

DOCKET NO. 111 - An application of : Connecticut
 Waste Management of Connecticut, Inc., :
 and Bio-Energy Partners for a Certificate : Siting
 of Environmental Compatibility and Public : Council
 Need for the construction of a 3.33 MW :
 electric generating landfill gas management : November 22, 1989
 facility in New Milford, Connecticut.

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council finds that the effects associated with the construction, operation, and maintenance of a landfill gas management facility at the proposed New Milford site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not significant either alone or cumulatively with other effects, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by Section 16-50k of the General Statutes of Connecticut (CGS), be issued to Waste Management of Connecticut (WMCT) and Bio-Energy Partners (BEP), for the proposed construction, operation, and maintenance of a landfill gas management facility (LGMF) at the proposed site, in New Milford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. Facility

- a) The construction and operation of the LGMF shall be in accordance with all applicable federal and State laws, regulations, and ordinances.
- b) The exhaust stack is to be no higher than 37 feet as stated in the application.

2. Notification

The Certificate holder shall notify the Council of the following:

- a) commencement of construction;
- b) commencement of testing;
- c) commencement of operation;
- d) renewal of the electric purchase agreement; and
- e) intent to terminate operations one year prior to such termination of operations.

3. Development and Management Plan

The Certificate holder shall submit a development and management (D&M) plan containing the following plan elements for Council approval, modification, or denial within 60 days of the Council's receipt of the plan. The Certificate holder may consult with Council staff in the preparation of the D&M plan.

- a) An erosion and sedimentation control plan element, to include provisions to minimize sedimentation to the watercourses and to protect the inland wetland adjacent to the site. The element shall identify the placement, use, and removal of all control measures.
- b) A landscaping plan element to stabilize the site and provide screening of the facility. The plan shall show location and all types of vegetation to be planted and include all areas that would be loamed and seeded/sodded.
- c) An emergency response plan including municipal agencies and services that would be involved. The applicant shall consult with New Milford emergency response officials prior to the submitting the plan.
- d) A final site plan showing the location of the septic tank, condensate tank, and the electrical interconnection route including pole and line size which would tie into the CL&P's grid.

4. Reports

The Certificate holder shall provide the following reports to the Council and may consult with Council staff in the preparation thereof.

- a) Quarterly progress reports, starting with the commencement of construction and ending with the commencement of facility operation.
- b) Documentation of compliance with state and local noise regulations, due no later than six months after commencement of operation. Documentation is to be in the form of ambient day and nighttime testing conducted under normal operating conditions no sooner than one month after commencement of operations.
- c) Annual operating report, to be submitted to the Council within three months after the conclusion of each year, to include:
 - 1) amount of gas consumed, amount of electricity produced, hours of shutdown requested by CL&P, and any other unexpected periods of shutdown;
 - 2) Condensate analysis report, including amount of and status of disposal; and
 - 3) overall condition and reliability of the LGMF.

5. Permits

The Certificate holder shall provide to the Council when available:

- a) the final approved DEP air emission permits;
- b) the final approved DEP solid waste permit;
- c) the final approved electric purchase agreement; and
- d) the use agreement with the local wastewater treatment plant for disposal of gas condensate.

Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the issuance of this Decision and Order, or within three years after the completion of any appeal to this Decision and Order.

Pursuant to Section 16-50p, we hereby direct that a copy of the Decision and Order be served on each person listed below. A notice of issuance shall be published in the New Milford Times, the Waterbury American, and the Waterbury Republican.

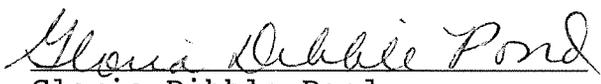
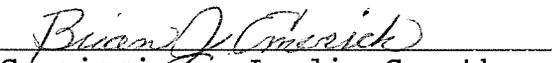
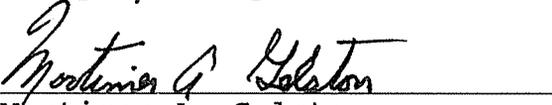
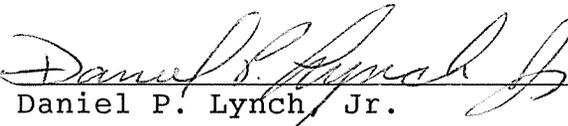
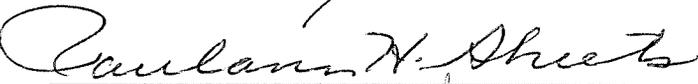
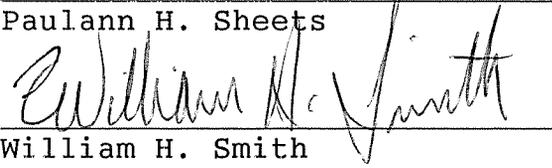
By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with section 16-50j-17 of the Regulations of State Agencies.

3648E

CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket 111 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 22nd day of November, 1989.

<u>Council Members</u>	<u>Vote Cast</u>
 Gloria Dibble Pond Chairperson	Yes
 Commissioner Peter Boucher Designee: Robert A. Pulito	Yes
 Commissioner Leslie Carothers Designee: Brian Emerick	Yes
 Harry E. Covey	Yes
 Mortimer A. Gelston	Yes
 Daniel P. Lynch, Jr.	Yes
 Paulann H. Sheets	No
 William H. Smith	Yes
 Colin C. Tait	Yes