



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 1, 2015

Jennifer D. Arasimowicz
Vice President, Commercial Counsel
FuelCell Energy, Inc.
3 Great Pasture Road
Danbury, CT 06810

RE: PETITION NO. 922 - UIL Distributed Resources, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a Fuel Cell generating facility located at 1835 Hebron Avenue, Glastonbury, Connecticut. Request for Modification.

Dear Attorney Arasimowicz:

At a public meeting held on May 28, 2015, the Connecticut Siting Council (Council) considered and approved the request for modification of the above referenced facility, dated May 6, 2015, to relocate the facility to avoid encroaching on an existing Algonquin gas easement on the parcel. As a result of this relocation of the facility to a lower ground elevation, the fuel cell exhaust stack height will be increased by four feet, three inches.

All work is to be implemented as specified in the request and associated site plans submitted on May 6, 2015 and is subject to the following conditions:

- Submission of a site restoration and landscaping plan to the Town for comment and for approval by the Council. The plan shall also include the installation of evergreens on the embankment between Chalker Hill Road and the access drive and along the west side of the existing gate station;
Submission of a revised noise study to the Town and Council that accounts for the relocation of the turbo-expander and facility site; and
Incorporation of a final color scheme for fuel cell equipment to reduce visibility from the surrounding area to be reviewed by the Town and approved by the Council.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

Robert Stein (handwritten signature)

Robert Stein
Chairman

Enclosure: Staff Report dated May 28, 2015

RS/RM/lm

- The Honorable Stewart Beckett III, Chairman, Town of Glastonbury
Richard J. Johnson, Town Manager, Town of Glastonbury
Kenith Leslie, Community Development Director, Town of Glastonbury
Bruce McDermott, Esq., Managing Counsel-Operations, UIL Holdings Corporation





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Petition No. 922

Fuel Cell Generating Facility

1835 Hebron Avenue, Glastonbury

UIL Holdings Corporation - Request for Site Plan Revision

Staff Report

May 28, 2015

Background

On December 3, 2009, the Connecticut Siting Council (Council) approved a petition filed by DFC-ERG CT, LLC (FCE) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a combined Fuel Cell/Turbo-Expander energy system at an existing Algonquin gas metering station at 1835 Hebron Avenue in Glastonbury, at the corner with Chalker Hill Road.

The project consists of two fuel cell units that each produce 1.4 megawatts of energy and a turbo expander unit that produces 0.6 megawatts utilizing pressure differentials within existing Algonquin gas pipeline infrastructure servicing the units. The fuel cell units, switchgear/transformer, water treatment and water tank components would be located within an approximate 85-foot by 75-foot fenced compound. The turbo expander and support infrastructure was to be installed within the existing Algonquin gate station compound. The fuel cell units are 14 feet in height. A single 18-inch diameter exhaust stack would extend to a height of 25 feet.

The Council's approval contained the following conditions:

- a) Erosion and sedimentation controls shall be installed consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, May 2002.
- b) Minimizing the extent of clearing along Chalker Hill Road and Hebron Avenue to the greatest practical extent possible.
- c) The installation of evergreens on the embankment between Chalker Hill Road and the proposed access drive and along the west side of the existing gate station.
- d) Submitting final construction plans to the Council prior to the commencement of construction.

On June 15, 2011, FCE submitted correspondence to the Council indicating that construction of the Glastonbury project had not yet commenced nor had it scheduled a date to commence such construction. However, the correspondence indicated that FCE would submit an Emergency Response Plan 90 days prior to commencing construction of the project pursuant to Condition No. 4 of the Council's Decision and Order in Docket No. NT-2010.

On November 21, 2014, the Council received correspondence from FCE and UIL Holdings Corporation notifying the Council that FCE assigned all of its right, title and interest in and to the Glastonbury fuel cell project to UIL Holdings Corporation (UI) pursuant to Condition No. 7 of the Council's Decision and Order in Docket No. NT-2010.

Request for Revision - December 2014

On December 10, 2014, FCE, on behalf of UI, submitted a request for a modification of the approved project for the relocation of the turbo expander and supporting infrastructure from the existing Algonquin gate station to the fuel cell compound. The request was based on Algonquin's potential need to expand the existing gate station buildings into the area where the turbo expander and supporting infrastructure was originally proposed. As part of the submittal, FCE submitted an Emergency Response Plan consistent with Condition No. 4 of the Council's Decision and Order in Docket No. NT-2010. Additionally, in their letter, FCE requested that the Council consider the latest general arrangement drawing submitted with the modification request to represent the final construction plans for purposes of the project.

Upon review of the site plan drawings provided in the modification request, the only change in the project layout was expansion of the fuel cell equipment compound to the east to accommodate the new 22-foot by 40-foot building. The site location was depicted in the same location as was depicted in the original petition. The distance from the southwest corner of the fuel cell compound fence to the northwest corner of the existing gate station and the gate station access drive was approximately 30 feet and 82 feet, respectively.

On January 8, 2015, the Council considered and approved the modification request to revise the site layout by re-locating the proposed turbo-expander unit from the existing gas meter station to the proposed fuel cell compound.

Request for Revision - May 2015

On May 4, 2015, the Glastonbury Town Manager, Richard Johnson, contacted the Council with concerns that the fuel cell facility was being constructed 70-80 feet closer to Hebron Avenue than depicted on the original plans and indicated that residents were questioning whether the fuel cell facility was being constructed as depicted on the plans. On May 5, 2015, Siting Analyst Robert Mercier and Acting Executive Director Melanie Bachman field reviewed the Glastonbury site but given ongoing construction activities, it was difficult to discern exact locations of facility components. It was noted that the construction office trailer and related access drive was placed between the fuel cell construction area and Hebron Avenue, an area that was supposed to be disturbed as little as possible to maintain an existing tree buffer that would shield views from Hebron Avenue, as noted in the original petition and further, as a condition in the Council's December 3, 2009 approval. The wooded buffer was reduced to a narrow strip of trees with several trees appearing to suffer canopy damage, presumably from storms.

After the field review, a discussion with Attorney Bruce McDermott of UI revealed that subsequent to the December 9, 2014 FCE request for modification and prior to the commencement of construction, it was discovered that there was an underlying Algonquin easement within the footprint of the fuel cell project, and thus, the project needed to be shifted approximately 55 feet to the north to avoid encroaching on the easement. Due to potential wetlands in close proximity to the relocated fuel cell project footprint and because the Council's decision on the original petition did not contain precise coordinates, FCE and UI unilaterally decided to seek a determination from the Glastonbury Wetlands Commission rather than from the Council, Council staff requested a final construction plan to be submitted to the Council for review.

On May 6, 2015, FCE submitted correspondence to the Council covering the following topics: 1) background on the Council's January 8, 2015 site modification approval; 2) submission of revised plans depicting the project shift to the Glastonbury Wetlands Commission and receipt of building permits allowing construction to commence on February 26, 2015; 3) a revision to the exhaust stack height from the originally approved 25 feet above ground level (agl) to 29 feet, 3 inches agl to account for changes in topography; 4) a request that the Council approve the revised project shift of 55 feet to the north and the increase in height of the exhaust stack by 4 feet, 3 inches, stating that these are de minimus changes. A full set of project plans was also provided.

On May 20 2015, the Town of Glastonbury submitted a letter to the Council stating the Wetlands Official was only asked to comment whether the site was near any wetlands (it is not) and that the signed and sealed site plans submitted to the Building Official does not accurately depict the site as approved by the Council, and thus there is no Town approval of a revised site plan.

The Town further states that FCE's requested changes of May 6, 2015 are not de minimus and thus requests that the Council require the following as part of any action that the Council takes on this matter:

- 1) A site restoration and landscaping plan be subject for formal review and approval by the Town;
- 2) Any final color scheme for the installation's equipment be subject to formal review and approval by the Town;
- 3) Noise levels from the fuel cell be fully evaluated and all reasonable sound mitigation incorporated into the project;
- 4) UI be required to make a contribution to the Town's Land Acquisition Fund to offset the environmental impact of the project.

Upon review of the final construction plans, Council staff notes that the fuel cell fence line, as measured from the southwest corner of the fuel cell compound to the northwest corner of the existing gate station, shifted north by approximately 64 feet. Additionally, it appears the elevation of the compound area is 10 feet less than the original footprint. The fuel cell compound was also shifted approximately 20 feet closer to Chalker Hill Road using the southwest corner of the fuel cell compound as a benchmark. Although the shift in the project does bring it closer to Hebron Avenue, this area of Hebron Avenue is primarily wooded with no residences along this section. The shift slightly increases the distance from a residence west of the project at 1776 Chalker Hill Road but slightly decreases the distance from a residence west of the project at 1752 Chalker Hill Road. Given the changes to the project, the original noise study included in the original petition should be revised.

The submitted final construction plans contained a landscape plan that specifies the installation of 82 shrubs 15 feet in height on the east, south and west sides of the project as well as a total of 11 tree of 3-inch to 4-inch diameter on the north and south sides.

Staff recommends approval of the project revisions, as shown on the final site plans submitted to the Council on May 6, 2015, with the following conditions;

- 1) Submission of a site restoration and landscaping plan to the Town for comment and for approval by the Council. The plan shall also include the installation of evergreens on the embankment between Chalker Hill Road and the access drive and along the west side of the existing gate station;
- 2) Incorporation of a final color scheme for fuel cell equipment to reduce visibility from the surrounding area to be reviewed by the Town and approved by the Council; and
- 3) Submission of a revised noise study and proposed sound mitigation measures, if applicable, to be submitted to the Town and Council.



View of construction area from Chalker Hill Road, May 5, 2015.