

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

June 13, 2013

Andrew W. Lord, Esq.
Murtha Cullina LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103-3469

RE: **DOCKET NO. 190B** – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and Decommissioning Plan.

Dear Attorney Lord:

The Connecticut Siting Council (Council) requests your responses to the enclosed questions no later than July 9, 2013. To help expedite the Council's review, please file individual responses as soon as they are available.

Please forward an original and 15 copies to this office, as well as send a copy via electronic mail. In accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators. Fewer copies of bulk material may be provided as appropriate.

Copies of your responses shall be provided to all parties and intervenors listed on the service list, which can be found on the Council's pending proceedings website.

Yours very truly,

Melanie Bachman
Acting Executive Director

MB/CMW

Enclosures

c: Parties and Intervenors

**Docket 190B: Meriden Gas Turbines
Meriden, Connecticut
Pre-Hearing Interrogatories
Set Two**

17. What is the status of the following permits:
- a. Army Corps of Engineers Permit for Water and Electric #199802612 dated 4/25/2000
 - b. CT DEP 401 Water Quality Certification, Permit No. WQC-199901215
 - c. DEP General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities dated 10/5/2000 and reissued 10/1/2008
 - d. DEP Wastewater Discharge Permit No. SP0002358
 - e. DEP Permit for Water Diversion from the Connecticut River issued 4/13/2000
18. In its supplemental response to Council Interrogatory #3 for Docket 370B dated June 5, 2009, (a copy of which is attached for convenience), MGT indicated that “wetland/watercourse restoration following construction activities was not completed and upland area restoration following construction activities was not completed.” Pursuant to the Council D&M plan approval dated December 13, 2001 (a copy of which is also attached for convenience), MGT was ordered by the Council to restore disturbed wetlands and intermittent watercourses. What is the current status of the restoration for wetland/watercourses and upland areas?
19. In its supplemental response to Siting Council Interrogatory #3 for Docket 370B dated June 5, 2009, (a copy of which is attached for convenience), MGT indicated that “landscaping and stormwater controls not adversely affected by unbuilt portions of the facility were completed.” What is the current status of landscaping and stormwater controls adversely affected by unbuilt portions of the facility?
20. In response to Siting Council Interrogatory #13 for Docket 370B dated May 29, 2009, (a copy of which is attached for convenience), MGT indicated “no wetlands were created following the approval of the project. MGT, however, has been monitoring existing wetlands on a monthly basis.” Pursuant to FOF #76 of the Council’s April 27, 1999 final decision for Docket 190 and the D&M plan submitted by MGT on August 2, 2001, MGT was to establish a .9-acre wetland to mitigate the .098-acres of wetlands to be removed and plants were to be established in various ecological zones around the created wetland. Has the .098-acres of wetlands been removed? What is the current status of the created .9-acre wetland?

21. In its response to Siting Council Interrogatory #1 for Docket 370B dated May 29, 2009 (a copy of which is attached for convenience), MGT indicated, "Environmental regulations have evolved over the ten years since the original application was approved. These changes have necessitated different mitigation measures and additional permit filings." Please explain the different mitigation measures and additional permit filings. Have there been any additional changes since 2009?
22. Pursuant to FOF #77 of the Council's April 27, 1999 final decision for Docket 190, has the Certificate Holder maintained an undisturbed vegetative buffer equal to the average height of the dominant trees, or 50 feet, whichever is greater, around the vernal pools? Please provide details of the vegetative buffer, as well as any other measures taken to protect the vernal pools on site.
23. Pursuant to the Council's D&M plan approval dated August 29, 2001 and the staff report appended thereto, the statement is made that "details on final stormwater management features would be provided in a future D&M Plan." Have stormwater management features been finalized? If so, please provide the details of the final stormwater management features.
24. Please submit an as-built survey for the site property stamped by a Professional Engineer duly licensed in the State of Connecticut.
25. Pursuant to Condition #10 of the Council's final decision for Docket 190A (a copy of which is attached for convenience) dated March 3, 2011, does the Certificate Holder have an Emergency Response/Safety Plan for the site property? Please describe details of this plan.



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December 13, 2001

Andrew Lord
Murtha Cullina, LLP
City Place 1, 185 Asylum Street
Hartford, CT 06103-3469

RE: **DOCKET NO. 190** - PDC - El Paso Meriden LLC Certificate of Environmental Compatibility and Public Need for a proposed Meriden Power Project located in the City of Meriden and the Town of Berlin, Connecticut.

Dear Attorney Lord:

At a public meeting of the Connecticut Siting Council (Council) held on December 11, 2001, the Council considered and approved both portions of the Development and Management (D&M) Plan submitted by Meriden Gas Turbines (MGT) for Site Preparation and Construction within the Joint Utility Corridor, and Facility Design, as submitted on November 16, 2001. The Council did not approve the Fuel Oil Storage Unloading and Pumping System portion of the Facility Design, which should be redesigned to accommodate five truck deliveries per hour, in accordance with the Council's Decision and Order.

The following conditions for the Joint Utility Corridor were approved:

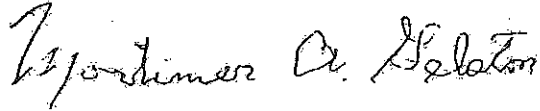
- Installation of silt fence and haybales for erosion and sedimentation control prior to any clearing or grubbing;
- Inspection of silt fence and haybales by Council staff and the Town Engineer of Berlin prior to clearing and grubbing;
- Submission of weekly progress reports to the Town of Berlin and City of Meriden Inland Wetlands and Watercourses Commissions and to the Council;
- Restoration of disturbed wetlands and intermittent watercourses;
- Submission of plans to the Council, City of Meriden, and Town of Berlin indicating the 50-foot regulated wetlands area with the name of the person responsible for erosion and sediment controls on the plans;
- Inspection of the joint utility corridor during the growing season for a period of three years in accordance with the Army Corps of Engineers Permit; and
- Removal of silt fence and haybales following stabilization of the corridor.

This approval applies only to those components of the D&M Plan submitted on November 16, 2001. Any changes to the D&M Plan require advance Council notification and approval. Any deviation from this format may result in the Council implementing enforcement proceedings pursuant to General Statutes § 16-50u including, without limitation, injunction and imposition of expenses resulting from such failure and of civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation.

In a letter from Alfred E. Smith, Jr. to the Council's Executive Director, dated November 21, 2001, MGT sought clarification of condition 1(d) of the Council's Decision and Order in this docket. MGT requested clarification that it may conduct capacity testing on oil, and this request is hereby granted.

Thank you for your attention and cooperation.

Very truly yours,



Mortimer A. Gelston
Chairman

MAG/RKE/laf

Enclosure: Staff Report dated December 11, 2001

c: William J. Moran, NRG Energy
Al Smith, Murtha Cullina LLC
John Detore, PDC - El Paso
Tom Atkins, PDC - El Paso
Roger L. Kemp, City Manager, City of Meriden
Rick Terrill, Chairman, Meriden Conservation Commission
Dominic Caruso, City Planner, City of Meriden
Brian J. Miller, Town Planner, Town of Berlin
Michael A. DeLorenzo, Chairman, Berlin Conservation Commission



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Docket No. 190
Meriden Gas Turbines LLC
Development and Management Plan
Staff Report
December 11, 2001

On November 16, 2001, Meriden Gas Turbines LLC (MGT) submitted to the Connecticut Siting Council (Council) two Development and Management (D&M) Plans for the Meriden Combined Cycle Project in Meriden, Connecticut now under construction: Site Preparation and Construction within the Joint Utility Corridor; and Facility Design. On December 4, 2001, Robert Erling of the Council staff met Nicolle Burnham of Milone and MacBroom and Michael White of NRG for a field review of these two segments of the Development and Management Plan.

Site Preparation within the Joint Utility Corridor

To construct the required water, gas and electric infrastructure for this project, utilities would be placed within a joint utility corridor 161 feet in width which would enter the facility site from the north.

The natural gas supply would be brought into the site via a 6500 linear foot gas main entering the MGT property at the Connecticut Light and Power (CL&P) transmission line corridor and following a new 345 kV overhead electric transmission line to the facility. The 5950 linear foot electric line would require 11 electric poles (10 monopoles and one double pole) to interconnect the facility to the CL&P grid. Approximately 5600 linear feet of water main would be constructed from a water main entering the facility from a cul-de-sac on Summitwood Road in Berlin within a 50-foot wide easement dedicated to the water main, and then entering the joint utility corridor with the gas main and electric transmission line. MGT has obtained permits for the required work from the Berlin Inland Wetlands and Watercourses Commission, the Meriden Inland Wetlands and Watercourse Commission, the Army Corps of Engineers, and the Department of Environmental Protection (DEP).

The joint utility corridor would be located adjacent to an existing gravel access road on the MGT property. During construction of the corridor, the following activities would occur:

- Installation of silt fence barriers;
- Inspection of silt fence by Town Engineer of Berlin and the Council;
- Clearing of vegetation within the corridor (except during the period of May 1 through August 15);
- Installation of electric poles, water main and gas main;
- Segregation of wetland soils;
- Restoration of wetlands under supervision of a qualified wetland scientist;
- Inspection of the corridor for three years during the growing season following completion of construction; and
- Removal of siltation fence barriers following stabilization of the corridor and wetland areas.

The Army Corps of Engineers Permit allows temporary impacts to 40,679 square feet of wetlands during the construction of the corridor.

The Town of Berlin Inland Wetlands and Watercourses Commission's conditions are:

1. That all erosion and sedimentation control devices be installed to the satisfaction of the Town Engineer prior to the commencement of construction.
2. That all other construction related activities be installed in accordance with the plan entitled "Meriden Power Project Joint Utility Corridor - PDC - El Paso Meriden LLC, Berlin, Connecticut, August 26, 1999 - Milone & MacBroom, Inc., scale: 1"=1000' - sheet 1 of 1 through sheet 1 of 8."
3. That the applicant retains an environmental construction manager who shall continually monitor the progress of the project and submit weekly progress reports to the Inland Wetlands Agent.

The City of Meriden Inland Wetlands and Watercourses Commission conditions are:

1. Any intermittent watercourse or wetlands that are disturbed during construction must be restored to original conditions.
2. Show the 50 foot wetlands regulated area line on the plans.
3. The name of person responsible for maintenance of sediment and erosion controls must be listed on the plan.
4. A note on the plan stating that the medium intensity soil inspection was only done on the upland soils.
5. Additional erosion and sedimentation controls must be added along the edges of the proposed 161-foot wide R.O.W. until the area is stabilized.

Facility Design

Pursuant to the Council's Decision and Order, MGT has submitted a D&M Plan describing the updated site plan; project schedule; fuel oil storage unloading and pumping facilities; landscaping design; architectural treatment of buildings; and a spill prevention and countermeasure plan.

Updated Site Plan

Since the Council approved the site arrangement plan in September 2001, MGT has revised the location of the fuel oil tank and unloading facilities, and the gas metering station. The fuel oil tank would be relocated from the eastern portion of the site to the northwest corner of the site, to a position behind the turbine building, reducing its visual impact. The gas metering station would be relocated from its former position in the northwest corner of the site, to a location adjacent to the electrical switchyard and closer to the gas main.

The turbine building has been revised from a two-tier building with the steam turbine at a height of 90 feet and the gas turbine at a height of 75 feet. MGT now proposes a turbine building with a multi-height roof 82 feet high, the area over the gas turbine generators 33 feet high, and the area over the steam turbine generator 62 feet high.

Fuel Oil Storage, Unloading and Pumping System

The facility is being designed as a dual fuel plant, with low sulfur (.05 percent) distillate fuel oil, limited to a total of 720 hours per year. Distillate fuel oil would also be needed for the fire pump, and the emergency generator. Fuel oil, stored in a 1,200,000-gallon storage tank, would allow full load firing on fuel oil. A steel containment dike would contain oil leaks or a ruptured tank.

Under MGT's current plan, distillate fuel oil would be delivered by tanker trucks, with capacities of 8000 to 10,000 gallons. Two truck unloading stations will be constructed, with tanker trucks lining up in the approach to the tank truck unloading stations. To maintain full load operations on fuel oil, 72 truck deliveries per day would be required. The unloading rate is approximately 30,000 gallons per hour (3 trucks per hour at the two stations, each holding 10,000 gallons). However, the Council's Decision and Order specified construction to allow for five trucks per hour, and MGT will change its plans to reflect this.

Landscaping Design

Slopes open to public view would be dressed with topsoil and seeded with Crownvetch or similar groundcover. Level areas around the administration building and parking lot would be established with turf. Those slopes not readily visible to the public would be stabilized with crushed rock. Ornamental trees, including crabapple or dogwood, would be planted at the entrance to the facility, and along the border of the parking lot. Mulched plant beds with ornamental shrubs would be established adjacent to the administration building and parking lot. Two retaining walls would be constructed to support the southeast corner of the administration building. Evergreens, including white pine, would be planted in clusters on the slopes along the access drive. Evergreens would also be planted at the base of the cut slope behind the facility, providing partial screening of the 40-foot nearly vertical rock face.

The stormwater management pond to be established at the southeast corner of the site would be established with common cattail in the pond itself, and iris and grass mixes within the shallow marsh community. The pond would be bordered by low shrubs, tall grasses and wildflowers. An island in the center of the pond would be planted with pin oak and red maple.

Architectural Treatment of Buildings

Facility buildings would be treated with an earth-tone panel system, described as a sandstone color. The interior of the turbine building would have a sound barrier membrane with acoustical attenuation.

Spill Prevention and Countermeasure Plan

The fuel oil truck unloading areas would be contained by curbing to capture any accidental releases of fuel oil which would drain to a sump located in the fuel oil tank/truck delivery area. Fuel oil unloading pumps would also be curbed and drained to the same sump. The fuel oil storage tank dike area, located between the tank and the dike, would be contained to drain to the sump. Stormwater accumulating in the dike area would drain to the sump after inspection, and the sump would also be routinely inspected. Contents of the sump would discharge through the facility's oily water separator system. Floor and equipment drains would be collected and pumped to a central plant sump, then discharged through the plant oily water separation system to the Meriden sewer system. Spill containment would be provided for the oil-filled transformers, and also at the ammonia truck delivery and storage tank.

Project Schedule

Project construction began in October 2001 and is expected to be substantially complete by August 2003.

Recommendations

Council staff recommends approval of the Facility Design portion of the D&M Plan, with the exception of the Fuel Oil Storage Unloading and Pumping System, which should be redesigned to accommodate five truck deliveries per hour. Staff recommends approval of the joint utility corridor element, with following conditions:

- Installation of silt fence and haybales for erosion and sedimentation control prior to any clearing or grubbing;
- Inspection of silt fence and haybales by Council staff and the Town Engineer of Berlin prior to clearing and grubbing;
- Submission of weekly progress reports to the Town of Berlin and City of Meriden Inland Wetlands and Watercourses Commissions and to the Council;
- Restoration of disturbed wetlands and intermittent watercourses;
- Submission of plans to the Council, City of Meriden, and Town of Berlin indicating the 50-foot regulated wetlands area with the name of the person responsible for erosion and sediment controls on the plans;
- Inspection of the joint utility corridor during the growing season for a period of three years in accordance with the Army Corps of Engineers Permit; and
- Removal of silt fence and haybales following stabilization of the corridor.

Robert K. Erling
Senior Siting Analyst

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June 5, 2009

VIA HAND DELIVERY

Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

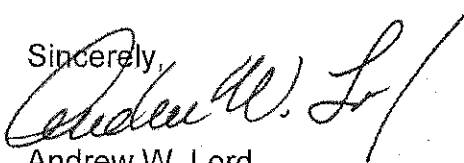
Re: NRG Energy, Inc. Supplemental Responses to Connecticut
Siting Council Interrogatories; Docket No. 370B

Dear Mr. Phelps:

Enclosed on behalf of NRG Energy, Inc. ("NRG") is the supplemental response to Interrogatory 3 of the first set of interrogatories and data requests addressed to NRG by the Connecticut Siting Council. The attached supplemental response is a chart, which indicates the status of approved elements of the D&M Plans.

If you have any questions, please feel free to contact me.

Sincerely,



Andrew W. Lord

Enclosure

cc: Jonathan J. Milley, NRG
Julie L. Friedberg, Esq., NRG
Service List

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

TABLE ONE: NRG Energy, Inc. D&M Plan Submittals, Approvals, and Status

D&M Plan Submittal Date	Submittal Detail	Approval Date	Council-Approved D&M Elements Completed?
3/28/00	<p>Partial D&M Plan Submittal (Part I):</p> <p>Rubin & Rudman LLP submittal, dated March 27, 2000, on behalf of PDC-EI Paso Meriden LLC (“Original Applicant”) with:</p> <ol style="list-style-type: none"> 1. Attachment C: Detailed Work Schedule for Initial Site Preparation and Construction Activities for Subdivision Roadway, Site Access Road and Project Site 2. Attachment G: NPDES Storm Water Pollution Prevention Plan of Stormwater Associated With Construction Activities (SWPPP) 3. Attachment I: Construction Blasting Plan 	4/12/00, by letter from CSC dated 4/13/00	Yes, the Original Applicant completed the approved D&M Plan for the possession and handling of explosives, the placement of erosion and sediment controls (SWPPP) prior to initial clearing and grubbing of the Project Site, Subdivision Roadway, and Site Access Road, and followed these plans during initial clearing and grubbing activities.
8/2/01	<p>Partial D&M Submittal (South Mountain Drive and Site Excavation and Grading)(Part II):</p> <p>Meriden Gas Turbines LLC (“MGT”) D&M Plan for South Mountain Drive and Site Excavation and Grading for Facility, dated July 2001, with:</p> <ol style="list-style-type: none"> 1. Appendix A: Ridgeline Protection and Vernal Pool Conservation Area Map, dated April 16, 2001 2. Appendix B: Army Corps of Engineers 	9/12/01, by letter from CSC dated 9/14/01	<p>Yes, MGT completed the approved D&M Plan for constructing South Mountain Drive, including:</p> <ol style="list-style-type: none"> (a) site preparation activities (installation of S&E controls); (b) clearing and grubbing associated with South Mountain Drive; (c) construction of detention basins; (d) completion of mass excavation; (e) construction of stone swales and storm drainage-catchbasin drainage system; (f) construction of the road base;

NRG Energy, Inc.
 Supplement to Interrogatory Q-CSC-3
 June 5, 2009

	<p>Permit No. 199802612, dated April 25, 2000</p> <p>3. Appendix C: Project Plans for South Mountain Drive [Extensive List of Plans including: Roadway Construction Plans, Roadway Profiles, and S&E Control Details]</p> <p>4. Appendix D: Project Plans for Site Excavation and Grading [Extensive List of Plans including: Conceptual Site Plan, Grading Plans, Access Road Profiles, Slope Stabilization Plan, Boring Plan, and Stormwater Management Details]</p> <p>5. Appendix E: General Permit Registration for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, dated Oct. 5, 2000</p>	<p>(g) construction of curbing; (h) site restoration (topsoil, seed, guiderails); (i) placement of binder course asphalt; and (j) final asphalt overlay of South Mountain Drive is complete.</p> <p>Additionally, MGT completed the approved D&M Plan for Site Excavation and Grading of the Parcel A Facility Site, including:</p> <p>(a) blasting, crushing and placement of rock at the Facility Site; (b) construction of stormwater management facilities; (c) excavation and grading in area of concreted foundations for buildings and major equipment; (d) construction of private access road from South Mountain Drive to Facility Site, paving of access road, and installation of guiderails along private road; (e) excavation/grading and fill in switchyard and cooling towers area; and (f) construction of concrete retaining walls.</p> <p>Environmental resources were protected pursuant to the D&M Part II Plan.</p>
8/23/01	<p>Supplemental Submittal to Part II: Meriden Gas Turbines LLC: Explosives Use and Sequence</p>	<p>9/12/01, by letter dated 9/14/01</p> <p>Yes, MGT followed the approved Explosives Use and Sequence plan in completing the construction of South Mountain Drive and site excavation and grading plans.</p>
8/27/01	<p>Supplemental Submittals to Part II:</p>	<p>9/12/01, by</p> <p>Yes, MGT completed the construction of the</p>

	<p>A. Milone & MacBroom submittal, dated August 27, 2001, on behalf of MGT with: Retaining Wall Details</p> <p>B. Murtha Cullina LLP submittal, dated August 27, 2001, on behalf of MGT, Responses to CSC's Interrogatories regarding D&M Plan (Part II), with:</p> <ol style="list-style-type: none"> 1. Attachment 1: Current Silt Fence and Haybale Installation 2. Retaining Wall Information 3. Attachment 3: Existing Site Trails 4. Attachment 4: Copy of DEP Water Diversion Permit 5. Attachment 5: Copy of DPH Change in Use Permit 	<p>letter dated 9/14/01</p>	<p>retaining walls in accordance with the retaining wall details and approved D&M Plan for Site Excavation and Grading of the Parcel A Facility Site.</p>
<p>9/4/01</p>	<p>Partial D&M Submittal (Upgrade Facility Components)(Part III):</p> <p>Meriden Gas Turbines LLC D&M Plan for Upgrade Facility Components, dated August, 2001, with:</p> <ol style="list-style-type: none"> 1. Appendix A: Updated Site Arrangement Plan 2. Appendix B: Ambient Impact Analyses for the Use of GE 7 Turbines in Place of ABB GT24 Turbines at the Meriden Project in Meriden, CT (includes Aug. 29, 2001 submittal letter to DEP) 3. Appendix C: Facility Noise Emissions Evaluation. 	<p>9/12/01, by letter dated 9/14/01</p>	<p>This D&M Plan primarily described in detail the equipment component upgrades for the facility, including an update regarding the use of gas turbine generators and steam turbine generator manufactured by GE in lieu of ABB and described the minor differences in site configuration that would be required by this substitution and an evaluation of air emissions, noise emissions, the viewshed, and water usage associated with the substitution. Additionally, the Plan included a projected facility construction schedule.</p> <p>With respect to that portion of this D&M Plan relating to the construction schedule, the status of</p>

	<p>4. Appendix D: Change in Use Permit from Department of Public Health (Permit No. 2001-1, dated 8/21/01)</p>		<p>approved construction activities are as follows: (a) the equipment foundation installation was completed; (b) the steam turbine generator was delivered to the site, but was subsequently sold in 2003 as a result of bankruptcy; (c) the gas turbine generators were delivered to the site, but were subsequently sold in 2003 as a result of bankruptcy; (d) the steam and gas turbine generators were not erected; (e) the balance of the plant equipment was not installed; and (f) facility start-up, testing, and acceptance has not been completed.</p>
<p>9/7/01</p>	<p>Supplemental Submittals to Part III: A. Milone & MacBroom submittal, dated September 7, 2001, on behalf of MGT with: 1. Property Disposition Map- Meriden Property 2. Property Disposition Map- Berlin Property 3. Viewshed Analysis of Upgraded Facility Layout B. Rubin & Rudman LLP submittal, dated September 6, 2001, on behalf of MGT with: 1. Final Site Plan Maps for the City of Meriden and Town of Berlin in accordance with Section 2b of D&O</p>	<p>9/12/01, by letter dated 9/14/01</p>	<p>See Response to prior Part III status.</p>

	<p>C. Murtha Cullina LLP submittal, dated September 7, 2001, with Responses to CSC's Interrogatories regarding D&M Plan (Part III), CSC's Follow-Up Regarding D&M addressing the:</p> <ol style="list-style-type: none"> 1. visual impacts of upgraded facility layout; 2. CL&P's review of the switchyard; 3. ability of GE turbines to switch fuels; and 4. operational history of GE turbines 		
9/12/01	<p>Murtha Cullina LLP submittal, dated September 12, 2001, with:</p> <ol style="list-style-type: none"> 1. Daily Construction Schedule 	9/12/01, by letter dated 9/14/01	The approved daily construction schedule was adhered to until construction activities ceased.
11/16/01	<p>D&M Plan for Facility Design, dated November 2001, with:</p> <ol style="list-style-type: none"> 1. Appendix A: Updated Site Arrangement Plan, dated November 7, 2001 2. Appendix B: Preliminary Fuel Oil Flow Diagrams 3. Appendix C: Landscaping Plan, dated November 16, 2001 4. Appendix D: Project Schedule 5. Appendix E: State Court Complaint 6. Appendix F: Federal Court Complaint 	12/11/01, by letter dated 12/13/01, excepting the fuel oil storage, unloading and pumping facilities portion of the plan	<p>This D&M Plan described the update site arrangement plan; project schedule; fuel oil storage, unloading and pumping facilities; landscaping design; architectural treatment of building components; and the spill prevention and countermeasure plan for the facility.</p> <p>The status of approved portions of the plan are as follows:</p> <ol style="list-style-type: none"> (a) construction of the building to house the turbines is completed; (b) construction of administrative, control & maintenance building is completed, including the retaining walls associated

			<p>with the administrative building; (c) the site has been stabilized; (d) the turbine building was treated architecturally with an earth-toned panel system and the administrative building built with a clearstory type roofline and ribbon-style windows; and (e) applicable portions of the spill prevention and countermeasure plan are in effect.</p> <p>The landscaping plan has not been implemented.</p>
<p>11/16/01</p>	<p>D&M Plan for Site Preparation and Construction within the Joint Utility Corridor, dated November 2001, with:</p> <ol style="list-style-type: none"> 1. Appendix A: Town of Berlin Project Plans [List of Plans including: Overall Site Plan and S&E Control Detail/Narrative] 2. Appendix B: City of Meriden Project Plans [List of Plans including: Overall Site Plan and S&E Control Detail/Narrative] 3. Appendix C: Town of Berlin IWWC Approval [Application 99-08W, dated Oct. 17, 2001] 4. Appendix D: City of Meriden IWWC Approval, dated Oct. 27, 1999 5. Appendix E: ACOE Permit for Water and Electric, Permit No. 199802612 6. Appendix F: CT DEP 401 Water Quality Certification, Permit No. WQC-199901215 	<p>12/11/01, by letter dated 12/13/01</p>	<p>The status of approved portions of D&M Plan for constructing the Joint Utility Corridor are as follows:</p> <ol style="list-style-type: none"> (a) site preparation activities (installation of S&E controls) associated with the joint utility corridor were completed; (b) clearing and grubbing associated with the joint utility corridor were completed; (c) construction of electric poles associated with the joint utility corridor were not completed; (d) construction of the gas main associated with the joint utility corridor was partially completed (Yankee Gas completed installation of the tap at the end of the corridor and the trap rock corridor was trenched [later backfilled for safety] for the pipe itself); (e) construction of the water main associated

NRG Energy, Inc.
 Supplement to Interrogatory Q-CSC-3
 June 5, 2009

			<p>with the joint utility corridor was not completed;</p> <p>(f) wetland/watercourse restoration following construction activities was not completed; and</p> <p>(g) upland area restoration following construction activities was not completed.</p>
4/1/02	<p>Modification to D&M Plan for Clearing the Joint Utility Corridor (Requesting approval of revised route of the joint utility corridor)</p>	6/24/02 by letter dated 6/24/02	<p>This modification was limited to approval of a revised route of the joint utility corridor. The approval requires the establishment of a conservation easement of approximately 1 acre, as ordered by the Army Corps of Engineers and shown on Sheet 11 of the Army Corps of Engineers letter of June 19, 2002.</p> <p>MGT, by Grant of Conservation Deed Restriction, dated June 27, 2003, conveyed the 1 acre conservation easement area, as ordered by the Army Corps of Engineers, to the City of Meriden. The Grant of Conservation Deed Restriction was recorded on the Meriden Land Records in Vol. 3102 Page 001 on July 9, 2003.</p>
6/28/02	<p>Supplement to D&M Plan of November 2001 for Facility Design regarding Fuel Oil Delivery System (Submitted via Murtha Cullina LLP by letter dated 6/26/02 with Fuel Oil Delivery attachment)</p>	8/1/02 by letter dated 8/6/02	<p>The approved fuel oil storage, unloading and pumping facilities was partially constructed.</p>
7/23/02	<p>Supplemental Information for Fuel Truck Unloading System Design (Submitted via Murtha Cullina LLP letter dated</p>	8/1/02 by letter dated 8/6/02	<p>The approved fuel oil storage, unloading and pumping facilities was partially constructed.</p>

NRG Energy, Inc.
 Supplement to Interrogatory Q-CSC-3
 June 5, 2009

	<p>7/23/02 with Fuel Oil Storage & Unloading D&M Plan with attachment)</p>	
8/27/02	<p>D&M Plan for Water Main Construction, dated August 2002</p> <p>Appendix A: Water Main Project Plans [Extensive Drawings in D&M Plan, including: plan profiles and sediment and erosion control details]</p> <p>Appendix B: City of Meriden IWWC</p> <p>Appendix C: Town of Berlin IWWC</p> <p>Appendix D: Army Corps of Engineers Permit for Water and Electric, Permit No. 199802612</p> <p>Appendix E: CT DEP 401 Water Quality Certification, Permit No. WQC-199901215</p>	<p>Staff Report 9/5/02</p> <p>N/A (never approved)</p>
10/4/02	<p>D&M Plan for Extension of Construction, dated October 2002 (Extension to April 27, 2003)</p>	<p>10/23/02, by letter dated 10/29/02, with conditions</p> <p>Staff Report 10/21/02</p> <p>Status of conditions: (a) landscaping and stormwater controls not adversely affected by unbuilt portions of the facility were completed; and (b) the transfer of land to the City of Meriden was completed.</p>
	<p>Request for Extension of 5 Years to Complete Construction</p>	<p>2/22/06 Approval to Extend</p> <p>The Stipulated Judgment required the transfer of property to the City of Meriden and the Town of Berlin. This was completed on January 13, 2006</p>

NRG Energy, Inc.
 Supplement to Interrogatory Q-CSC-3
 June 5, 2009

		Certificate for 5 Years, by letter dated 3/7/06 with condition of compliance with stipulated judgment 1/13/06	per the Land Transfer Agreement.
	Land Transfer Agreement		(Transfer of Land to the City of Meriden and Town of Berlin)

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthala.com

ANDREW W. LORD
860.240.6180 DIRECT TELEPHONE
860.240.5723 DIRECT FACSIMILE
ALORD@MURTHALAW.COM

June 1, 2009

VIA HAND DELIVERY

Mr. S: Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

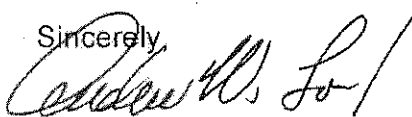
Re: NRG Energy, Inc. Responses to Connecticut Siting
Council Interrogatories; Docket No. 370B

Dear Mr. Phelps:

Enclosed on behalf of NRG Energy, Inc. ("NRG") are responses to the first set of interrogatories and data requests addressed to NRG by the Connecticut Siting Council.

If you have any questions, please feel free to contact me.

Sincerely,



Andrew W. Lord

Enclosures

cc: Jonathan J. Milley, NRG
Julie L. Friedberg, Esq., NRG
Service List

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

Witnesses: NRG Panel

Request from: CSC

QUESTION Has anything proposed in the original application changed since the application was approved in 1999?

RESPONSE: Yes.

In the original application, PDC-El Paso Meriden, LLC, the original sponsor of the Meriden Project (the "Original Sponsor"), proposed to use ABB GT24 turbines for the Project. In a Development and Management Plan, dated August 2001 and submitted to the Council in September 2001 in Docket No. 190 (the "D&M Facility Upgrade Plan"), Meriden Gas Turbines, LLC ("MGT") sought approval to use GE 7FA turbines in place of the ABB turbines and described the minor differences in site configuration that would be required by this substitution. In the D&M Facility Upgrade Plan, MGT also provided, among other things, an updated facility noise evaluation assuming installation of the GE turbines. Finally, and also based on the change in turbines, the orientation of the power house has been rotated 90 degrees and rather than house the two turbines in two buildings, these turbines are better suited to installation in a single building. From an aesthetic perspective, a single building will present a more consistent and less obtrusive view. The D&M Facility Upgrade Plan was approved by the Council on September 12, 2001 by an order dated September 14, 2001. NRG still plans to use the GE 7FA turbines for the Meriden Project, as noted in its March 19, 2009 Application filed in this consolidated proceeding.

Since the original application was approved, NRG has refined its plans for the cooling system of the Meriden Project as described in Section 6.6 of NRG's March 19, 2009 Application.

Environmental regulations have evolved over the ten years since the original application was approved. These changes have necessitated different mitigation measures and additional permit filings. Current information regarding applicable environmental regulations, air emissions and mitigation measures, pollution control systems and related topics are described in Sections 9 and 6.5 of NRG's March 19, 2009 Application. See also NRG's response to Q-CSC-15 filed herewith for additional information.

Witnesses: NRG Panel

Request from: CSC

regarding changes in environmental regulations applicable to the Meriden Project

The status of the required permits for the Meriden Project also has evolved over the last ten years. The listing of permits required for the Meriden Project, and the present status of each, is detailed in Section 10 of NRG's March 19, 2009 Application.

With regard to need, the original application stated that the Meriden Project was needed to help create a competitive market for electricity in the newly restructured market and to fill an anticipated shortfall in capacity. In the March 19, 2009 Application, NRG sponsors the Meriden Project as the most appropriate alternative to satisfy the import need that would be filled by the GSRP/MMP, consistent with the Council's interpretation of C.G.S. § 16-50/(a)(3) and § 16-50p(a)(3)(F).

Finally, any cost data regarding the Meriden Project that was included in the original application is outdated. See Section 6.8 of NRG's March 19, 2009 Application for discussion of Project costs.

Witnesses. NRG Panel

Request from: CSC

QUESTION Has anything in the area surrounding the Meriden site changed since the approval of the application in 1999 (incl distance to nearest residences, number of fire departments in Meriden, change of land use, etc.)

RESPONSE Since the approval of the 1999 Application, the following changes to the surrounding area have occurred:

- 452.2 acres of land originally owned by NRG has been given to Berlin and 356 acres has been given to Meriden.
- This donated land provides a significant buffer to previous abutters
- The Summitwood subdivision has been completed (as envisioned in the original application).
- Meriden has put its donated land at the lower area of the entrance to the plant to use as a recreational park (as envisioned in the original application).

Witnesses: NRG Panel

Request from: CSC

QUESTION Were all Council-approved elements of the Development and Management plans completed? If not, please explain.

RESPONSE The following D&M Plans have been submitted to, and approved by, the Council: Sedimentation and Erosion Control, Site Preparation and Road Construction, Upgrade of Facility Components, Joint Utility Route Modification, Oil Unloading, and two Extensions of Construction Deadline. The following components also require D&M Plans and do not appear to be covered in existing D&M Plans: Provision for architectural treatment of buildings and exhaust stacks; and a Final Site Plan which includes developing conservation easements for open space areas and conservation areas.

In the course of recommending project design engineering, project engineers will review the D&M Plans that have been approved by the Council to determine that they are still consistent with NRG's plans for the plant. To the extent that any facility components are to be changed from the specifications initially approved by the Council, additional D&M Plan submittals will be submitted as directed by the Council.

NRG is presently assembling a chart of the specific elements of the D&M Plans that have been approved by the Council to date and the status of each of those elements. NRG will file that chart as a supplement to this response no later than June 3, 2009.

Witnesses. NRG Panel

Request from. CSC

QUESTION: What is the condition of the structures/equipment that have already been constructed or placed at the proposed site? Would maintenance have to be performed prior to operation of the facility? To what extent?

RESPONSE: The majority of the work completed at the site includes foundations, underground utilities and the turbine building and admin/control building. The foundations show no evidence of deterioration and are considered complete and ready for use. The underground utilities including piping systems and electrical duct banks would be inspected and cleaned upon commencement of construction. Any issues would be corrected at that time. The buildings are in excellent condition with only some minor siding/flushing repair required for service.

Witnesses: NRG Panel

Request from CSC

QUESTION What regions does NRG intend to serve with the generation of power, through the 3754 transmission line (that would connect with the NRG plant)?

RESPONSE ISO New England ("ISO-NE") operates the New England power grid as an integrated system, and will dispatch the Meriden Project according to the economics and security constraints on the overall New England power system. As a result, the Meriden Project will contribute to serving all regions of New England

Witnesses: NRG Panel

Request from CSC

QUESTION Would the operation of the Meriden Facility result in greater transmission capacity in north-central Connecticut?

RESPONSE The Meriden Project, like any generation facility, will not directly increase transmission capacity. However, to the extent that the existing transmission system in north-central Connecticut is carrying flows from out of state to serve load in southwest Connecticut, the Meriden Project may be able to reduce those flows by serving the southwest Connecticut load directly

NRG Energy, Inc.
CSC Docket No. 370B

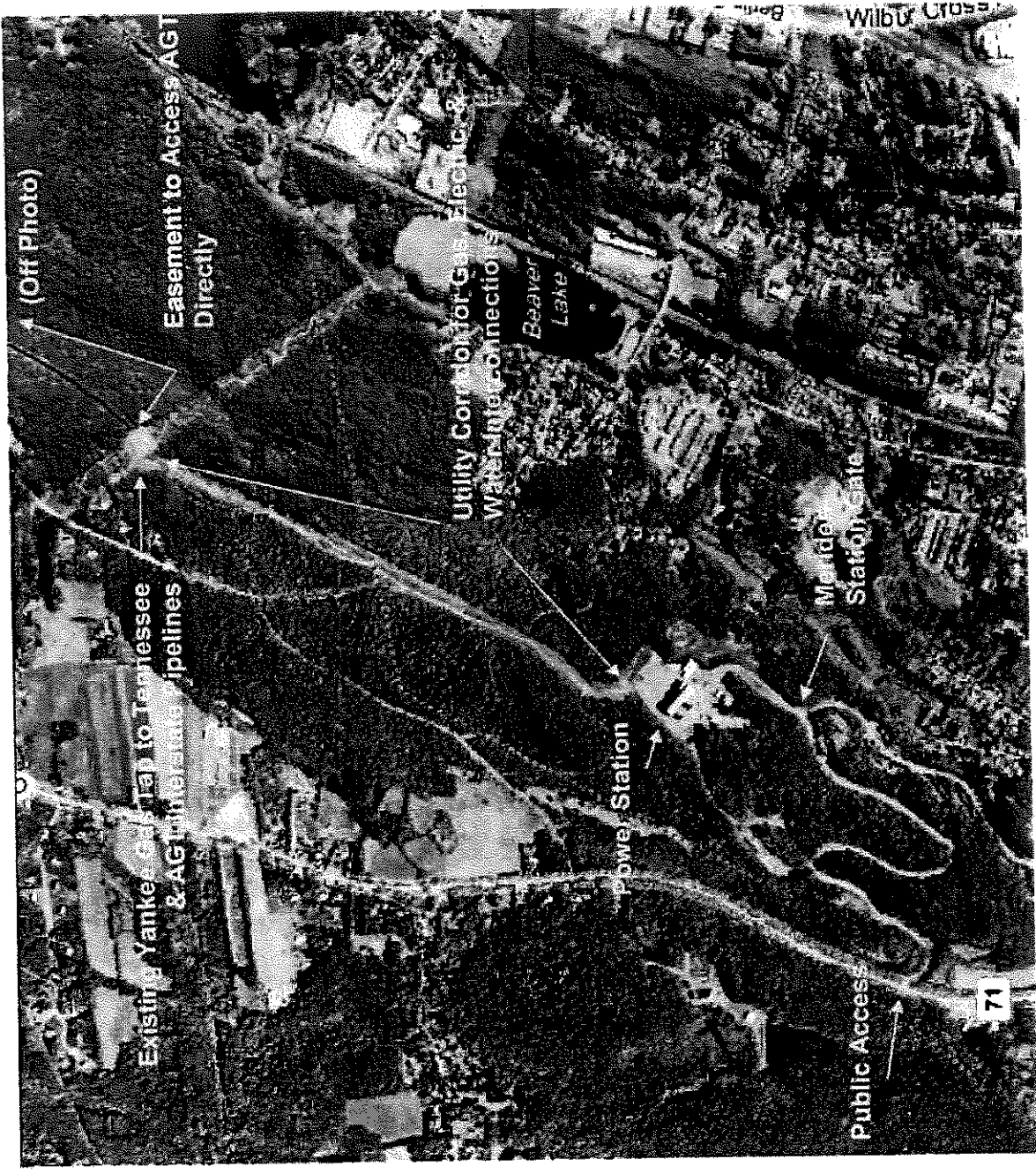
Data Request CSC-NRG-1
Dated: May 29, 2009
Q-CSC-7
Page 1 of 1

Witnesses NRG Panel

Request from CSC

QUESTION: Provide an updated aerial photograph showing what has been
 constructed on the site

RESPONSE. See the attached aerial photograph.



(Off Photo)

Easement to Access AGT Directly

Existing Yankee Gas Tap to Tennessee & AGT Intermediate Pipelines

Utility Corridor for Gas, Electric & Water Interconnections

Beaver Lake

Power Station

Mauder Station State

Public Access

71

Wilbur Cross

NRG Energy, Inc
CSC Docket No. 370B

Data Request CSC-NRG-1
Dated: May 29, 2009
Q-CSC-8
Page 1 of 1

Witnesses: NRG Panel

Request from CSC

QUESTION Provide a drawing of the proposed route for the natural gas pipeline to the Meriden plant

RESPONSE See the attached drawing

Witnesses NRG Panel

Request from CSC

QUESTION: Does NRG still assert that a dry-cooled system at the Meriden Facility would be economically infeasible? What is the difference in cost between a dry-cooled system and a wet-cooled system? [Docket 190 FOF #28]

RESPONSE: NRG still asserts that dry-cooling is economically infeasible. The impact to performance for an air-cooled condenser ("ACC") as compared to a cooling tower is a reduction in plant output of approximately 35 MW and an increase in heat rate of 512 BTU/kWh-HHV. The ACC also results in an increase in project capital cost of approximately \$30-\$35 MM. Additionally, the current Meriden Project layout is designed around a wet-cooled system and, due to limited space, it is not clear that an ACC would fit on the site without significant demolition to the existing structures and foundations.

Witnesses NRG Panel

Request from CSC

QUESTION Has NRG received all necessary permits for the completion of the proposed water pipeline and gas pipeline (incl. permission from Amtrak and the Connecticut DOT for directional boring under the railroad and under state and interstate roads)?

RESPONSE. NRG has received all the major permits needed for completion of the Meriden Project, such as the water diversion permit from the DEP and most of the lesser lead time permits, such as all the Cromwell wetland crossing permits. The necessary permissions from Amtrak are still in place. With regard to the Connecticut Department of Transportation ("DOT"), roadway encroachment permits will be issued to the construction contractor performing the work and thus will not be obtained until such time as construction actually commences. NRG has, however, maintained an ongoing dialogue with the DOT and does not believe the Meriden Project will encounter any difficulties in obtaining the necessary permits.

Witnesses: NRG Panel

Request from CSC

QUESTION Has NRG received permission from Algonquin to install the water pipeline on the gas transmission right-of-way?

RESPONSE: Commensurate with a standard project development and construction cycle, the final detailed design engineering of the water line has not been completed. If, in the course of completing such detailed design work, use of Algonquin's right-of-way becomes a desirable alternative, NRG would seek Algonquin's permission for such use at that time.

Witnesses: NRG Panel

Request from CSC

QUESTION What is the status of negotiations with Algonquin and Tennessee gas companies to provide a natural gas supply to the Meriden Facility?

RESPONSE Given the uncertainty of obtaining an off-take agreement and, thus, an operations date, NRG has not yet re-engaged in negotiations with Algonquin or Tennessee for gas transport.

NRG Energy, Inc.
CSC Docket No. 370B

Data Request CSC NRG-1
Dated: May 29, 2009
Q-CSC-13
Page 1 of 1

Witnesses: NRG Panel

Request from: CSC

QUESTION Were wetland areas created following approval of the Meriden Project? Have these wetlands been monitored to maintain quality? [Docket 190 FOF # 76] If so, provide documentation.

RESPONSE: No wetlands were created following the approval of the project NRG, however has been monitoring existing wetlands on a monthly basis

NRG Energy, Inc.
CSC Docket No. 370B

Data Request CSC-NRG-1
Dated: May 29, 2009
Q-CSC-14
Page 1 of 1

Witnesses: NRG Panel

Request from CSC

QUESTION

Since construction was not completed, were soil and erosion controls left in place to prevent sedimentation in vernal pool areas? How was this maintained?

RESPONSE:

In the area of the vernal pool, erosion controls were put in place and maintained during construction. The area has since reforested naturally and additional erosion control measures are not required. This area is inspected monthly as part of NRG's site inspection plan and there have been no issues

Witnesses NRG Panel

Request from CSC

QUESTION: Have air-emissions standards changed since the approval of the Meriden facility?

RESPONSE Yes, the DEP now requires the use of ultra-low sulfur distillate (or kerosene) ("ULSD") which contains no more than 15 parts per million ("ppm") sulfur rather than the use of 500 ppm sulfur distillate that is allowed in the current air permits. NRG has applied for a revision to the air permits to incorporate the use of ULSD. Additionally, DEP now requires ambient air modeling for fine particulates ("PM2.5") to show compliance with the ambient PM2.5 standards. This modeling has been performed for the Meriden Project and the results have been forwarded to the DEP. The results show compliance with the ambient standards. Finally, DEP now requires a lower allowable ammonia slip than the ammonia slip levels in the current air permits. NRG has proposed lowering the current permitted levels of 10 ppm for natural gas or liquid fuel to 2 ppm for natural gas firing and 5 ppm for liquid fuel firing.

NRG Energy, Inc.
CSC Docket No. 370B

Data Request CSC-NRG-1
Dated: May 29, 2009
Q-CSC-16
Page 1 of 1

Witnesses: NRG Panel

Request from: CSC

QUESTION Would NO_x offsets still be required for the facility? [Docket 190
FOF #83]

RESPONSE The NO_x offsets that were purchased in order to obtain the initial
air permits by the Original Sponsor were transferred to NRG as
part of its acquisition of the Project. These offsets are still valid
for the Project and, therefore, no additional offsets are needed

Witnesses: NRG Panel

Request from: CSC

QUESTION

Why was notification of this docket (Docket 370B), only provided to the City of Meriden as an abutting property owner? How has NRG notified all abutting landowners listed in the original application?

RESPONSE

As described in the Council's Findings of Fact, dated April 27, 1999, in Docket No. 190, the 36-acre site of the Meriden Project was originally located within an 821-acre parcel of land owned and controlled by the Original Sponsor. The Council's Findings of Fact further noted that the Original Sponsor had agreed to transfer approximately 700 acres of the 821-acre parcel to the City of Meriden and the Town of Berlin by way of deed. As the subsequent owner of the Meriden Project, NRG fulfilled its obligation to transfer such acreage to the City of Meriden and the Town of Berlin in 2006. As a result of these transfers, the Site is now surrounded exclusively by land owned by the City of Meriden. NRG's outside counsel confirmed that the City of Meriden is the sole abutting property owner of the Site by examining the land records maintained by the City of Meriden Clerk's Office.

Witnesses NRG Panel

Request from. CSC

QUESTION: According to Tab D of the Docket 370B application, public notice was only published in the *Hartford Courant*. Why was notice not published in the Meriden (*Record-Journal*) or Berlin (*The New Britain Herald* and *Berlin Citizen*) newspapers?

RESPONSE Section 16-501-1 of the Regulations of Connecticut State Agencies, requires notice of an application to be published "in a newspaper or newspapers having general circulation in each municipality wherein any portion of any proposed facility or alternate thereto is to be located." The *Hartford Courant* is a newspaper having a general circulation in both the City of Meriden and the Town of Berlin. Thus, NRG's publication of the NRG Application solely in the *Hartford Courant* satisfied the Council's regulations.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEBWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlej@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p>Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p>City of Meriden</p>	<p>Deborah L. Moore, City Attorney Meriden City Hall Department of Law 142 East Main St. Meriden, CT 06450 (203) 630-4045 (203) 630-7907 – fax dmoore@ci.meriden.ct.us</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Lawrence J. Kendzior, City Manager Meriden City Hall 142 East Main St. Meriden, CT 06450 lkendzior@ci.meriden.ct.us</p>
<p>Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p>The United Illuminating Company (UI)</p>	<p>John J. Prete The United Illuminating Company 157 Church Street New Haven, CT 06506-1904 (203) 499-3701 (203) 499-3728 uiregulatory@uinet.com</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Linda L. Randell Senior Vice President, General Counsel and Corporate Secretary UIL Holdings Corporation 157 Church St., P.O. Box 1564 New Haven, CT 06506-0901 (203) 499-2575 (203) 499-3664 Linda.randell@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4340 (203) 782-2889 bmcdermott@wiggin.com</p>



Daniel F. Caruso
Chairman

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

Internet: ct.gov/csc

March 4, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 190A** – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission.

By its Decision and Order dated March 3, 2011, the Connecticut Siting Council (Council) approved modifications to the April 27, 1999 Decision and Order for Docket No. 190 to include the attachment of conditions to the Certificate consistent with the findings and recommendations of the Kleen Energy Plant Investigation Review Panel (Nevas Commission) Final Report of June 3, 2010 and the Thomas Commission Executive Report of September 21, 2010.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

LR/CMW/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

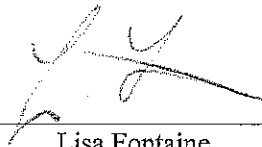
ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 190A has been forwarded by Certified First Class Return Receipt Requested mail, on March 4, 2011, to all parties and intervenors of record as listed on the attached service list, dated March 2, 2011.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Meriden Gas Turbines, LLC	<p>Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com</p> <p>Raymond G. Long Director, Government Affairs NRG Energy, Inc. Middletown Station P.O. Box 1001 1866 River Road Middletown, CT 06457</p> <p>Jonathan Milley Vice President, NE Region NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-4680 (609) 524-5160 fax Jonathan.milley@nrgenergy.com</p> <p>NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540 (609) 524-5232 (609) 240-1160 cell (609) 524-4941 fax Julie.friedberg@nrgenergy.com</p>
Intervenor	The Connecticut Light and Power Company	<p>Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 fax Gibels@nu.com</p>

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	The Connecticut Light and Power Company	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 (860) 665-2611 fax morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 fax bernacr@nu.com</p>
Intervenor	Rivers Alliance of Connecticut Farmington River Watershed Association	<p>Eric Hammerling, President Rivers Alliance of Connecticut P.O. Box 1797 Litchfield, CT 06759</p> <p>Kevin Case Farmington River Watershed Association 749 Hopmeadow Street Simsbury, CT 06070</p>
Party	Quinnipiac River Watershed Association	<p>Mary Mushinsky Executive Director Quinnipiac River Watershed Association P.O. Box 2825 Meriden, CT 06450 (203) 237-2237 (phone and fax) qrwa@sbcglobal.net</p>

DOCKET NO. 190A – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission.

} Connecticut
} Siting
} Council
March 3, 2011

Findings of Fact

Introduction

1. On April 27, 1999, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to PDC-El Paso Meriden LLC for the construction, operation and maintenance of a 530-megawatt (MW) combined-cycle electric generating facility in Meriden, Connecticut. In 2001, NRG Energy, Inc. (NRG) through Meriden Gas Turbines (MGT) became the owner of the Meriden Facility. (NRG 1, p. 1; record)
2. Condition (7) of the Council's Decision and Order (D&O) in this docket stated that the D&O would be void if the project construction were not completed within four years of the date of the D&O or within four years of the resolution of all associated appeals. The original deadline for construction of the project was April 27, 2003. The Council has since granted NRG two extensions of the construction deadline with a current construction deadline of April 27, 2011. (NRG 1, p. 1)
3. On July 7, 2010, the Council received a request from NRG seeking a five-year extension of the construction deadline to April 27, 2016 to allow NRG to obtain funding for the project and complete construction. (NRG 1, pp. 1, 2)
4. On July 15, 2010, the Council voted to reopen the proceeding on changed conditions under Connecticut General Statutes (C.G.S.) § 4-181a(b) specifically limited to consideration of changed conditions and to the attachment of conditions to MGT's Certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel. (record)
5. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held a public hearing on August 24, 2010, beginning at 2:05 p.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut. (Council's Hearing Notice dated July 23, 2010; Transcript 1, 08/24/10, 2:05 p.m. [Tr. 1], p. 3)
6. On September 21, 2010, the Thomas Commission issued an Executive Report that included recommendations for regulatory changes that could be accomplished by executive order, state legislation and/or the adoption of regulations. (Council Administrative Notice Item 40)
7. On September 22, 2010, Governor Reil issued Executive Order No. 45, banning the use of flammable gas for "gas blows" in Connecticut. (Council Administrative Notice Item 48)
8. On October 7, 2010, the Council reopened the evidentiary portion of this hearing to include the recommendations contained in the Executive Report issued by the Thomas Commission. (Council E/T meeting minutes, October 7, 2010).

9. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held an additional public hearing on December 7, 2010, beginning at 3:40 p.m. at the Legislative Office Building, 300 Capitol Avenue, Hartford, Connecticut. (Transcript 2, 12/07/10, 3:40 p.m. [Tr. 1], pp. 3, 4)
10. The party to this proceeding is NRG and Quinipiac River Watershed Association. Intervenor to this proceeding are The Connecticut Light and Power Company, and Rivers Alliance of Connecticut/Farmington River Watershed Association. (Tr. 1, pp. 6, 7)
11. Public notice of the hearings was published in the Hartford Courant, Record Journal and The Herald. (Council correspondence dated July 23, 2010; Record)
- State Agency Comments**
12. Pursuant to CGS § 16-50j(h), on July 23, 2010 and August 25, 2010, the following state agencies were solicited to submit written comments regarding potential modifications of the Certificate: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), Department of Agriculture (DOAg), Department of Emergency Management and Homeland Security (DEMHS), and the Department of Transportation (DOT). (Record)
13. Pursuant to CGS § 16-50j(h), on December 8, 2010, the following state agencies were solicited to submit written comments regarding potential modifications to the Certificate: DEP, DPH, CEQ, DPUC, OPM, DECD, DOAg, DEMHS, Department of Public Safety (DPS), Department of Labor (DOL), Department of Consumer Protection (DCP), and Department of Public Works (DPW). (Record)
14. On August 13, 2010 and November 10, 2010, DPH submitted comments on the reopened proceeding. Both letters stated the same comments. DPH recommended attaching conditions to all gas-fueled power plants in Connecticut. The conditions are:
- a) Prohibit the use of flammable gas for cleaning of fuel gas piping at power plants. Require applicants to specify what method of gas pipe cleaning would be used as an alternative to flammable gas.
 - b) Prohibit venting of flammable gas indoors and outdoors where it is in the vicinity of workers and/or ignition sources.
 - c) Prohibit work activity from occurring in areas where the concentration of flammable gas exceeds ten percent of the lower explosive limit (LEL) for that gas. Require continuous monitoring of gas levels where a build-up of gas is possible and sound alarms when concentration approaches ten percent of the LEL.
 - d) Require adherence to code requirements in the most current version of the *National Fuel Gas Code*, as outlined in the National Fire Protection Association Standard 54 (NFPA 54).
 - e) Require adherence to Occupational Safety and Health Administration (OSHA) Standards for *Process Safety Management of Highly Hazardous Chemicals*.
 - f) Require an independent Site Safety Manager for the construction phase of the project.
 - g) Require applicants to provide the Council with flammable gas safety procedures and training activities specific to contractors, workers and their representatives in development and decision making.
- (DPH comments dated August 12, 2010, pp. 1, 2)
15. Other comments in the DPH letter include a request that the Council specifically prohibit the inclusion of financial incentives for early completion in construction contracts on gas-fueled power plants and other facilities under Council jurisdiction. (DPH comments dated August 12, 2010, pp. 2, 3)

16. NRG would agree to comply with DPH recommendations, with the exception of recommendation (d) regarding NFPA 54 and recommendation (e) regarding OSHA standards because these standards are not written for power generation and adopting them into construction procedures could be problematic. (DPH comments dated August 12, 2010, p. 2; Tr. 1, p. 18)
17. The following state agencies did not file written comment on the reopened proceeding: DOT, DEP, CEQ, DPUC, OPM, DECD, DOAg, DEMHS, DPS, DOL, DCP, DPW. (Record)

Kleen Energy Plant Investigation Review Panel (Nevas Commission)

18. On February 7, 2010, there was an explosion at the Kleen Energy Systems, LLC facility (Kleen facility) in Middletown, Connecticut. The explosion was due to the release and ignition of natural gas from a process used to clean the natural gas pipeline using high quantities of natural gas, a procedure known as a "gas blow." (Council Admin. Notice 38, pp. 1, 2)
19. After the explosion, Governor M. Jodi Rell established a commission, the Kleen Energy Plant Investigation Review Panel, chaired by Judge Alan Nevas (the "Nevas Commission"), that included representatives of the DEP, DOL, Connecticut State Police (including the State Fire Marshal and the Office of the State Building Inspector), DCP, and the DPUC, to identify the cause and origin of the explosion. (Council Administrative Notice Item 38)
20. The findings of the Nevas Commission were to be applied by a second, separate commission established by the Governor, the Thomas Commission, whose charge was to recommend any necessary specific legislative or regulatory changes to prevent such an event from occurring again. (Council Administrative Notice Item 37; Council Administrative Notice Item 40)
21. On June 3, 2010, the Nevas Commission issued a Final Report titled "Governor's Commission Re: Kleen Energy Explosion – Final Report." The Final Report included findings and recommendations regarding pipe cleaning procedures used at the Kleen facility and recommended that the Council review all gas-fired baseload power plants within its jurisdiction, including those that have already been permitted. In addition, the report included an analysis of existing regulations concerning such activities and recommended changes to regulatory criteria to prevent such an event in the future. (Council Admin. Notice 38)
22. The United States Chemical Safety and Hazard Investigation Board (USCSB), an independent federal agency, also investigated the cause of the explosion and developed its own set of recommendations to prevent similar accidents. The USCSB issued its final report on June 28, 2010. One of the recommendations of the USCSB is to ban the use of flammable gas that is released into the atmosphere as a pipe cleaning procedure at power plants. (Council Admin. Notice 39)

Nevas Commission Findings

23. The Nevas Commission findings are:
- a. "The Commission finds that the February 7, 2010 explosion was the product of a process used to clean a natural gas pipeline using large quantities of natural gas that came into contact with an ignition source known as a gas blow";
 - b. "The Commission finds that, although the Kleen Energy construction project was heavily regulated by a variety of agencies, no agency regulated the process used – or any process that might be used such as gas purging – to clean the natural gas pipeline that was the source of the explosion"; and
 - c. "The Commission finds, and recommends to the Thomas Panel, that there are significant regulatory steps that should be taken to ensure that the events of February 7, 2010 are not repeated."
- (Council Administrative Notice Item 38)
24. The Nevas Commission Final Report suggested that the Thomas Commission should examine the following areas pertaining to natural gas blows:
- a. "Determine whether any other state or federal agency has developed regulatory structure applicable to natural gas pipeline cleaning";
 - b. "Consult with industry experts to determine which methods of gas blowing are used and/or recommended, and identify the advantages and disadvantages of each method";
 - c. "Identify the agency, or agencies, best suited to regulate the gas blow process";
 - d. "Recommend the level of training and expertise necessary for that agency to effectively establish and enforce necessary cleaning regulations";
 - e. "Consider recommending that the Connecticut Siting Council impose safety conditions upon any entity constructing a power plant that will employ the gas blow cleaning process";
 - f. "Consider recommending that the Connecticut Department of Consumer Protection and/or the Connecticut Department of Labor identify, if appropriate, special licensing, credentials, and/or training for those assigned to effect power plant gas blows in Connecticut. Further, consider recommending that the latter agencies address whether work schedule limitations are appropriate for those assigned to perform power plant gas blows in Connecticut"; and
 - g. consider the establishment of regulations concerning natural gas blow procedures.
- (Council Administrative Notice Item 38)
25. The Nevas Commission Final Report contained a statement by Judge Nevas to the Council urging that the Council attach conditions to Kleen's Certificate that a) address the findings of the Nevas Commission; and b) incorporate any more specific recommendations made by the Thomas Panel. (Council Administrative Notice Item 38)
26. Additionally, Judge Nevas suggested the following:
- a. "...a coordination council consisting of pertinent state agencies be assembled to share information during the course of construction of a large power facility. The Siting Council might serve as the coordinating entity using its 'changed conditions' authority if concerns arise that there is a pattern of violations during construction";
 - b. "The Siting Council should review this report and ultimately the Thomas Commission report to determine whether its 'changed conditions' authority would enable it to review all power plants within its jurisdiction to determine whether such plants warrant further attention"; and
 - c. "...the Thomas Commission solicit comments and input from the Siting Council as to how the Siting Council might address concerns relative to gas-fired baseload power plant facilities that have been permitted in the past and the records which are now closed."
- (Council Administrative Notice Item 38)

Thomas Commission Findings

27. The Thomas Commission was chaired by Commissioner James M. Thomas of the DPS and included the following members: Edward Badamo, Fire Chief of the Middletown South Fire District; Karl Baker, designee for Chairman Kevin M. DelGobbo of the DPUC and Supervisor of the Gas Pipeline Safety Unit; Dr. Vishnu Khade, design engineer of the DPW; John Olsen, President of the AFL/CIO; John Parker, Chief Building Inspector of Middletown; Robert Ross, Director of the Division of Fire, Emergency and Building Services; and Bruce J. Spiewak of the American Institute of Architects. (Council Administrative Notice Item 40)
28. At the meeting of the Thomas Commission held on August 10, 2010, Kevin M. DelGobbo, Chairman of the DPUC stated that the Nevas Commission made the following three determinations:
 - a. "The February 7, 2010 explosion was the product of a process used to clean a natural gas pipeline using large quantities of natural gas that came into contact with an ignition source known in the industry as a 'gas blow';
 - b. "Although the Kleen construction project was heavily regulated by a variety of agencies, no agency regulated the process used – or any process that might be used such as gas purging – to clean the natural gas pipeline that was the source of the explosion";
 - c. Recommendations to the Thomas Panel "that there are significant regulatory steps that should be taken to ensure that the events of February 7, 2010 are not repeated."
(Council Administrative Notice Item 40)
29. At the meeting of the Thomas Commission held on August 24, 2010, Manuel R. Gomez, Director of Recommendations from the USCSB, testified that there are no standards and limited guidance regarding safely cleaning fuel gas piping. (Council Administrative Notice Item 40)
30. At the meeting of the Thomas Commission held on September 14, 2010, James J. Murphy, member of the Council, testified that the Council has the authority, on its own motion, to modify the Certificates of power plant facilities at any time on a finding of changed conditions pursuant to C.G.S. §4-181a(b). Mr. Murphy also recommended statutory changes to include the DEMHS, DPS, DOL, DCP, and DPW as additional agencies with which the Council must consult and solicit comments from when an application for an electric generating facility is received by the Council. (Council Administrative Notice Item 40)
31. Also at the Thomas Commission meeting of September 14, 2010, the DPS Division of Fire, Emergency and Building Services testified to specific recommendations for adoption of the 2010 Edition of the National Fire Protection Association (NFPA) 37, adoption of the 2009 Edition of NFPA 54 including Temporary Interim Amendment (TIA) 09-3, adoption of American Society of Mechanical Engineers (ASME) B31, including a requirement that the Council require the owner to hire a special inspector for the inspection of piping installed in accordance with ASME B31, amendments to the Fire Prevention Code, C.G.S. §29-291a and adoption of the 2010 edition of NFPA 850. (Council Administrative Notice Item 40)

32. The Executive Report issued by the Thomas Commission contains the following Final Recommendations:
- a. "The use of flammable gases to conduct 'gas blows' should be banned in Connecticut, at least until such time as there are accepted national standards published and in place";
 - b. "...requirement of special inspectors, development of safety plans and payment of cost by power plant applicant";
 - c. Assembly of a "Coordinating Council" for future power plant applications;
 - d. Attachment of conditions to certificates issued by the Siting Council that include a ban on flammable gas blows and compliance with certain code recommendations;
 - e. Review of existing power plants by the Siting Council to modify final decisions of power plants within its jurisdiction to determine whether such plants warrant reopening for consideration of the Nevas and Thomas Commission recommendations;
 - f. Adoption of the following codes and regulations by the DPS:
 - i. Amend the Flammable & Combustible Liquids Code, C.G.S. §29-320 to adopt the 2010 Edition of NFPA 37, "Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines";
 - ii. Amend the Gas Equipment and Piping Code, C.G.S. §29-329 to adopt the 2009 Edition of NFPA 54, "National Fuel Gas Code," including Temporary Interim Amendment 09-3 and, by Connecticut amendment, remove the exception regarding fuel gas piping at electric utility power plants; and adopt ASME Standard B31, "Code for Pressure Piping," including mandatory compliance with Appendices IV and V of ASME B31.1 for newly constructed electric utility power plants;
 - iii. Amend the Connecticut Fire Prevention Code adopted pursuant to C.G.S. §29-291a to add new sections in the Hazardous Materials Chapter regarding "Gas Piping Cleaning Operations";
 - iv. Amend the Fire Prevention Code adopted pursuant to C.G.S. §29-291a to delete and revise sections 29-291 a-2(a) and (b) regarding "Relationship to State Fire Safety and Building Codes" and adopt the requirements of the 2010 Edition of NFPA 850 "Fire Protection for Electric Generating Plants and High Voltage Current Converter Stations"; and
 - g. Adopt legislation to provide for payment into a code training fund by any power plant applicant who is required to obtain Siting Council approval.
(Council Administrative Notice Item 40)

Meriden Plant - Gas Pipeline System

33. NRG would use an external compressed air system to clean the natural gas pipeline at its Meriden facility. The "air blow" process involves using equipment to blow out the pipeline multiple times until a target placed at the outlet indicates minimal debris is left in the line, within the specifications of the gas turbine manufacturer. Equipment will be temporarily brought to the site, including an air-compressor, air receiver tank, and a quick-opening valve at the end of the line. (NRG 2, R. 1)
34. The air blow process would be performed by an air blow contractor, who would be under the supervision of the NRG/MGT Commissioning Manager and other members of the project team. (NRG 2, R. 2)
35. NRG would typically insert a cleaning device in the line as a first step to remove large debris from the pipe. Air blow of the line would still be required to clean the pipe up to standards. (Tr. 1, p. 29)

36. Safety measures established during pipe cleaning would follow a Job Hazard Analysis plan. All on-site personnel would be notified of the activity. The area around the pipe exit would be framed in plywood and personnel would be cleared from the area to avoid injury and equipment damage from the cleaning process. Also, all personnel would have to use hearing protection due to expected high noise levels during the air blow process. (NRG 2, R. 3)
37. The cost of the air blow method versus the cost of the gas blow method is a function of the initial cleanliness of the pipe. Costs associated with the air blow include the rental of the equipment and the time it takes to do the work, whereas costs associated with a gas blow process include the cost of the natural gas to be used for cleaning and the supervision. Therefore, the more cleaning a pipeline requires the more expensive the gas blow method would be. (Tr. 1, p. 13)
38. The air blow cleaning process typically requires 150 to 250 pounds per square inch. (Tr. 1, p. 15)
39. Once the gas pipeline is cleaned and in place, there would be no need to clean that pipeline again. Additional pipeline cleaning would only be needed in any new or replaced section of the pipeline. (Tr. 1, p. 15)
40. NRG would be required to clean the entire one-mile length of gas pipeline between the tie-in with the interstate gas pipeline and the isolation point of the Meriden Plant. (Tr. 1, p. 17)
41. During construction of previous power generation projects, NRG met with the fire marshal of the municipality and explained the process for cleaning the pipelines using air. The fire marshal notified all nearby landowners of the upcoming pipe cleaning event with an automated telephone message. (Tr. 1, pp. 41, 42)
42. The Meriden NRG Facility is completely fenced-in, with security patrolling the property. A log is kept of people entering and exiting the facility. Once the Facility is operational, it will be a fully manned plant. (Tr. 2, pp. 13, 14, 25)
43. NRG would hire a safety manager to be present on-site. The safety manager would have the authority to shut down construction at the site if there were an unsafe condition. (Tr. 1, p. 58)
44. NRG currently does not have an emergency response or safety plan for the Meriden Plant. NRG would submit such a plan to the Council if so ordered. (Tr. 2, pp. 12, 13)
45. NRG would be willing to set up a reverse 911 type system to alert people in the surrounding area of activities at the Facility. (Tr. p. 14)

<p>DOCKET NO. 190A – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission.</p>	<p>} Connecticut</p> <p>} Siting</p> <p>} Council</p> <p>March 3, 2011</p>
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Opinion

On April 29, 1999, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to PDC-El Paso Meriden LLC for the construction, operation and maintenance of a 530-megawatt (MW) combined-cycle electric generating facility in Meriden, Connecticut. In 2001, NRG Energy, Inc. (NRG) through Meriden Gas Turbines (MGT) became the owner of the facility.

On July 15, 2010, the Council voted to reopen the proceeding on changed conditions under Connecticut General Statutes (C.G.S.) § 4-181a(b) specifically limited to consideration of changed conditions and the attachment of conditions to MGT’s Certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel Final Report issued on June 3, 2010. On September 21, 2010, the Thomas Commission issued an Executive Report, which was included in the reopening of this proceeding.

Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the Thomas Commission

On February 7, 2010, there was an explosion at the Kleen Energy Systems, LLC power plant facility in Middletown, Connecticut caused by the release and combustion of natural gas that was being used to clean natural gas piping at the facility, a procedure known as a “gas blow.”

After the explosion, Governor M. Jodi Reil established a commission, the Kleen Energy Plant Investigation Review Panel, chaired by Judge Alan Nevas (the “Nevas Commission”), to identify the cause and origin of the explosion and to provide information necessary for a second panel, the Thomas Commission, to provide recommendations for legislative and regulatory changes. On June 3, 2010, the Nevas Commission issued its Final Report, which included an analysis of existing regulations concerning the “cleaning” or “blowing” of natural gas pipelines and recommended changes to regulatory criteria for consideration by the Thomas Commission to prevent the recurrence of such an explosion.

The specific findings of the Nevas Commission are as follows:

- a. “The Commission finds that the February 7, 2010 explosion was the product of a process used to clean a natural gas pipeline using large quantities of natural gas that came into contact with an ignition source known as a gas blow”;
- b. “The Commission finds that, although the Kleen Energy construction project was heavily regulated by a variety of agencies, no agency regulated the process used – or any process that might be used such as gas purging – to clean the natural gas pipeline that was the source of the explosion”; and
- c. “The Commission finds, and recommends to the Thomas Panel, that there are significant regulatory steps that should be taken to ensure that the events of February 7, 2010 are not repeated.”

On September 21, 2010, the Thomas Commission issued an Executive Report that included recommendations for regulatory changes that can be accomplished by executive order, state legislation or adoption of regulations.

The Executive Report issued by the Thomas Commission contains the following Final Recommendations:

- a. "The use of flammable gases to conduct 'gas blows' should be banned in Connecticut, at least until such time as there are accepted national standards published and in place";
- b. "...requirement of special inspectors, development of safety plans and payment of cost by power plant applicant";
- c. Assembly of a "Coordinating Council" for future power plant applications;
- d. Attachment of conditions to certificates issued by the Siting Council that include a ban on flammable gas blows and compliance with certain code recommendations;
- e. Review of existing power plants by the Siting Council to modify final decisions of power plants within its jurisdiction to determine whether such plants warrant reopening for consideration of the Nevas and Thomas Commission recommendations;
- f. Adoption of the following codes and regulations by the Connecticut Department of Public Safety:
 - i. Amend the Flammable & Combustible Liquids Code, C.G.S. §29-320 to adopt the 2010 Edition of NFPA 37, "Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines";
 - ii. Amend the Gas Equipment and Piping Code, C.G.S. §29-329 to adopt the 2009 Edition of NFPA 54, "National Fuel Gas Code," including Temporary Interim Amendment 09-3 and, by Connecticut amendment, remove the exception regarding fuel gas piping at electric utility power plants; and adopt ASME Standard B31, "Code for Pressure Piping" including mandatory compliance with Appendices IV and V of ASME B31.1 for newly-constructed electric utility power plants;
 - iii. Amend the Connecticut Fire Prevention Code adopted pursuant to C.G.S. §29-291a to add new sections in the Hazardous Materials Chapter regarding "Gas Piping Cleaning Operations";
 - iv. Amend the Fire Prevention Code adopted pursuant to C.G.S. §29-291a to delete and revise sections 29-291a-2(a) and (b) regarding "Relationship to State Fire Safety and Building Codes" and adopt the requirements of the 2010 Edition of NFPA 850 "Fire Protection for Electric Generating Plants and High Voltage Current Converter Stations"; and
- g. Adopt legislation to provide for payment into a code training fund by any power plant applicant who is required to obtain Siting Council approval.

In its review of the Nevas Commission and Thomas Commission findings and recommendations, the Council must consider the limits of its jurisdiction. Jurisdiction over electric generating facilities is conferred upon the Council pursuant to the Public Utility Environmental Standards Act (PUESA). PUESA does not charge the Council with any authority to impose or enforce occupational safety and hazard standards and regulations. The Council recognizes that the tragic accident that occurred at the Kleen facility is an isolated incident with unique circumstances. In the event of a future incident, the Council will consider the adoption of any specific findings and recommendations of any Commissions that may be appointed by the Governor in response to such an incident.

Notwithstanding its statutory jurisdictional limitations, the Council has considered changed conditions in this docket. Upon review of the Nevas Commission findings and recommendations concerning gas blows; the Thomas Commission recommendations regarding banning gas blows, assembly of a "Coordinating Council" for future power plant applications, and adoption of certain fire codes; and a recommendation by the United States Chemical Safety Board to prohibit natural gas blows during power plant construction, the Council finds changed conditions in industry practices specifically pertaining to the gas pipe cleaning process.

Docket No. 190A

Opinion

Pg. 3

Based on the changed conditions in this proceeding, the Council will attach conditions to the Docket 190 Decision and Order in accordance with the Nevas Commission and Thomas Commission recommendations.

<p>DOCKET NO. 190A – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission.</p>	<p>} Connecticut</p> <p>} Siting</p> <p>} Council</p> <p>} March 3, 2011</p>
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Decision and Order

In response to recommendations contained within the Kleen Energy Plant Investigation Review Panel (Nevas Commission) Final Report of June 3, 2010 and the Thomas Commission Executive Report of September 21, 2010, the Connecticut Siting Council (Council) hereby modifies its Docket No. 190 Decision and Order of April 27, 1999, to include the following additional conditions:

8. The use of natural gas as a fuel pipeline/system cleaning media for any future facility modification shall be prohibited.

9. The Certificate Holder shall submit the following information to the Council 15-days prior to any future fuel pipeline/system cleaning operations related to any future facility modification:
 - a. Identification of the cleaning media to be used;
 - b. Identification of any known hazards through use of the cleaning media;
 - c. Description of how known hazards will be mitigated, including identification of any applicable state or federal regulations concerning hazard mitigation measures for such media;
 - d. Identification and description of accepted industry practices or relevant regulations concerning the proper use of such media;
 - e. Detailed specifications (narratives/drawings) indicating the location and procedures to be used during the pipe cleaning process, including any necessary worker safety exclusion zones;
 - f. Identification of the contractor or personnel performing the work, including a description of past project experience and the level of training and qualifications necessary for performance of the work;
 - g. Contact information for a special inspector hired by the Certificate Holder who is a Connecticut Registered Engineer with specific knowledge and experience regarding electric generating facilities or a National Board of Boiler and Pressure Vessel Inspector and written approval of such special inspector by the local fire marshal and building inspector; and
 - h. Certification of notice regarding pipe cleaning operations to all state agencies listed in General Statutes § 16-50j(h) and to the Department of Consumer Protection, Department of Labor, Department of Public Safety, Department of Public Works, and the Department of Emergency Management and Homeland Security.

10. The Certificate Holder shall submit a copy of an Emergency Response/Safety Plan within 90 days of the date of this decision that identifies any revisions since the initial filing of the Development and Management Plan, if applicable, and that includes, but is not limited to the following:
 - a. A description of the results of any simulated emergency response activities with any state and/or local emergency response officials;
 - b. Details of the current construction site access system that accounts for all personnel entering and leaving facility; and
 - c. Establishment of an emergency responder/local community notification system for on-site emergencies and planned construction-related activities that could cause community alarm. The system shall include notification to the following: local emergency responders, city or town officials, state legislators, and local residents who wish to participate.
11. The Certificate Holder shall comply with the following codes and standards, as adopted and amended by the Department of Public Safety and/or the Authority Having Jurisdiction, for any future fuel pipeline/system cleaning operations related to any future facility modification:
 - a. NFPA 37 (2010 edition);
 - b. NFPA 54 (2009 edition);
 - c. NFPA 54 Temporary Interim Amendment 09-3 (August 25, 2010);
 - d. NFPA 850 (2010 edition);
 - e. NFPA 850 Temporary Interim Amendment 10-2 (November 9, 2010);
 - f. ASME B31 (2007); and
 - g. ASME B31.1 Appendices IV and V (2007).
12. The Certificate Holder or facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. The Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
14. Not less than 30 days in advance, the Certificate Holder or facility owner/operator shall provide the Council with written notice that the facility plans to cease operation.
15. If the Certificate Holder is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance published in The Hartford Courant, New Britain Herald, and the Record-Journal.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

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Its Representatives

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Intervenor

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Intervenor

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Party

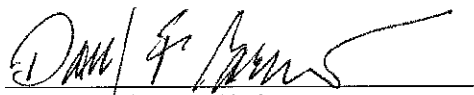
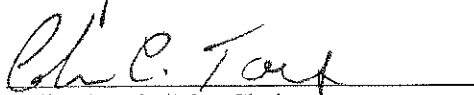
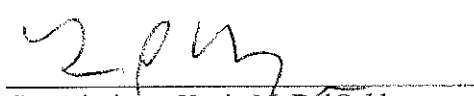
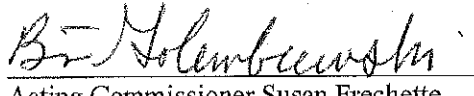
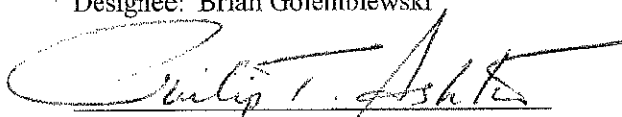
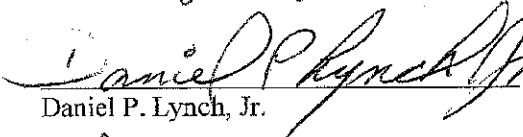
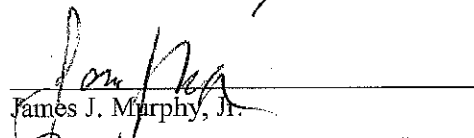

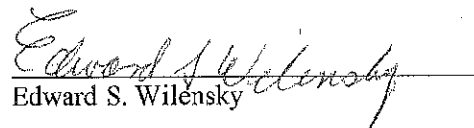
Quinnipiac River Watershed Association

Its Representative

Mary Mushinsky
Executive Director
Quinnipiac River Watershed Association
P.O. Box 2825
Meriden, CT 06450

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 190A** – Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission., and voted as follows to modify its Docket No. 190 Decision and Order of April 27, 1999, to include the additional conditions in response to the Nevas and Thomas Commission Recommendations:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Kevin M. DeGobbo Designee: Larry P. Levesque	Yes
 Acting Commissioner Susan Frechette Designee: Brian Golembiewski	Yes
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	Yes
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, March 3, 2011.