

DOCKET NO. 81-AN APPLICATION OF THE EXETER ENERGY LIMITED PARTNERSHIP FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE EXETER ENERGY STERLING PROJECT, WHICH WOULD GENERATE ELECTRICITY FROM THE COMBUSTION OF WASTE TIRES IN THE TOWN OF STERLING, CONNECTICUT. : Connecticut : Siting : Council : May 3, 1988

DECISION AND ORDER

Pursuant to Section 16-50p of the Connecticut General Statutes (CGS), the Council finds a public need for the electricity that would be produced by the facility and that the effects associated with the construction and operation of the facility, including effects on the natural environment, ecological 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, the application of the Exeter Energy Limited Partnership (Exeter) to construct and operate a plant which would generate electricity from the combustion of waste tires in the Town of Sterling is hereby approved. A Certificate of Environmental Compatibility and Public Need, as provided by CGS Section 16-50k, shall be issued for the proposed Sterling site, subject to the following conditions and report requirements. The alternative Sterling site is denied.

1. Conditions

- a. The facility shall be constructed substantially as specified by the applicant in the application, as detailed and modified by the applicant in the record of this docket.
- 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 196 feet above grade.

- d. Prior to the commercial operation of the facility, the Certificate Holder shall provide itself with a legally permitted site, or contract for a legally permitted site, for the permanent disposal of residues from tire combustion from facility operation for a period of five years from the time of initial commercial operation of the facility.
- e. The facility shall not accept as fuel hazardous wastes as defined by Section 22a-115 of the CGS as amended.
- f. Whole tires stored on the site shall be covered to prevent pooling of water.
- g. The Certificate Holder shall consult with the Connecticut Department of Environmental Protection prior to using pesticides for mosquito or other vector control.

2. Notifications

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

3.. Development and Management Plan

The Certificate Holder shall not commence construction of this facility until it has secured Siting Council approval of a development and management (D&M) plan which includes the following elements:

- a. A final site plan showing all roads, structures, and other improvements at the site. The final site plan shall, to the maximum extent possible, preserve the natural vegetative buffer surrounding the site.

- b. A landscaping plan for the site. The landscaping plan shall be of professional quality and shall include a complete listing, description, and location of all proposed vegetative plantings.
- c. An erosion and sediment control plan, which shall comply with the Connecticut Guidelines for Soil Erosion and Sediment Control.
- d. An odor and noise control plan including:
 - (1) performance standards;
 - (2) provisions for monitoring;
 - (3) provisions for the filing of 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.
- f. A mosquito breeding prevention plan.
- g. A plan for collecting tires from municipally-sanctioned volunteer groups.
- h. A hazardous waste screening plan.
- i. The finalized fire detection system Exeter will employ.

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

4. Reports

The Certificate Holder shall provide the following reports to the Siting 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) overall and daily average of electricity output;
 - (2) overall condition and reliability of the facility;
 - (3) the final cost of the facility, and other information relevant to the operation of the facility;
 - (4) overall and daily average of water used;
 - (5) a list of any complaints received about the facility's operation;
 - (6) number of tires burned, number of tires currently stockpiled, gallons of oil used;
 - (7) a status report on combustion residue and by-products, including volume produced, contractors, and landfill use, if any;
 - (8) the results of air monitoring conducted including the actual tons per year of various pollutants emitted;
 - (9) status of vector controls;
 - (10) a study of the traffic impacts of the facility on the roads in the surrounding area;
 - (11) results of a noise study conducted at the boundaries of the facility during its operation; and
 - (12) "as built" drawings of all building and structures.
- c. An annual report describing and documenting:
- (1) instances in which standards established as part of the D&M plan were exceeded;
 - (2) actions taken in response; and
 - (3) instances of fires at the facility, and methods and success of their suppression.

5. Permits

The Certificate Holder shall provide to the Council when available:

- a. the final approved DEP Solid Waste Permit;
- b. the final approved DEP Air Emission Permit;
- c. the final approved DEP Water Discharge Permit; and
- d. the final approved DEP Water Diversion Permit.

Pursuant to CGS 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 Providence Journal, the Norwich Bulletin, the Norwich Journal Transcript, the New London Day, and the Hartford Courant.

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.

The Parties to this proceeding are:

Exeter Energy Limited Partnership (Applicant)
Suite 2400
One State Street
Hartford, CT 06103

Lewis B. Rome, Esq. (Its Attorney)
Rome, Case, Kennelly & Klebanoff
P.O. Box 588
Bloomfield, CT 06002

Philip B. Rettger (Representative)
Vice President
Oxford Energy, Inc.
114 State Street
Boston, MA 02109

Curt Nelson, President (Party)
The Thames Valley Chapter of Trout
Unlimited
186 Sandy Hollow Road
Gales Ferry, CT 06335

Ronald Whiteley (Representative)
77 Iron Street
Ledyard, CT 06339

Concerned Citizens of Sterling, Inc. (Party)
P.O. Box 206
Oneco, CT 06373

Paul Cady (Representative)
Liaison Officer
Concerned Citizens of Sterling, Inc.
Box 93, Newport Road
Oneco, CT 06373

Docket 81
Decision and Order
Page Six

Kathleen Eldergill
Beck & Eldergill
447 Center Street
Manchester, CT 06040

(Its Attorney)

Northeast Utilities

(Party)

Philip M. Small
Senior Counsel
Northeast Utilities
P.O. Box 270
Hartford, CT 06141-0270

(Its Attorney)

Brian E. Curry
Director of Cogeneration
Northeast Utilities
P.O. Box 270
Hartford, CT 06141-0270

(Representative)

Town of Sterling

(Party)

Robert P. Jordan
First Selectman
Town Hall
Route 14-A, P.O. Box 157
Oneco, CT 06373-0157

(Representative)

Dennis Duprey
Chairman - Planning Commission
Town Hall
Route 14A, P.O. Box 157
Oneco, CT 06373

(Representative)

Peter Jay Alter
Attorney for the Town of Sterling
Alter and Purtil
155 Sycamore Street
P.O. Box 935
Glastonbury, CT 06033

(Its Attorney)

The Honorable Bradford Gorham
State Representative
Cucumber Hill Road
Foster, RI 02825

(Party)

Heidi A. Colwell
Town Clerk of Foster
South Killingly Road
Foster, RI 02825

(Service Recipient)

Docket 81
Decision and Order
Page Seven

Monique Capwell (Service Recipient)
Town Clerk of Coventry
670 Flat River Road
Coventry, RI 02816

Tyler Free Library (Service Recipient)
c/o Virginia Benson
Moosup Valley Road
Foster, RI 02825

Foster Public Library (Service Recipient)
c/o Sandra Hopkins
Howard Hill Road
Foster, RI 02825

Summit Free Library (Service Recipient)
c/o Mrs. Berube
Greene, RI 02827

Coventry Public Library (Service Recipient)
c/o Virginia Carter
Flat River Road
Coventry, RI 02816

Greene Public Library (Service Recipient)
Box 5008
Greene, RI 02827-0008

The Honorable Leo Blais (Party)
State Senator
41 Bank Street
Coventry, RI 02816
(SERVICE WAIVED)

Mike Benoit (Party)
RR 9, Box 12A
Greene, RI 02827
(SERVICE WAIVED)

Brett Stein (Party)
271 East Killingly Road
Foster, RI 02825
(SERVICE WAIVED)

Jerald Kupperberg, M.D. (Party)
Howard Hill Road
Box 54
Foster, RI 02825

Docket 81
Decision and Order
Page Eight

Ralph B. McDougald (Party)
Vaughan Hollow Road
Greene, RI 02827
(SERVICE WAIVED)

Philip H. Croome (Party)
RR 1, Box 262B
Burgess Road
Foster, RI 02825
(SERVICE WAIVED)

Town of Plainfield (Party)

Joseph D. Taverna (Representative)
First Selectman
Town Hall
8 Community Avenue
Plainfield, CT 06374
(SERVICE WAIVED)

The Honorable Richard Licht (Intervenor)
Lieutenant Governor
State of Rhode Island and Providence
Plantations
State House
Providence, RI 02903

Foster Country Club (Party)

W.F. Neuguth, Manager (Representative)
Johnson Road
Foster, RI 02825

James Curry (Party)
36 Gillen Avenue - Apt. 1
N. Providence, RI 02904

Paul Murphy (Party)
Box 327
Foster, RI 02825
(SERVICE WAIVED)

Peter Carlson, Vice President (Party)
STOP I-84, Inc.
RR 1, Box 95
N. Scituate, RI 02825
(SERVICE WAIVED)

Docket 81
Decision and Order
Page Nine

Kenneth Rahn (Party)
Professor of Oceanography
University of Rhode Island
Graduate School of Oceanography
Narragansett, RI 02882-1197
(SERVICE WAIVED)

Providence Water Supply Board (Party)
552 Academy Avenue
Providence, RI 02908-2792
Domenic J. Mainelli, P.E.
Chief Engineer/General Manager

John E. Martinelli (Representative)
Coffey, McGovern and Noel, Ltd.
20 Washington Place
Providence, RI 02903

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CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket 81 or read the record thereof, and that we voted as follows:

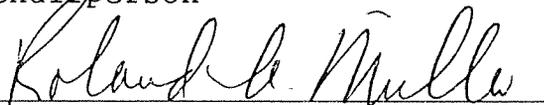
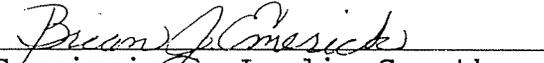
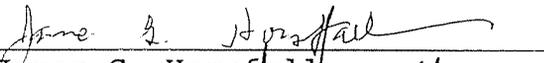
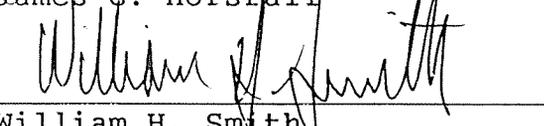
Dated at New Britain, Connecticut the 3rd day of May, 1988.

<u>Council Members</u>	<u>Vote Cast</u>
<u>Gloria Dibble Pond</u> Gloria Dibble Pond Chairperson	Yes
<u>Roland A. Miller</u> Commissioner Peter Boucher Designee: Roland Miller	Yes
<u>Brian Emerick</u> Commissioner Leslie Carothers Designee: Brian Emerick	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	Yes
<u>Colin C. Tait</u> Colin C. Tait	Absent

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 Gloria Dibble Pond Chairperson	Yes
 Commissioner Peter Boucher Designee: Roland Miller	Yes
 Commissioner Leslie Carothers Designee: Brian Emerick	Yes
 Mortimer A. Gelston	Yes
 James G. Horsfall	Yes
 William H. Smith	Yes
<hr/> Colin C. Tait	Absent