



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 22, 2000

Anthony M. Fitzgerald, Esq.
Carmody and Torrance
195 Church Street
P.O. Box 1950
New Haven, Connecticut 06509-1950

RE: **PETITION NO. 482** - HEC, Inc., acting as agent for the State of Connecticut, petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for fuel cells and emergency generating devices to be developed at the Connecticut Juvenile Training School in Middletown, Connecticut.

Dear Attorney Fitzgerald:

At a public meeting held on September 19, 2000, the Connecticut Siting Council (Council) considered and ruled that this proposal would involve the use of cogeneration technology and emergency generating devices not under the jurisdiction of the Council. Consequently, the construction of these components would not require a Certificate of Environmental Compatibility and Public Need.

This decision is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated September 8, 2000 and revised September 13, 2000.

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

Very truly yours,


Mortimer A. Gelston
Chairman

MAG/FOC

Enclosure: Staff Report dated September 19, 2000

c: Honorable Domenique S. Thornton, Mayor, City of Middletown



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Petition No. 482
Connecticut Juvenile Training School Energy Center
Middletown, Connecticut
Staff Report
September 19, 2000

On September 14, 2000, Connecticut Siting Council (Council) Chairman Mortimer A. Gelston and Fred Cunliffe and Christina Lepage of Council staff met Dennis Behr of HEC Inc. and Corine Hellerman and Eric Rorstrom of Northeast Generation Services for a site inspection of the proposed project. Construction would involve the placement of six 200kW ONSI Corporation fuel cells, and emergency back-up generators at the Connecticut Juvenile Training School (CJTS) Energy Center, off O'Brien Drive located within the campus of the Connecticut Valley Hospital, Middletown, Connecticut. HEC, Inc., agent for the State of Connecticut, is petitioning for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for construction of the 1.2 megawatt (MW) cogeneration and 1.5 MW emergency back-up electrical generating facility.

Public Act 99-26, An Act Concerning the Connecticut Juvenile Training School, authorizes the development of an emergency facility to remedy overcrowding at Long Lane School, also in Middletown. The Department of Public Works has contracted Select Energy in a consortium with HEC, Inc. and Northeast Generation Services to develop an Energy Center that would provide the thermal and power needs of the CJTS using ONSI Corporation fuel cells of South Windsor, Connecticut. Presently, the main buildings for the CJTS are under construction with an expected in-service date of April 2001.

HEC, Inc. proposes to install six 200 kW fuel cells as the primary source of thermal and electrical needs to the CJTS. The fuel cell facility will employ cogeneration technology using 22 percent of the useful thermal energy to provide heat and chilling for the CJTS. The Energy Center will rely on the local electrical grid to provide back-up power. In the event of a grid outage, two emergency back up natural gas-fueled generators (1000kW and 500 kW) would be available to provide power to the CJTS. The proposed back-up generators are limited to operate less than 500 hours per year and qualify for DEP's General Permit to Construct and Operate Emergency Engines.

The components of the Energy Center would consist of a 160-foot by 90-foot by 26-foot high building containing controls and switchgears for the fuel cells, two hot water heaters, two 400 ton chillers, a 100-ton hot water chiller, and workshop area, a single 25-foot by 25-foot by 15-foot high cooling tower adjacent to the building, and six parking spaces within a 0.9 acre fenced compound.

The proposed fuel cell estimated noise is approximately 62 dB at 30 feet. Projected emissions would be below the federal threshold for a major stationary source, however the Department of Environmental Protection has not yet completed the determinations of permit requirements.

HEC, Inc. proposes to tap an existing natural gas distribution line that passes along the north boundary of the Connecticut Valley Hospital property to fuel the proposed facility.

The site is zoned Industrial Development (ID) with the nearest private residence located over 1, 200 feet south at 286 Bow Lane. No inland wetlands and significant ecological species or communities occur at the site. No tree clearing would be required and the grading would be consistent with the development of the CJTS.

HEC, Inc. contends that the proposed fuel cell facility would not be included within the definition of a "facility" pursuant to General Statutes § 16-50i because its plant is: "(i) owned and operated by a private power producer, as defined in section 16-243b, (ii) which is a qualifying small power production facility or a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, as amended, or a facility determined by the council to be primarily for a producer's own use and (iii) which has, in the case of a facility utilizing renewable energy sources, a generating capacity of one megawatt of electricity or less and, in the case of a facility utilizing cogeneration technology, a generating capacity of twenty-five megawatts of electricity or less" and would not require a Certificate.

HEC, Inc. contends that the proposed emergency back-up generators would have a generating capacity of less than five megawatts, installed primarily for the purpose of producing emergency backup electrical power for not more than 500 hours per year, is owned by an entity other than an electric or gas utility, and would not have a substantial environmental effect.

HEC, Inc. respectfully requests the Council rules that no Certificate of Environmental Compatibility and Public Need is required.