



*Jennifer Maldonado
Associate Director
Government Relations*

Covanta Energy Corporation
445 South Street
Morristown, NJ 07960
Tel: 862.345.5246
Cell: 862.222.6602
JeMaldonado@covantaenergy.com

Sent via email

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Connecticut Siting Council
Attention: Melanie Bachman
10 Franklin Square
New Britain, CT 06051

Dear Ms. Bachman:

Covanta Energy Corporation ("Covanta") is pleased to offer comments on the Connecticut Siting Council's Notice of Intent to Amend Regulations. Covanta is a national leader in developing, owning and operating facilities that convert municipal solid waste ("MSW") into renewable energy (energy from waste or "EfW" facilities). EfW or waste to energy ("WTE") facilities provide important waste management services to municipalities seeking to avoid or minimize use of landfills, while using MSW as a fuel source for generating electricity and/or steam. Covanta owns and/or operates over 40 EfW facilities in the U.S., including four (4) in Connecticut.

The proposed regulations in Article Four set up a system of exemption for the Certificate of Environmental Compatibility and Public Need for energy sites and equipment and are similar to the system in place for telecommunication towers and community antennas.

While the language states that there would be no impact on existing regulations or other law, we are seeking clarity and/or are **requesting that facilities that have been previously site assigned and have solid waste permits be completely exempt from these regulations.** Unlike other energy facilities, EfW facilities have two important roles in the state: waste management and electricity generation. In fact, EfW facilities are built first and foremost to manage post recycled municipal solid wastes with electricity generation as an important co-benefit. The proposed rules appear to be duplicative of measures that are currently in place for solid waste facilities.



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If Energy-from-waste is subject to these regulations, we would like to comment on the following sections:

§ 16-50j-57. This proposed subsection list the types of facilities or modifications of facilities which, upon a determination by the Council or its designee (e.g., staff), qualify for the exemption from the requirement to get a certificate.

The exemptions seem to be intended to cover most routine as well as emergency circumstances; however we believe the items listed below fall into routine maintenance and should be added under § 16-50j-57 (b) (1) as such:

- **Require any and all upgrades to Air Pollution Control equipment. (DEEP does not require permits or permit modifications for air pollution control projects.)**
- **Require the use of temporary energy components for outages**

Additionally, it is unclear whether routine maintenance is subject to reporting to CSC. § 16-50j-58 states notice of intent to install an exempt energy component and associated equipment, but then cites § 16-50j-57, which includes subpart (b) routine maintenance. **For the purposes of clarity, § 16-50j-57 (b) should be excluded from the reporting requirement.**

§ 16-50j-58. This subsection requires owners and operators of energy components that are claiming an exemption to provide written notice of its intent to various interested parties before construction or installation.

This item is duplicative of current practice, wherein, during construction, facilities obtain permits from local buildings authorities and make notification, as required to abutters. The current zoning statutes require a shorter distance (500 feet). Moreover, the existing telecommunications exemption process regulations do not include notice to neighboring towns.



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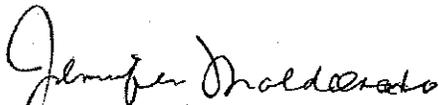
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§ 16-50j-62. This proposed subsection expands the existing requirement to notify the Council regarding the use of staging areas to include notice regarding site testing areas and expands the information required in such notice.

The proposed regulation seems to provide some flexibility to reduce the number of updates required to the plan from monthly to "intervals determined by the Council". We would request that the language specify that the "intervals" be "intervals greater than monthly" and that the intervals and other modifications to the plan can be made by staff as well as the Council.

Thank you for the opportunity to submit comments on the proposed Connecticut Siting Council regulations.

Sincerely,


Jennifer Maldonado