury, CT 06331

Gary F. and Sheila M. Nasin
94 Packer Road
Canterbury, CT 06331

Paul T. Woytowich
20 Beaulieu Avenue
Jewett City, CT 06351

Packer Mining LLC
133 Packer Road
Canterbury, CT 06331

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Mary Ellen Yaworski
32 Packer Road
Canterbury, CT 06331

Jamie A. Teklenski
113 Packer Road
Canterbury, CT 06331

Neely LLC
133 Packer Road
Canterbury, CT 06331

EDS Garage Inc.
Route 14
P.O. Box 118
Canterbury, CT 06331

Stanley Wildowsky, Jr.
20 Nygren Road
Lisbon, CT 06351

Edith B. & Silas Kinsey
P.O. Box 25
Canterbury, CT 06331

Canterbury Cemetery Assoc.
Route 169
Canterbury, CT 06331

Judy Park
141 Packer Road
Canterbury, CT 06331

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Q-CSC-3: Did PRE notify the Town of Canterbury of the project prior to submission of the petition to the Council? If so, when and by what means? If not, how did PRE inform the Town of Canterbury about the project and initial water intake location?

A-CSC-3: Over the course of 2006 and 2007, PRE had discussions with the First Selectman of Canterbury regarding the location of the generating facility and the intake/outfall structure and pump house, in person and over the telephone. See Exhibit C, Affidavit Neil A. Dupont, former First Selectman of Canterbury ¶¶ 4.

In the summer of 2006, prior to the submission of the petition on August 14, 2006, PRE met with the First Selectman of Canterbury regarding the location of the project and water intake location. Id. at ¶ 5.

In addition, on August 14, 2006, PRE served a copy of the Petition on the Town of Canterbury officials listed in Conn. Gen. Stat. § 16-50i, which notified these officials of the project and the initial water intake/outfall structure and pump house location on the Quinebaug Valley Property. See Exhibit D, Attachment H to Petition #784 (service list for the Petition).

Interrogatory CSC-4

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Q-CSC-4: Did PRE notify the Town of Canterbury about the relocation of the water intake facility prior to the Council's hearing on November 16, 2006? If not, when did PRE notify the town of the changed location? What issues were discussed when the Town was made aware of the change in location?

A-CSC-4: Yes, PRE notified the Town of Canterbury about the relocation of the water intake facility prior to the Council's hearing on November 16, 2006, and a number of times after the public hearing.

In early November 2006, PRE notified the First Selectman of the Town of Canterbury that the location of the intake/outfall structure and pump house had been moved from the Quinebaug Valley Property to the Man-Burch Property prior to the November 16, 2006 public hearing on the Project. See Exhibit C, Affidavit Neil A. Dupont, former First Selectman of Canterbury ¶¶ 6.

In December 2006, representatives of PRE met with the First Selectman of the Town of Canterbury and discussed, among other things, the location of the intake/outfall structure and pump house on the Man-Burch Property and road and drainage improvements that would be constructed for the benefit of the Town of Canterbury in connection with the intake/outfall structure and pump house. See id. at ¶¶ 8.

In January 2007, representatives of PRE met with the First Selectman, the Town Attorney, and the Town Public Works Director of the Town of Canterbury and discussed, among other things, the location and installation of the waterline and the reconstruction of Packer Road en route to the proposed intake/outfall structure and pump house on the Man-Burch Property. See id. at ¶¶ 9.

In January 2007, the Town of Canterbury received a copy of a water diversion permit application submitted by PRE to the DEP, which included two maps that depicted the intake/outfall structure and pump house on the Man-Burch Property. See id. at ¶¶ 10.

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In February 2007, the First Selectman, Public Works Director and Town Attorney of Canterbury were copied on follow up correspondence between the Town's consulting engineer, Donald R. Aubrey and Mark Zessin, an engineer at Anchor Engineering Services, Inc. working on the Project, regarding several technical issues related to the construction of the waterline in Packer Road en route to the proposed intake/outfall structure and pump house on the Man-Burch Property.

Interrogatory CSC-5

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Q-CSC-5: Does the location/specification of the pump house and access drive conform to the Town of Canterbury zoning regulations?

A-CSC-5: Yes, section 4.12.1 of the Zoning Regulations of the Town of Canterbury recognizes that pump houses may be located within twenty-five feet of any waterbody, watercourse, or wetland. See Exhibit E.

Interrogatory CSC-6

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Q-CSC-6: Does the CT DEP water diversion permit process require notice to affected municipalities and abutting property owners? If so, when was such notice made? If not, describe the permit process in regards to municipal and citizen participation.

A-CSC-6: The DEP water diversion permit process requires a Notice of Application for a water diversion permit to be published in a newspaper of general circulation in the affected area, and notification of the chief elected official of the municipality in which the regulated activity is proposed. See Conn. Gen. Stat. § 22a-6g & § 22a-370. PRE complied with these Notice of Application requirements by publishing notice of their application in *The Norwich Bulletin* on December 26, 2006, and by providing notice to the First Selectman of both Canterbury and Plainfield. See Exhibit F (Certification of Notice Form). A copy of this Application was received by the First Selectman of Canterbury on January 22, 2007. See Exhibit C, Affidavit Neil A. Dupont, former First Selectman of Canterbury ¶ 10.

Under Conn. Gen. Stat. § 22a-371(f), the DEP has scheduled a public hearing and site visit regarding PRE's application for a water diversion permit. See Exhibit G, DEP Notice of Public Hearing and Site Visit on Various Environmental Permits. The public hearing on PRE's water diversion permit (as well as PRE's various other environmental permits) is currently scheduled for August 13, 2008 at the Plainfield Town Hall Auditorium. See id. The DEP published notice of the hearing in *The Norwich Bulletin* on July 12, 2008. See id. The DEP provided similar notice to the Governor, the Attorney General, the speaker of the House of Representatives, the president pro tempore of the Senate, the Secretary of the Office of Policy and Management, the Commissioners of Public Health and Economic and Community Development, the chairperson of the Public Utility Control Authority, and the First Selectmen and chairmen of the conservation commission and wetlands agency of Canterbury and Plainfield. See Conn. Gen. Stat. § 22a-371(d) & (f).

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Copies of the application for the water diversion permit and any supplemental submittals (as well as copies of PRE's other applications for environmental permits) are available at the Canterbury Public Library, the Plainfield Town Hall, the DEP Records File Room, and from Scott Atkin, Vice President of Anchor Engineering Services, Inc. See Exhibit G, DEP Notice of Public Hearing and Site Visit on Various Environmental Permits.

Copies of the proposed water diversion permit (as well as copies of PRE's other proposed environmental permits) are available at the Canterbury Public Library, the Plainfield Town Hall, and the DEP Records File Room. See id. Copies of the proposed permits are also available at <http://www.ct.gov/dep/cwp/view.asp?A=2586&Q=419186>.

Interrogatory CSC-7

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Q-CSC-7: According to the EPA website cited below, the Yaworski Landfill contains a groundwater plume that has migrated across the Quinebaug River. Is there any evidence that contaminants from groundwater or other sources have migrated onto the Man-Burch Property? If so, what type of hazard may these contaminants pose through ground disturbance and/or water use?
<http://www.epa.gov/region01/index.html>

A-CSC-7: There is no evidence that contaminants from the Yaworski Landfill and/or the Yaworski Lagoon have migrated onto the Man-Burch property.¹ In fact, the Remediation Division of the DEP has reviewed PRE's application for a water diversion permit at the Man-Burch Property, and concluded that the effect of the proposed withdrawal on the Remediation Division's interests is "negligible" and that the "proposed withdrawal of surface water from the Quinebaug River will not affect the plume [of historic groundwater contamination] emanating from the Yaworski Lagoon or the Yaworski Landfill." See Exhibit H, Memorandum from Mark Lewis, DEP Remediation Division, to Sara Radacsi, DEP Inland Water Resources Division, dated December 3, 2007.²

¹ Both the Yaworski Landfill and the closed Yaworski Lagoon are located upstream of the Man-Burch property along the banks of the Quinebaug River. Measured along the course of the river, the Yaworski Landfill is located approximately 2,900 feet (nearly 0.5 miles) upstream from the water intake, and the Yaworski Lagoon is located approximately 7,000 feet (over 1.25 miles) upstream from the water intake. See Exhibit H, Memorandum from Mark Lewis, DEP Remediation Division, to Sara Radacsi, DEP Inland Water Resources Division, dated December 3, 2007. Measured in a straight line across the meanders of the river, the Yaworski Landfill is more than 800 feet (approximately 0.2 miles) from the water intake, and the Yaworski Lagoon is more than 2,400 feet (nearly 0.5 miles) from the water intake. See id.

² The Remediation Division memorandum did note that the DEP Inland Fisheries Division may wish to examine the effects of the proposed discharge upon fish in the Quinebaug River. The DEP Inland Fisheries Division had already conducted such a review, and concluded that there would be no significant loss of instream habitats from the diversion of water, no significant adverse impact on fisheries resources from the thermal discharge of used cooling water, and no significant fish impingement and entrainment losses from the intake structure. See Exhibit A, Memorandum from Brian D. Murphy, DEP Inland Fisheries Division, to Sara Radacsi, DEP Inland Water Resources Division, dated May 23, 2007. The DEP Inland Fisheries Division proposed certain construction methods and time restrictions during the in-river construction phase of the project to minimize construction-related disturbances to the fish populations. See id.

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Furthermore, the DEP Remediation Division has stated that the DEP and the United States Environmental Protection Agency are not attempting to record a restriction on the Man-Burch property that would prohibit withdrawal of groundwater for purposes other than groundwater monitoring.³ See id.

Moreover, the PRE project is not proposing the use of groundwater from the Man-Burch property, and the minimal diversion of the surface water from the Quinebaug River is not anticipated to affect groundwater levels.

Surface water quality data for samples collected at and upstream of the Man-Burch property, but downstream of the Yaworski Landfill and Yaworski Lagoon have been reviewed as part of the permitting and design of the PRE water intake. The surface water of the Quinebaug River shows no significant contaminants attributable to these or other sources, and its use by the PRE project should not pose any significant hazards.

³ A handful of properties located on the west side of the Quinebaug River, directly across from the Yaworski Lagoon site (upstream from the Man-Burch Property) do have such groundwater restrictions.