



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 14, 2015

TO: Parties and Intervenors

FROM: Melanie Bachman, Acting Executive Director *MAB*

RE: **PETITION NO. 1184** - Beacon Falls Energy Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation, and maintenance of a 63.3 Megawatt AC fuel cell facility located on Lopus Road, Beacon Falls, Connecticut.

At a pre-hearing teleconference held October 14, 2015, and attended by Melanie Bachman, Robert Mercier, and Attorney Lee D. Hoffman, the Council requested that the following format be used for the public hearing scheduled on November 5, 2015.

Pre-hearing Procedure

1. On or before October 22, 2015, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before October 29, 2015, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before October 29, 2015.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the petitioner shall erect and maintain, in a legible condition, a sign not less than six feet by four feet on the proposed site property so that it is visible from a public road. The sign shall set forth the name of the petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.



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Affirmative Action / Equal Opportunity Employer

Hearing Procedure

7. A public field review of the proposed site will be held on Thursday, November 5, 2015, beginning at 2:00 p.m.
8. The 3:00 p.m., November 5, 2015, hearing session will provide the petitioner, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The petitioner will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the petitioner and all other parties and intervenors.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
11. The 7:00 p.m. hearing session on November 5, 2015, will be reserved for the public to make brief statements into the record. The Council requests that the petitioner conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record.
12. If time remains, the 7:00 p.m. hearing session may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

18. A verbatim transcript of the hearing session will be made and deposited with the Beacon Falls Town Clerk's Office for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/RDM/lm

Enclosure: Administrative Notice List



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Administrative Notice List Petition No. 1184

Electric Generating Facility

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, (June 2002), available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf#search=EMF,%20electric%20power
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC70/7460-1K*, February 2007, available at http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC%2070%207460-1K.pdf
4. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FED. REG. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <http://www.nps.gov/history/nr/research/index.htm>
7. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>

REGIONAL

8. ISO-NEW ENGLAND, INC., *Power Generation and Fuel Diversity in New England*, August 25, 2005, available at http://www.iso-ne.com/pubs/whtpprs/iso_ne_paper.pdf
9. ISO-NEW ENGLAND, INC., *Electricity Costs White Paper*, June 1, 2006, available at http://www.iso-ne.com/pubs/whtpprs/elec_costs_wht_ppr.pdf
10. ISO NEW ENGLAND, *2013 Regional System Plan*, November 8, 2013, <http://www.iso-ne.com/trans/rsp/>
11. ISO-NEW ENGLAND, INC., *Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 16, 2014, available at http://www.iso-ne.com/trans/celt/report/2014/2014_celt_report_rev.pdf

12. ISO-NEW ENGLAND, *Infrastructure Needs: Electricity-Natural Gas Interdependencies*, April 21, 2014, available at http://www.iso-ne.com/pubs/pubcomm/pres_spchs/2014/van_welie_interdependencies_4-21-14.p

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13. CONNECTICUT SITING COUNCIL, *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised February 20, 2014), available at <http://www.ct.gov/csc/emf-bmp>
14. CONNECTICUT SITING COUNCIL, *2012/2013 Forecast of Electric Loads and Resources*, December 12, 2013, available at http://www.ct.gov/csc/lib/csc/pendingproceeds/forecast_2012_2013/f2012_13_finalreport20131212.pdf
15. CONNECTICUT SITING COUNCIL, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at http://www.ct.gov/csc/lib/csc/docket_346/whiteppr_final.pdf
16. CONNECTICUT SITING COUNCIL, *Investigation into the Life Cycle Costs of Electric Transmission Lines*, November 15, 2012, available at http://www.ct.gov/csc/lib/csc/lifecycle2011/life_cycle_final_report.pdf
17. **PETITION NO. 785** – Bridgeport Fuel Cell Park petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 14.4 MW Fuel Cell Electric Project located on Hancock Street, Bridgeport, Connecticut. Record, Final Decision.
18. **PETITION NO. 957** – Bridgeport Fuel Cell Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a fuel cell generating facility located at Hancock Street, Bridgeport, Connecticut. Record, Final Decision.

Department of Energy and Environmental Protection

19. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised September 2007, available at http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
20. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual, 2004, and appendices*, available at http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
21. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Amphibians and Reptiles in Connecticut*, DEP Bulletin 32, Michael W. Klemens, 2000, available at <http://www.ctdeepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm?categoryId=-1>

22. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Surface Water Quality Standards Effective February 25, 2011 and Ground Water Quality Standards Effective April 12, 1996, available at http://www.ct.gov/deep/lib/deep/water/water_quality_standards/wqs_final_adopted_2_25_11.pdf
23. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION *Connecticut Air Quality Standards*, Effective April 15, 2014, Regs. Conn. State Agencies §§ 22a-174-24, et seq., available at <http://www.ct.gov/deep/lib/deep/air/regulations/mainregs/sec24.pdf>
24. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regs. Conn. State Agencies §§22a-69-1, et seq., available at <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-69-1through7.pdf>
25. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2013 Comprehensive Energy Strategy for Connecticut*, February 19, 2013, available at http://www.ct.gov/deep/lib/deep/energy/cep/2013_ces_final.pdf
26. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2012 Integrated Resource Plan for Connecticut*, June 14, 2012 available at [http://www.dpuc.state.ct.us/DEEP/energy.nsf/c6c6d525f7cdd1168525797d0047c5bf/cb827b1ffa58b2fd85257a1d0060c374/\\$FILE/2012%20Integrated%20Resource%20Plan.pdf](http://www.dpuc.state.ct.us/DEEP/energy.nsf/c6c6d525f7cdd1168525797d0047c5bf/cb827b1ffa58b2fd85257a1d0060c374/$FILE/2012%20Integrated%20Resource%20Plan.pdf)
27. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Taking Action on Climate Change, 2014 Progress Report*, June 6, 2014, available at http://www.ct.gov/deep/lib/deep/climatechange/ct_progress_report_2014.pdf

Department of Public Health

28. STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH, *Electric and Magnetic Fields (EMF): Health Concerns Fact Sheet*, April 2008, available at http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/emf_fact_sheet_-_2008.pdf

Department of Transportation

29. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *ConnDOT Drainage Manual*, 2000, last revised December 2003, available at <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
30. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Utility Accommodation Manual*, February 2009, available at <http://www.ct.gov/dot/lib/dot/documents/dutilities/ACCOMODATION.pdf>
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Other State Agencies

32. STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2013-2018*, June 5, 2013, available at http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf

33. STATE OF CONNECTICUT, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, STATE HISTORIC PRESERVATION OFFICE, *Investment in Connecticut: State Historic Preservation Plan 2011-2016*, July 2011, available at http://www.ct.gov/cct/lib/cct/state_historic_preservation_plan_ic.pdf
34. Final Report of the Two Storm Panel, January 9, 2012, available at http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf
35. STATE OF CONNECTICUT, CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY, *Comprehensive Plan, Fiscal Year 2013 through Fiscal Year 2015*, available at <http://www.ctcleanenergy.com/Portals/0/FY13%20Comprehensive%20Plan.pdf>
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38. STATE OF CONNECTICUT, GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, *Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities*, 2011, available at http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf
39. STATE OF CONNECTICUT, PUBLIC UTILITIES REGULATORY AUTHORITY, *Cybersecurity and Connecticut's Public Utilities*, April 14, 2014, available at http://www.ct.gov/pura/lib/pura/electric/cyber_report_041414.pdf

TECHNICAL

40. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *IEEE Standard Procedures for Measurement of Power Frequency Electric and Magnetic Fields From AC Power Lines*, IEEE Std 644-1994, Reaffirmed 2008, available at <http://standards.ieee.org/findstds/standard/644-1994.html>
41. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *IEEE Guide for the Design, Construction, and Operation of Safe and Reliable Substations for Environmental Acceptance*, IEEE Std 1127-1998, Reaffirmed 2009, available at <http://standards.ieee.org/findstds/standard/1127-1998.html>
42. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *National Electric Safety Code*, American National Standards Institute, ANSI C2-2012, August 1, 2011.
43. EXPONENT, INC., *EMF and Health: Review and Update of the Scientific Research*, January 28, 2009, available at <http://transmission.bchydro.com/NR/rdonlyres/DEF09171-908A-48DF-A9DA-F28676D239FD/0/Exponent2009EMFUupdate0209.pdf>

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ENVIRONMENTAL

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47. ARAM J.K. CALHOUN, ET. AL., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, *Wetlands Ecology and Management*, July 9, 2004 at 291, available at <http://www.environmental-expert.com/Files/0/articles/9373/Conservingpool-breeding.pdf>

MAPS

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52. Mail-A-Map Street Map, Beacon Falls, available at http://mailamap.com/street_maps
53. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection 1984, Naugatuck, available at http://magic.lib.uconn.edu/topographic_maps.html