

## **WATER DIVERSION PERMIT**

Permittee: Plainfield Renewable Energy, LLC  
Permit No.: DIV- 200603081  
Permit Type: Water Diversion  
Town: Plainfield and Canterbury  
Project: Wood gasification biomass power plant facility

Pursuant to Connecticut General Statutes Section 22a-368 the Commissioner of the Department of Environmental Protection hereby grants a permit to Plainfield Renewable Energy, LLC (the "permittee") to divert waters of the state in the town of Canterbury in accordance with its application and plans which are part thereof filed with this Department on December 21, 2006 and revised through April 2008. The purpose of the discharges and proposed diversion is to construct and operate a 37.5 MW wood gasification biomass power plant facility in Plainfield, Connecticut, and install and maintain an intake and discharge pipe to divert cooling water for the facility from the Quinebaug River in Canterbury, Connecticut (the "site").

### **AUTHORIZED ACTIVITY**

Specifically, the permittee is authorized to withdraw water from the Quinebaug River for cooling water use at a wood gasification biomass power plant facility located near the intersection of Mill Brook Road and Route 12 in Plainfield, Connecticut, subject to the following limitations:

1. The annual average day withdrawal shall not exceed 0.656 million gallons per day, and
2. The maximum daily withdrawal shall not exceed 0.893 million gallons of water per day.

The permittee is authorized to conduct activities in accordance with documents submitted under the DIV-200603081 application received December 21, 2006, as amended, including but not limited to plans entitled,

"Application for Water Diversion Permit for A 37.5 MW Biomass Wood Gasification Power Plant, on behalf of Plainfield Renewable Energy, LLC, 20 Marshall Street, Norwalk, Connecticut", dated March 31, 2008, revised through April 2008 prepared by Anchor Engineering Services, Inc.

The permittee is authorized to impact 0.005 acres of temporary waterway impact to the Quinebaug River. The permittee is authorized to impact 0.078 acres of permanent wetland impact and 0.14 acres of temporary wetland impacts to State regulated wetlands (alluvial floodplain soils). The regulated area includes a total of 0.22 acres of wetland and waterway impact.

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**PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.**

This authorization is subject to the following conditions:

### **SPECIAL CONDITIONS**

1. **Metering of Withdrawals.** The permittee shall install and maintain a totalizing flow meter to measure the total amount of water withdrawn from the Quinebaug River and shall for the duration of this permit continuously operate and maintain such meter. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. The permittee shall secure such meter in a locked facility, with access controlled solely by the permittee or other designee.
2. **Meter Calibration and Reporting.** The permittee shall annually test and calibrate the flow meter to within two percent accuracy as shown through a post-calibration test, and shall submit the results of the accuracy test and calibration for the preceding year annually to the Commissioner no later than January 30th of each year.
3. **Annual Report of Water Use.** Unless otherwise specified by the Commission in permittee's approval of authorization, the permittee shall record on a daily basis the quantity of water that is diverted, and the rate at which it is diverted, pursuant to this permit. The permittee shall submit a copy of such record to the Commissioner on January 30th of the year after the issuance date of such approval of authorization, and shall continue every January 30th thereafter to submit to the Commissioner a copy of such record as it applies to the preceding twelve months. Such record shall be signed by the permittee and the individual(s) responsible for actually preparing such record, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53-157b of the General Statutes, and in accordance with any other applicable statute.”

4. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall include the following information:

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- (A) the provision(s) of the authorization that has been violated;
- (B) the date and time the violation(s) was first discovered and by whom;
- (C) the cause of the violation(s), if known;
- (D) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- (E) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (F) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (G) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53-157b of the General Statutes, and in accordance with any other applicable statute.”

5. **Wildlife and Wetland Mitigation Plan.** The permittee shall implement all monitoring and mitigation plan provisions as specified in the mitigation plan entitled, “Plainfield Renewable Energy, LLC, Proposed 37.5MW Biomass Facility, Mitigation and Monitoring Plan”, dated January 2008, revised through April 2008, prepared by Kleinschmidt.
6. **Wildlife and Wetland Mitigation Compensation.** Prior to the start of any construction associated with this project, the permittee shall submit documentation to the DEP Wildlife and DEP Inland Water Resources Division to confirm that a conservation easement on or an off-site property having suitable habitat for Eastern Spadefoot Toads and a minimum of 0.25 acres of wetlands has been executed in accord with the wildlife and wetland mitigation plan entitled, “Plainfield Renewable Energy, LLC, Proposed 37.5MW Biomass Facility, Mitigation and Monitoring Plan”, dated January 2008, revised through April, 2008.
7. **Fisheries.** The permittee shall conduct all unconfined instream activities from June 1

through September 30, inclusive.

## GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee apply for and receive a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.

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7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. **Expiration of Permit.** The Connecticut Water Diversion Policy Act permit (DIV-200603081) shall expire in (25 years).
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director  
Department of Environmental Protection  
Bureau of Water Management

Plainfield Renewable Energy, LLC  
DIV-200603081  
Page 6 of 6

Inland Water Resources Division  
79 Elm Street  
Hartford, CT 06106-5127

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The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Gina McCarthy  
Commissioner