



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



IN THE MATTER OF : **APPLICATION NOs.**
200900800, 200900801,
200900804, 200900805

CONNECTICUT MUNICIPAL ELECTRIC
ENERGY COOPERATIVE : **DECEMBER 20, 2010**

FINAL DECISION

The applicant Connecticut Municipal Electric Energy Cooperative (CMEEC) has applied to the Department of Environmental Protection (DEP) for permits to construct and operate four 2.5 megawatt peak generating diesel-fired generators at two locations in Norwich. Application numbers 200900800 and 200900801 apply to the two generators at the proposed facility at 145 Old Salem Road and numbers 200900804 and 200900805 apply to the two generators at the proposed facility at 57 Salem Turnpike.

After reviewing the hearing officer’s proposed final decision and the entire administrative record – which included public comment, documentary evidence, testimony, the hearing officer’s rulings and correspondence from intervenors Ernie Cohen and Roberta Paro¹ – I affirm the hearing officer’s proposed final decision except as expressly indicated herein. I also adopt the hearing officer’s recommendation to issue the revised draft permits.

Through substantial evidence in the record, the applicant has met its burden of proof by demonstrating the operation and construction of the four generators in accordance with the proposed draft permits will comply with all relevant statutory and regulatory requirements, which include standards protective of human health. General Statutes § 22a-174; Regs., Conn State Agencies §§ 22a-174-1 *et seq.* I recognize the intervenors’ laudable interest in public

¹ The intervenors did not request an opportunity for oral argument or submit exceptions to the hearing officer’s findings of fact or conclusions of law in the proposed final decision. Instead, in a letter dated July 29, 2010, Mr. Cohen expressed concerns that had previously been deemed irrelevant (e.g., beyond the scope of the Department’s jurisdiction) and attempted to raise new issues and evidence without explanation as to why they were not offered during the hearing. See Regs., Conn State Agencies § 22a-3a-6(y)(3)(A). In an email to the Department dated October 1, 2010, Mr. Cohen asked questions concerning issues that are already addressed in the hearing officer’s proposed final decision and revised draft permits.

health and environmental justice issues; however, neither provided sufficient evidence to establish a prima facie case that if the four permits were issued, the likely result would violate the applicable statutory and regulatory scheme.

Finally, the June 11, 2010, "Joint Submission by CMEEC and the DEP Bureau of Air Management of Proposed Findings of Fact and Conclusions of Law," which is attached as Attachment 1 to the proposed final decision, is revised as follows:

- (1) Page 3, Paragraph 4, first sentence: "there" should be replaced with "they"
- (2) Page 7, Paragraph 19: "40 CPR § 50.4 – 50.13" should be replaced with "40 CFR § 50.4 – 50.13"
- (3) Page 12, Paragraph 35: "40 CFR 63 Subpart ZZZZ" should be replaced with "40 CFR Part 63, Subpart ZZZZ" and "40 CFR 60, Appendix A" should be replaced with "40 CFR Part 60, Appendix A"
- (4) Page 12, Paragraph 35, second sentence should read: "Pursuant to 40 CFR § 63.6590, the Engines will have complied with Subpart ZZZZ by complying with the applicable requirements of Subpart III."
- (5) Page 18, in the paragraph following the second bullet: "40 CFR 63 Subpart ZZZZ" should be replaced with "40 CFR Part 63, Subpart ZZZZ" and "40 CFR 60, Subpart IIII" should be replaced with "40 CFR Part 60, Subpart IIII"
- (6) Page 18, add the following sentence to the end of the paragraph following the second bullet: "40 CFR Part 61 is not applicable to the Generators."
- (7) Page 19, third bullet: "R.C.S.A. § 22a-174-3a(3)(d)(3)(H)" should be replaced with "R.C.S.A. § 22a-174-3a(d)(3)(H)"
- (8) Page 20, in the paragraph following the second bullet: "40 CFR 63 Subpart ZZZZ" should be replaced with "40 CFR Part 63, Subpart ZZZZ"; "40 CFR 60 Subpart IIII" should be replaced with "40 CFR Part 60, Subpart IIII"; and "40 CFR 60, Subpart IIII" should be replaced with "40 CFR Part 60, Subpart IIII"


Amey W. Marrella, Commissioner

SERVICE LIST

Final Decision

In the matter of **Connecticut Municipal Electric Energy Cooperative**
Application Nos. 200900800, 200900801, 200900804, 200900805

PARTY

REPRESENTED BY

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