

DOCKET NO. 74

An application of the Connecticut Resources Recovery Authority, Southeastern Connecticut Regional Resources Recovery Authority, and American REF-FUEL Company for a Certificate of Environmental Compatibility and Public Need for the Southeastern Connecticut Regional Resources Recovery Facility, which would generate electricity by mass-burning municipal solid waste in the Town of Preston, Connecticut. : Connecticut Siting Council : October 6, 1987

DECISION AND ORDER

Pursuant to Section 16-50p of the Connecticut General Statutes (CGS), the application submitted by the Southeastern Connecticut Regional Resources Recovery Authority (SCRRRA), the Connecticut Resources Recovery Authority (CRRA), and the American REF-FUEL Company (REF-FUEL) to construct and operate a resource recovery facility is hereby approved. A Certificate of Environmental Compatibility and Public Need, as required by CGS Section 16-50k, shall be issued, subject to the following conditions and report requirements.

1. Conditions

- a. The facility shall be constructed substantially as specified by the applicants in the application, as detailed and modified by the applicants in the record.
- b. The construction and operation of the facility shall be in accordance with all applicable federal, state, and municipal laws, regulations, and ordinances.

- c. The exhaust stack shall be no higher than necessary and in no event higher than 250 feet above grade.
- d. All site excavations are to be performed under the supervision of a professional archaeologist. Upon the discovery of any artifact of historical or archaeological significance in the opinion of the archaeologist, excavation shall cease in the area of the discovery pending confirmation of significance by representatives of the Connecticut Historical Commission and, if necessary, approval by such representatives and execution of a plan for the disposition of the artifact.
- e. Prior to the commercial operation of the facility, the Certificate holders shall provide themselves with a legally permitted site, or contract for a legally permitted site, for the permanent disposal of ash residues from facility operation for a period of five years from the time of initial commercial operation of the facility.
- f. The facility shall not accept hazardous wastes as defined by Section 22a-115 of the CGS, as amended.
- g. This Certificate will be void if all construction authorized herein is not completed by January 1, 1994.

2. Notifications

- a. The Certificate holders shall provide to the Council two weeks in advance notification of:
  - (1) commencement of construction;
  - (2) commencement of testing; and
  - (3) commencement of operation.
- b. The Certificate holders shall notify the Council when operations terminate.

3. Development and Management Plan

The Certificate holders shall not commence construction until they have secured Council approval of a development and management (D&M) plan which includes the following elements:

- a. A final site plan showing roads, structures, and other improvements. The final site plan shall, to the maximum extent possible, preserve the natural vegetative buffer in the northwest portion of the site and elsewhere, and shall minimize the impact on the federally designated wetland. The final site plan shall also include provision for public access to a Thames River vantage point as close to the river as practical.

- b. A landscaping element for the site. The landscaping element shall be of professional quality and, to the greatest extent possible, provide a vegetative screen around all structures of the facility that are visible from off-site areas, with particular attention to visibility from the west. The landscaping element shall include a complete listing, description, and location of all proposed vegetative plantings. The landscaping element shall also include a provision for screening and isolating the Thames River public vantage area and access route from the facility site.
- c. An erosion and sedimentation element, to include provisions to minimize sedimentation in the Thames River and to protect the inland wetlands on the site. The erosion and sedimentation element shall comply with the Connecticut Guidelines for Soil Erosion and Sediment Control.
- d. A landscape maintenance, litter, odor, and noise control element including:
- (1) performance standards;
  - (2) provision for monitoring;
  - (3) provisions for filing complaints; and
  - (4) measures to be taken to achieve the performance standards and to respond to complaints.

- e. A final schedule for facility construction, testing, and start-up.

In preparing the D&M plan, the Certificate holders may consult with Council staff. The Council shall approve, modify, or disapprove the D&M plan within 45 days of the time a proposed plan is filed.

4. Reports

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

- a. Quarterly progress reports, starting with commencement of construction and ending with the commencement of facility operation.
- b. A first year operating report, to be submitted to the Council within three months after the conclusion of the first year of operation, to include:
  - (1) participating municipalities, sources of all MSW, and quantities of MSW burned;
  - (2) percentages, gallons, and number of days when fuel oil was used;
  - (3) overall and daily average of electricity output;
  - (4) overall condition and reliability of facility;
  - (5) the final cost of the facility, tipping fees, and other information relevant to the cost and operation of the facility;

- (6) the costs and effectiveness of the recycling program; and
  - (7) all findings and actions for the relocation and/or protection of archaeological resources found on the site during excavation operations.
- c. An annual report describing and documenting:
- (1) instances in which standards established as part of the D&M plan were exceeded; and
  - (2) actions taken in response.

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 permits;
- c. the final approved DEP water discharge permits;
- d. the final approved DEP and US Army Corps of Engineers wetland permits;
- e. the final approved electrical purchase agreement; and
- f. the Department of Transportation highway curb cut and road opening permit to construct.

Pursuant to CGS Section 16-50x(d), the Council revokes the Town of Preston's September 17, 1986, denial of zoning approval and of a coastal area management permit for the facility and makes this Decision and Order in substitution thereof.

Docket No. 74  
Decision and Order  
October 6, 1987

-7-

The Council hereby directs that a copy of the Opinion and Decision and Order shall be served on each party to this proceeding. A notice of the issuance of this Decision and Order shall be published in the Norwich Bulletin and the New London Day.

0226E

CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket 74 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 6th day of October, 1987.

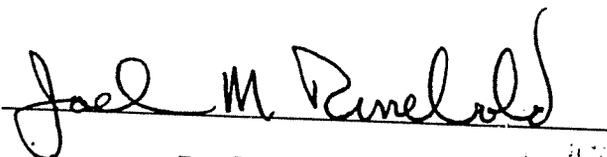
<u>Council Members</u>	<u>Vote Cast</u>
<u>Gloria Dibble Pond</u> Gloria Dibble Pond Chairperson	Yes
<u>Kathy Geppert</u> Commissioner Peter Boucher Designee: Kathy Geppert	Yes
<u>Brian Emerick</u> Commissioner Leslie Carothers Designee: Brian Emerick	Yes
<u>Owen L. Clark</u> Owen L. Clark	No
<u>Fred J. Doocy</u> Fred J. Doocy	Yes
<u>Mortimer A. Gelston</u> Mortimer A. Gelston	Yes
<u>James G. Horsfall</u> James G. Horsfall	Yes
<u>William H. Smith</u> William H. Smith	Absent
<u>Colin C. Tait</u> Colin C. Tait	Yes

STATE OF CONNECTICUT )  
COUNTY OF HARTFORD )

ss. New Britain, October 6, 1987

I hereby certify that the foregoing is a true and correct copy of the decision and order issued by the Connecticut Siting Council, State of Connecticut.

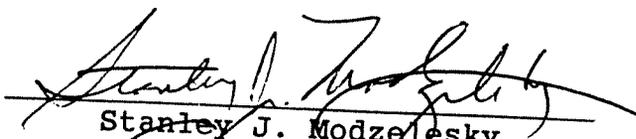
ATTEST:



Joel M. Rinebold  
Executive Director  
Connecticut Siting Council

I certify that a copy of the opinion and decision and order in docket 74 have been forwarded by mail to all parties of record on October 8, 1987.

ATTEST:



Stanley J. Modzelesky  
Executive Assistant  
Connecticut Siting Council