

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

**RECEIVED**  
JUL 28 2010  
CONNECTICUT  
SITING COUNCIL

APPLICATION OF KLEEN ENERGY SYSTEMS, LLC : DOCKET NO. 225  
FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR AN ELECTRIC GENERATING FACILITY  
AND SWITCHYARD IN MIDDLETOWN : JULY 28, 2010

Pre-Hearing Submission by Town of Portland

In accordance with the Hearing Notice issued by The Connecticut Siting Council dated July 9, 2010 and the Pre-Hearing Memo dated July 26, 2010, the Town of Portland, having yesterday filed a NOTICE OF INTENT TO BE MADE A PARTY and PARTY STATUS REQUEST FORM with the Siting Council, herewith submits its list of Pre-filed Testimony, Exhibit List and Expected Witness List.

Pre-Filed Testimony

The Town of Portland submits the following items of pre-filed testimony:

- Letter from Beth Ann Sylvestro dated July 26, 2010; 58 Payne Boulevard, Portland, CT 06480
- Letter from Robert and Tobie Rosenberg; 68 Payne Boulevard, Portland, CT 06480;
- Letter from Gilbert & Marlene Cockfield; 14 Wellwyn Drive, Portland, CT 06480;
- Letter from Jane Benoit, 18 Wellwyn Drive, Portland, CT 06480;
- Letter from Dan Dziob, 35 Wellwyn Drive, Portland, CT 06480;
- Letter from Portland First Selectwoman Susan S. Bransfield dated July 27, 2010;
- Letter from former Portland First Selectman Edward L. Kalinowski expressing Town's concerns 8 years ago (dated August 16, 2002);
- Letter from State Senator, Hon. Eileen M. Daily, 33<sup>rd</sup> Senatorial District;
- Letter from State Representative, Hon. James O'Rourke, 32<sup>nd</sup> Assembly District.

Exhibit List

All letters and documents referenced in the Pre-Filed Testimony List above.

Expected Witness List

- Portland First Selectwoman Susan S. Bransfield;
- State Senator, Hon. Eileen M. Daily;
- State Representative, Hon. James O'Rourke;
- Beth Ann Sylvestro;
- Robert and Tobie Rosenberg;
- Gilbert & Marlene Cockfield;
- Jane Benoit;
- Dan Dziob;

Respectfully Submitted,

TOWN OF PORTLAND (pending party status applicant)

By Jean M. D'Aquila

Jean M. D'Aquila  
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Its Attorneys

Certification of Service

I hereby certify that on this 28<sup>th</sup> day of July, 2010, a copy of the foregoing was delivered by U.S. Mail, first class postage prepaid, to all of the parties and intervenors appearing on the attached Service List dated June 15, 2009.



---

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Its Attorneys

LIST OF PARTIES AND INTERVENORS  
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Kleen Energy Systems, LLC	<p>Mr. William C. Corvo President Kleen Energy Systems, LLC P.O. Box 2696 Middletown, Connecticut 06457 (860) 632-1044 Biagio6539@aol.com</p> <p>Lee D. Hoffman, Esq. Pullman &amp; Comley, LLC 90 State House Square Hartford, Connecticut 06103-3702 (860) 424-4315 (860) 424-4370 - fax</p>
Intervenor	NRG Middletown Power LLC	<p>Alfred E. Smith, Jr. Murtha Cullina LLP Two Whitney Avenue P.O. Box 704 New Haven, CT 06503 (203) 772-7722 (203) 772-7723 -- fax asmith@murthalaw.com</p>
Intervenor	The Connecticut Light and Power Company	<p>Associate General Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3395 (860) 665-5504 – fax mackadr@nu.com'</p>
Intervenor	City of Middletown	<p>Timothy P. Lynch Deputy City Attorney City Attorney's Office City of Middletown 245 deKoven, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3499 - fax Tim.lynch@cityofmiddletown.com</p>

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	Earle Roberts	Earle Roberts 785 Bow Lane Middletown, CT 06457-4810 (860) 346-0068 (860) 344-9327 – fax <a href="mailto:eroberts4675@sbcglobal.net">eroberts4675@sbcglobal.net</a>
Intervenor	Connecticut River Watershed Council, Inc.	Megan Hearne Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 704-0057- fax <a href="mailto:mhearne@ctriver.org">mhearne@ctriver.org</a>

Beth Ann Sylvestro  
58 Payne Blvd.  
Portland, CT 06480  
(860) 342-0047

July 26, 2010

Susan Bransfield  
First Selectwoman  
Town of Portland

Dear Ms. Bransfield,

I am writing as a victim of the February 7<sup>th</sup>, 2010 Kleen Energy Plant explosion. My home at 58 Payne Blvd. is less than 2,500 feet across the river from this plant. This explosion has impacted me emotionally, as well as devalued my current residence, a beautiful, renovated and well-maintained Cape Cod reproduction home.

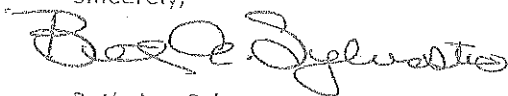
I originally placed my house on the market back in January as a result of my life situation as a recently divorced, single woman. My real estate agency, Innovative Properties was heavily marketing my property through newspaper advertisements and online website postings. It was going well and I had 2-3 showings per week in January and through the beginning of February. When the plant explosion occurred, it was the most horrible experience. I still jump every time I hear a soft or large noise.

Since this explosion, all property foot traffic slowed down to maybe three showings to date. I can't seem to get anyone to look at my property now. The word out is now the neighborhood is considered a "blast zone" and no longer safe or quiet due to the continued rebuilding of this energy plant. My real estate agent had asked me to reduce the price from \$269,900 to \$257,900, which I have reluctantly done and I still can't get anyone in to look at my home. I don't know what to do now. I'm stuck with this home and I'm afraid of losing all the money I put into it. It's all that I have for my retirement money too.

I am urging you and others to help us stop this plant from reopening. It's environmentally dangerous and unsafe to all of us living along the CT River.

Thank you.

Sincerely,



Beth Ann Sylvestro

Portland Resident, 13 years

State of Connecticut  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

Per the Council's Hearing Notice, we are writing this letter to participate through our elected official, The Honorable Susan S. Bransfield, First Selectman, Town of Portland, CT, in the hearing on August 3, 2010 about the "Changed Conditions" of our property since the explosion on Feb. 7, 2010. We want to ensure that the Council is fully aware of the damage that was perpetrated on the entire neighborhood.

My wife, Tobie Rosenberg and myself, Robert Rosenberg reside at 68 Payne Blvd., Portland CT 06480, and home phone 860-342-2481.

Our house was rocked just as were the majority of homes on Payne Blvd and Wellwyn Drive. The house that we live in was built in 2004. Our foundation had been moved and cracked as a result of the blast on Feb 7, 2010. I'm extremely concerned about what I can't see. Knowing that my foundation was compromised, I'm concerned about our septic system and underground plumbing. I have asked the claims adjusters representing O&G to have the systems inspected, but to date have had no firm commitment to do so.

"Changed Conditions" at our house include the diminished value of our property, the perception that who in their right mind would buy a house 2,500 feet from a Power Plant that has already exploded? Will I ever be able to sell my house? Every time there is a loud noise, we have to deal with the psychological affects of the explosion that occurred on Feb 7, 2010.

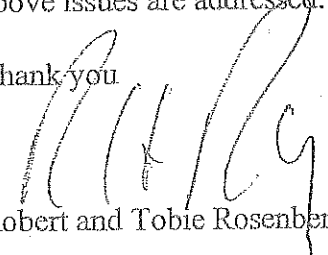
Knowing that this Power Plant was built on a seismic fault, has anyone taken the time to research the safety aspect of the effects from the first explosion of the seismic condition?

The noise level during the rebuilding of the plant.

The Power Plant is fully visible from October to March, what about the environmental destruction that the Power Plant has caused. I thought that was the function of the Siting Counsel was to protect the people, property and environment.

Please do not allow the Power Plant to continue the building of this plant until all of the above issues are addressed.

Thank you

  
Robert and Tobie Rosenberg

Gilbert & Marlene Cockfield  
14 Wellwyn Drive  
Portland, Conn 06480  
July 26, 2010

Dear Daniel Caruso,

How can the Connecticut Siting Council and the two Commissions appointed to the investigation of the catastrophe caused by Kleen Energy make us whole again? Kleen Energy operated with a lethal disregard to the safety of its workers, the residents of Middletown and most importantly the residents of the 12 homes on the southern part of Wellwyn Drive. Kleen Energy has committed industrial homicide because they failed to follow many statues in the Document No. 225 that was used in their original application for a certificate. In the *Governor's Task Force Report* under Site Suitability it is stated:

*The proposed plant site is isolated from residential uses...Plant's potential visibility to the east, south, west. Physical isolation from any surrounding development will reduce visual and noise impacts...The one significant area whose visual impacts will be experienced is on the Portland side of the Connecticut River...The dozen homes on the south side of Wellwyn Drive...are the foremost examples of this impact...*

As a result of the blast, the emotional toil is devastating. Many nights, when we hear a noise in the front yard, we wonder if Kleen Energy is about to do something else that will cause more disasters to the surrounding residents on Wellwyn Drive. We do not feel safe in our home anymore because of the 620-megawatt power plant. Kleen Energy is putting profits above people and personal property. Now, that they are behind schedule, how will they cut corners and safety procedures to ensure that the profits for them and their partners are still there? Therefore, the dozen homes on Wellwyn Drive should not be the sacrificial lamb for a company that puts profit above safety. In fact, the final report of the Commission states that:

*An oak-birch forest...would serve to screen the project acoustically and visually. This does not apply to the 12 homes on the southern part of Wellwyn Drive.*

What is supposed to protect us acoustically and visually from the Kleen Energy plant? In other words, Kleen Energy neglected human safety and the environment when they built their aesthetically unappealing structure, which is a looming structure by day and a visually hideous glowing structure by night? Kleen Energy should have been thoroughly vetted before any work commenced. How safe is the site with the presence of shafts and an eastern border fault that runs through the property? There were many questions by environmentalists and others about the viability of placing the largest energy plant in the region when portions of the site has sunk or is still settling. There are still many unanticipated future consequences of this explosion.

Therefore, Kleen Energy can not be trusted to follow the mandates that were presented by them in regard to safety considerations, noise and site lightning. We were constantly



disturbed by the loud noises coming from the site around the clock seven days a week as they worked in a frantic pace to complete the project. Noise mitigation measures were not implemented as stated. The final report reiterates that the 12 homes would not be protected from the noises or the lights. In the Docket No. 225, it states that a "*facility of this magnitude cannot be constructed or operated without producing a significant amount of noise.*" Where were the noise controls? Who was going to monitor Kleen Energy? Kleen Energy did not provide information to the residents on Wellwyn Drive that would bear the brunt of this plant visually and acoustically. Kleen Energy stated that they would develop safety measures under item No. 150, 151 and 153. It was noted by the investigations after the blast and by workers that the safety measures that they promised did not take place. There were no plans for major accidents, life threatening occurrences, training, health and safety plans etc. How can a company which has put profits above all be allowed to continue with no regard for people, property and the environment?

Therefore, how can we have the quality of life that we once enjoyed before 2/7/10? Plus, what assurances can Kleen Energy and state and federal regulators do to make the families of Wellwyn Drive understand why we should have to live in the presence of a monster built because that happened to be the land that was available because of the principle owners not because it was the most appropriate site after considering the impact on residents and the environment. As home owners on Wellwyn Drive, we feel that the owners of Kleen Energy should make us a fair market offer to vacate our homes since they can not visually or acoustically protect us from that unappealing structure. In addition, there are still many unanticipated future consequences of placing one of the largest energy plants in such a residential area. In conclusion, the permit for Kleen Energy should not be granted while they are still under criminal investigation. Reference DPS report exhibit 6, attachment A:

*Although the timeline concludes on February 26, 2010, that date reflects the point at which the scene was turned over to the property owners. The criminal investigation is ongoing, and DPS is actively involved in that investigation, supporting the States Attorney for Middlesex County who will be responsible for ultimately deciding whether to bring criminal charges. That investigation will continue, in all probability, into 2011.*

In summary, a 620-megawatt power plant should not be in close proximity to residential neighborhoods without considering the environmental impacts, strict jurisdictions of state and federal agencies to monitor how Kleen Energy can exist in harmony without destroying lives, the environment and reducing the value of residential property. Therefore, the final question is, would you feel safe living in close proximity of the Kleen Energy Plant or its equivalent?

Sincerely,  
  
Gilbert & Marlene Cockfield  
Resident of Portland, Ct for 33 years

My name is Jane Benoit and I live on 18 Wellwyn Drive in Portland, a mere 2,500 feet away from the Kleen Energy facility.

This used to be a very nice, quiet, residential neighborhood along the beautiful Connecticut River, until this eyesore came into our view. Not only have we had to endure blasting and continuous construction noise seven days a week for the past 3 years, now we are also faced with just how dangerous and unsafe this plant truly is.

Our Constitutional rights: for peace, privacy and the enjoyment of one's property have been severely violated. Our quality of life has significantly changed both psychologically and financially. We can no longer enjoy our homes and our property. Every time I hear a loud bang, my heart jumps as a reminder of that terrible morning in February.

As I stood in my kitchen on February 7th, the scariest thing I have ever witnessed firsthand happened. An explosion so loud and forceful that pictures were flying off of my walls and I thought I was going to die. As I watched in horror, out of my front window I saw a massive fireball. As the first emergency vehicles arrived on the scene, I realized just how massive this power plant truly was. You see these vehicles looked so small and insignificant, like tiny ants as they approached this huge building.

I ask you to think back to just how you felt when you saw the 911 attacks on the World Trade Center. Did you get that sick feeling in the pit of your stomach? Was your heart racing as you watched in disbelief? That's exactly how I felt. But fortunately, New York City was far enough away that I didn't experience things first hand and when I had seen enough I could shut the television off and go on with my life. I can't do that here, none of us can. These are our homes and our lives. Everyday when we come home and see this massive plant perched across the river on what used to be the beautiful Maroma Mountain, we are reminded of how this has significantly impacted our lives. Although I am fine physically, I am not sure whether I will ever be fine psychologically. As long as I live here, I will never feel safe. Living in fear is no way to live.

-----Our lives and our health will be threatened every single day if this plant is allowed to continue.-----

Diminished Property values: This plant and explosion has placed a significant stigma on our neighborhood. We are now considered to be in a "blast zone". Who will buy our homes? I know I wouldn't if I was looking for a new home. Would you? Basically we are paying mortgages for property that is virtually worthless.

I feel that Kleen Energy should be buying our homes and making us whole. I have worked very hard over the years to make sure my credit rating is excellent, yet I may have to walk away from my home and my mortgage because I cannot live here in fear. Kleen Energy has put us in a terrible situation. I will never be able to afford to purchase a home again and live the American dream.

Notification: Why weren't the residents of Wellwyn Drive formally notified of this plant back in its inception given that we would have the best view at eye level and be affected the most? You include us in Docket No. 225 several times, but every time we are mentioned the subject is quickly changed. ----- I believe you knew the impact that this would have on us but because you refer to us as "only about a dozen homes", I guess we weren't important enough for any greater consideration. -----

Safety: This plant is not only built on bedrock, but on a former feldspar mine with veins going down as much as 100 feet and an eastern border fault that runs through the property. (See attached *Generalized Bedrock Geologic Map of Connecticut*) I also see that the geography of the site was a concern before and during construction. No one can guarantee that a much larger catastrophe will not occur in the future due to either an act of nature or acts of carelessness and oversight given this data. There are thousands of gallons of ammonia and oil stored on the site and thousands of gallons of natural gas will be burned on a daily basis. How portions of the site had sunk within the past year and how the pad that supports the steam turbine was "sinking".

-----That doesn't sound very safe to me. Just a small earthquake could cause a major impact to the plant and surrounding areas.-----

Lack of Experience: I understand that O&G admitted on record that they had no experience in building a plant of this size, but that they were "willing to learn". That's like giving your 5 year old child the keys to your car and letting him loose on the highway. Something is definitely wrong here. If they don't have the experience and ability to run a plant, what is going to happen in the future? I know that no one can expect absolute certainty in life, but you have got to do better than this. -----This is clearly irresponsible.-----

Size of Plant: Kleen Energy is touted as being one of the biggest power plants in the Northeast, yet something of this magnitude was allowed to be built within feet of people's homes and lives. Who is responsible for this? According to everything that I have seen, not one positive safety measure was in place right from the beginning of this project nor did one single state agency have oversight. And how can you, the CT Siting Council, even consider extending these permits when critical evidence and reports have not been finalized and released. What are the outcomes of all these investigations? Are they still pending or is someone waiting until the appropriate time to make them public, such as after this hearing and when the extensions are granted?

Middletown's History: What about Middletown's tainted history of zoning and political controversy? I think we need to dig deeper into the history of Middletown's past and its politics, and not look exclusively at the documents that have been presented to you. There is so much more evidence available. Who truly benefited from this project? We cannot turn a blind eye here, there is too much at stake for everyone.

-----Greed and power cannot overtake common sense and responsibility!-----

The Connecticut River and the Environment? In the City of Middletown's own publications titled *Maromas*, *Middletown's Last Frontier*, and *Natural Environment*, they indicate that these areas are "worthy of protection". How the "undisturbed ridgeline and the views from the river and adjacent communities are a major concern". "Towers, clear-cutting, and other visually obtrusive elements should be prohibited." How there are significant wetland concerns. "These large, biologically and ecologically diverse wetlands deserve permanent protection and preservation".

I ask you, what happened? Did greed and political power overtake these concerns too?

Property Damages: Kleen Energy's insurers are undoubtedly paying for the rebuilding and recovery of the heavily damaged plant. I can hear this rebuilding from 5:30 in the morning until late into the afternoon and early evening, another violation from the original docket no. 225. In a Hartford Courant article dated Feb 10, 2010 it states that the plant was insured for \$877 million dollars.

--- I ask you this, if Kleen Energy is insured for so much, why has it been so unwilling to cover the damages to the properties surrounding the plant?

Kleen Energy's Permit Renewal: Many homes received substantial damage from the explosion yet here it is more than 6 months later and these people are still without repairs and recovery yet Kleen Energy has the audacity to request a renewal of its permits.

Accountability: There needs to be severe and stiff guidelines of accountability and responsibility. Kleen Energy should not be allowed to rebuild and recover until it meets its responsibility to the community first and foremost.

Actually, I don't believe that Kleen Energy should be allowed to rebuild at all. This site should be made a memorial to all the victims that were killed or injured on that terrible day in February.

This whole situation has left a bitter taste in my mouth and a sick feeling in my stomach. This plant should never have been approved to be built so close to people's homes and lives, yet our neighborhood is paying a hefty price as a result.

Visibility: So as the sign says, "Come on Over" to Portland and visit our neighborhood and see for yourself what we are dealing with. No piece of paper, or newspaper article or report will give you an accurate picture of what we are faced with everyday.

-----You really need to see it for yourself! -----

Thank you for your time and consideration.

Jane Benoit  
18 Wellwyn Dr  
Portland, CT 06480

## Desired Outcomes

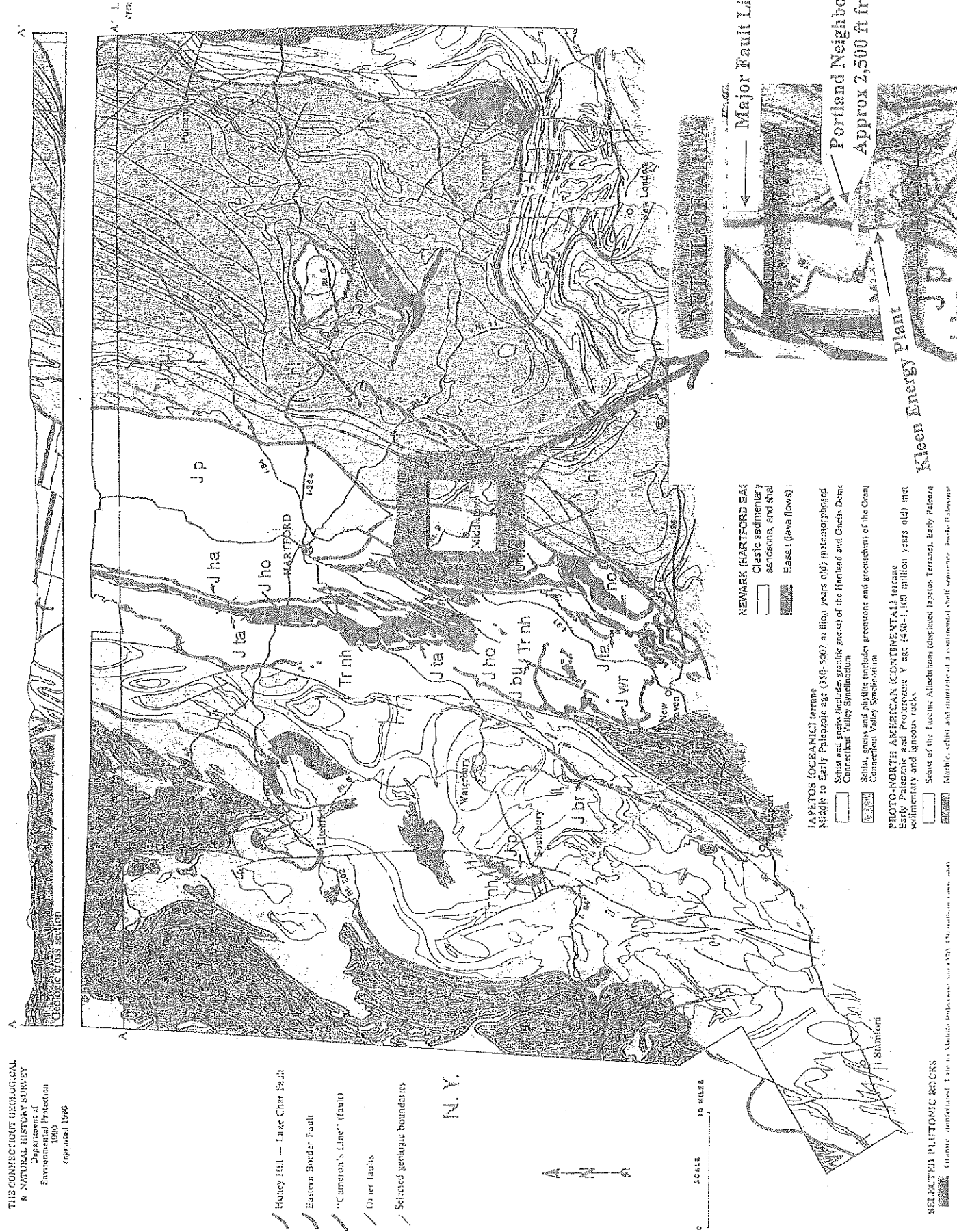
### Before any certificate is extended the following must be in place:

1. Homes: Kleen Energy to purchase our homes at fair market value for homeowners choosing to move out of this area, and make us whole
2. Property Damages: All damages to homes and businesses must be paid for by the company at the full cost (not depreciated values) and not force people to sign releases against any further, latent damages that can not be seen at this time, specifically well and septic issues  

An independent agency must evaluate and establish a baseline of all conditions, such as foundation cracks, well and septic inspections, etc. in all homes closest to the plant before any more work resumes
3. Safety Standards: All safety standards as recommended in the Governor's Task Force Report must be established and monitored by an independent agency. Kleen Energy stated that they had all kinds of plans for staff responsibilities, training, drills, etc. but these were not enforced
4. Visibility: Construct a barrier to limit visibility and noise to a minimum on the Portland side (north facing) and plant trees as well, the fastest growing ones you can find!
5. Lighting: Lighting shall be minimized and enforced to comply with the standards of the International Dark Skies Association as stated under decision and order item #m
6. Noise: Noise standards established and enforced
7. Kleen Energy Site: An independent agency established to re-evaluate the safety of the site in light of the explosion to determine if any underlying damage has occurred that would make the site no longer viable, or if still viable, what repairs and/or design changes would be required to correct any damage before work could resume.

GENERALIZED BEDROCK GEOLOGIC MAP OF CONNECTICUT

THE CONNECTICUT GEOLOGICAL & NATURAL HISTORY SURVEY  
 Department of Environmental Protection  
 1980  
 reprinted 1996



- Honey Hill — Lake Char Fault
- Eastern Border Fault
- "Cameron's Line" (fault)
- Other faults
- Selected geologic boundaries

N. Y.

0 5 MILES 10 MILES

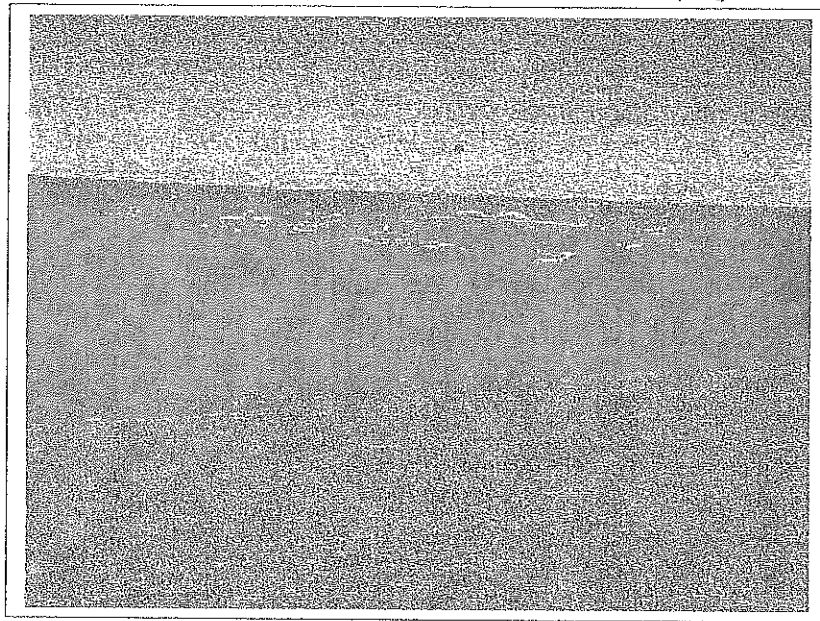
- NEWARK (HARTFORD BASIN)**
  - Classic sedimentary sandstone, and shale
  - Basal (lava flows)
- IAPETUS (OCEANIC) terrane**
  - Middle to Early Paleozoic age (300-500 million years old) metamorphosed
  - Slate and gneiss (includes granite gneiss) of the Hartford and Chous Dome
  - Connecticut Valley Synclinorium
  - Schist, gneiss and phyllite (includes greenstone and gneiss) of the Oran
  - Connecticut Valley Synclinorium
- PROTO-NORTH AMERICAN (CONTINENTAL) terrane**
  - Early Paleozoic and Proterozoic Y age (450-1,600 million years old) met
  - Sedimentary and igneous rocks
  - Schist of the Taconic Allocations (includes Taconic Terrane), Early Paleozoic
  - Metable, schist and marble of a continental shelf sequence (see Eastern

**SELECTED PLUTONIC ROCKS**  
 Granite intruded 1.4 to 1.6 million years ago

## CHAPTER 10

### Maromas, Middletown's Last Frontier

Maromas is best defined as the area east of CT Rt. 9. The area is 16 square miles or 10,240 acres. This represents almost 38% of the city's land area but only 5 % of the city's population resides in the Maromas section of the city. This area is extremely sparsely populated and of the 16 square miles only 2 square miles are developed leaving almost 9,000 acres of undeveloped land. For comparison purposes, the entire Town of Cromwell has a population of 13,000 and is 13.5 square miles or 8,640 acres. Figure 10-1 displays the Maromas section of the city.



A view from Maromas

Maromas is without question the most unique area in Middletown. Middletown's future success is tied directly to the future use of the land and preservation of the resources, which exist in the Maromas section of the city.

Planning is about achieving a balance between conservation and development. It is the Planning and Zoning Commission's responsibility to ensure good planning for the future of this unique area.

A group of concerned residents created an organization known as Advocates for a Maromas Plan (AMP). This organization secured grant funds to develop a detailed natural resource inventory of the area and recommendations for future uses. This information is available in the Department of Planning, Conservation and Development.



*"The I-3 zone, covering 4,460 acres, is the largest industrial zone in the City. This zone includes four (4) large tracts of land. These include: Pratt & Whitney Aircraft, lands owned by Northeast Utilities or its subsidiaries, and the former Feldspar property. As shown in Figure 9.1, much of the I-3 Zone is undeveloped due to steep topography and the lack of sanitary sewer. Road access is provided by River Road from the north and by Aircraft Road from the south. Freight rail service is available from the north, with the possibility of rail access to the south. The state provided funding for an extension of sanitary sewer from the existing treatment plant down River Road to Pratt and Whitney Aircraft. That extension is now complete. With improved road access to the higher plateau of the zone, some acreage would become attractive sites for high profile light industrial/office uses in a low-density, campus-type setting. A \$250 million, 720 megawatt, gas-fired power plant has been fully approved on the former Feldspar property. This development provides the necessary access and opportunities for future development on the Feldspar property and the formally mined and now reclaimed portions of the adjacent Northeast Utilities property."*

Issues of concern in the I-3 zone are as follows:

- **Significant Wetland Systems**

There are two (2) extremely significant and interrelated wetland systems in the I-3 zone. The first system straddles the zones western boundary. This system leads to the second wetland system at the mouth of Hubbard Brook adjacent to the Connecticut River. These large, biologically and ecologically diverse wetlands deserve permanent protection and preservation.

- **Blue Trail**

The blue trail was identified as a very significant recreation resource in the zone. This trail runs the entire length of Maromas and is located in the I-3 zone on the northern utility property. The trail was established by the Connecticut Forest and Park Association with landowners' permission. There is no legally binding agreement to ensure that this trail remains. This trail deserves preservation including a significant buffer around the trail.

- **Undisturbed Ridgeline along River Road**

There is a significant block of continuous undisturbed slopes in excess of 25 % along River Road. The public has identified views from the river and adjacent communities as a major concern. Preserving these steeply sloping areas will protect the view from the Connecticut River and from towns across the river. Therefore, these areas are identified as worthy of protection.



## Conclusion

Figure 10-3 is a concept plan that incorporates a number of the concerns identified. The purpose of the concept plan is to graphically identify those areas worthy of protection and those areas available for future development.

The tremendous potential and importance of the Maromas area to the City's long-term environmental and financial health is clearly recognized and cannot be overstated.

After reviewing the natural characteristics and the areas with development potential in Maromas, the Commission concludes that a balance between industrial development and natural resource protection can and should be achieved with careful land planning and regulation.

Equally important, the owners of the land in the I-3 zone must understand the concept plan and those areas worthy of protection. In this way, as proposals for private development are submitted to the Planning and Zoning Commission, they will be consistent with the Plan of Conservation and Development.

8.0 NATURAL ENVIRONMENT



MIDDLETOWN PLAN OF DEVELOPMENT

Much of the lowland area has been developed as the Central Business District and surrounding residential neighborhoods. The river and its banks hold tremendous potential for fishing, boating, hiking, and bird watching, but access to the riverfront remains a significant hurdle to better enjoy the river's amenities. The City has created Harbor Park as a means to make the river more accessible to residents, though Route 9 creates a barrier to reconnecting downtown with its riverfront.

The topography changes gradually downstream of the Sumner Brook area, and abruptly south of Silver Street, resulting in limited development along the Maromas section of the riverfront. Rising quickly to elevations of 400 feet south of Silver Street result in beautiful vistas of the Connecticut River Valley from heights hundreds of feet above the river. The rocky soil, limited access, and difficult terrain have kept development away from the area, allowing the local environment to thrive. The entire length of the river and many interior points have been designated as "areas of special concern" by the CT Department of Environmental Protection and the "Open Spaces" chapter from the previous plan identifies the area as having a diverse habitat consisting of upland and wetland areas, many rare species, and valuable wetland and tidal wetland areas. The heavily vegetated banks and shoreline represent a wildlife travel corridor, offering protection and food for migrating animals and birds. The river itself is home to fish species including the Atlantic salmon, striped bass, shad, and shortnose sturgeon, which is a federally listed endangered fish that is found in the river and near Middletown. Many sport fish occur locally.

### 3.3 Rivers and Inland Wetlands

In Middletown, the principal tributaries to the Connecticut River are the Coginchaug, the Mattabeset, and Sumner Brook. These smaller rivers traverse rural and highly urbanized areas. Due to extensive development within the tributaries' watersheds, these waterways have deteriorated over the years due to stormwater runoff, erosion, and the loss of habitat along the rivers' edge. Recreational possibilities that exist on the river, such as fishing on the Coginchaug and Mattabeset or canoeing on the Mattabeset, have been adversely affected over the years. Development along the rivers has also encroached into the natural floodplain, endangering property and impacting flooding conditions downstream. As the 1999 survey indicates, people are looking for ways to protect the natural environment and seek more recreational opportunities.

*The Management Plan for the Mattabeset River Watershed* demonstrates the spirit of cooperation that can exist between multiple towns and cities to accomplish a common goal. Working together, the Mattabeset River Stakeholder Group, funded in part by the CT Department of Environmental Protection (DEP) through an EPA Clean Water Section 319 nonpoint source grant, crafted a nine-point plan to restore the river's ecological integrity and to promote sustainable land use practices along the river. These goals included the expansion of recreational opportunities, limiting development, and safeguarding of preservation areas. A Coginchaug River Task Force was created several years ago to address the same issues along the Coginchaug.

Because of the importance of wetlands and watercourses for flood retention, wildlife habitat, and groundwater recharge, the Connecticut legislature passed Chapter 440 of the Connecticut General Statutes entitled "The Inland Wetlands and Watercourses Act." This act regulates any activity within wetland boundaries, but has also allowed the local municipality to adopt legislation to control the permitting process. Middletown originally adopted its Inland Wetland and Watercourses legislation in 1988 and continues its aggressive protection of inland wetlands and waterways.

#### 8.4 Public Watersheds and Groundwater

The 1999 public opinion survey indicates that water quality is a significant concern for Middletown residents. Potable water arrives into residents' homes from either an individual well or as part of a public water supply. Middletown has two sources for its public water supply – Mount Higby reservoir and the Connecticut River. The Mount Higby reservoir represents a surface water reservoir, and is directly impacted by stormwater runoff. Reservoirs are part of public watersheds and require special legislation to safeguard the uses that occur on the surface that might enter the reservoir when it rains, for instance.

Wells that are located alongside the Connecticut River, however, pump ground water into holding tanks before it is dispersed throughout the city. This groundwater is dependent on aquifers and "recharge areas" that allow water to slowly filter down into the ground where it can be pumped back to the surface. Like surface water reservoirs, groundwater is susceptible to contamination, but ground water does have the advantage of being filtered through many layers of soil before being recycled.


Both the City and the State recognize the need for safe drinking water and both have adopted legislation to safeguard the water supply. The State of Connecticut adopted Public Act 89-305, as amended by 90-275, "An Act Concerning the Aquifer Protection Areas." Any existing hazardous materials and toxic chemicals in the aquifer recharge area or public watershed should be carefully managed and eliminated wherever possible. The City adopted Section 42 of the Zoning Code "Protection of Water Resources" to control the activities within watersheds and recharge areas.

As Middletown's population grows and new buildings are constructed, care must be taken to ensure that land uses do not adversely impact water supplies, including the City's reservoirs and the aquifers beneath the Connecticut River. This means that chemicals and toxic substances should not be allowed near drinking water supplies, but also that groundwater recharge areas should be carefully regulated to protect their important function.


#### 8.5 Steep Slopes and Ridgelines

Mount Higby, at approximately 900 feet above sea level, is Middletown's highest point. Along with Lamentation Mountain, parts of the Maromas area, and a few other hills, these elevated ridges provide a visual contrast to the lowlands of the Connecticut River Valley.

Much of Mount Higby has already been preserved due to its inclusion within the public watershed. Large tracts of Mount Lamentation have also been preserved recently, and efforts to expand dedicated open space areas within the Maromas area continue. These efforts will continue to protect Middletown's slopes from development. While difficult to develop, they are valued for their scenic quality and for native flora and fauna.



Because these ridgelines can be seen from long distances, aesthetic qualities are perhaps their most important asset. Development should not be allowed above elevations that would interfere with the ridgelines' scenic qualities. Some form of creative development, including cluster development, should be encouraged for any subdivision that impacts these slopes or ridgelines. Building heights should be lowered in these areas to stay below the treeline. Towers, clear-cutting, and other visually obtrusive elements should be prohibited.



## 8.7 Summary

Middletown has significant amounts of undeveloped land that endow the city with its rural characteristics and safeguard the city's unique and environmentally sensitive lands. The city has pursued policies to protect and enhance these resources and should continue to do so into the future. Middletown, however, does not have the resources nor the jurisdiction to tackle environmental problems on its own. The city will have to work with state and federal agencies to maintain protection of the environment.

### Major Assets



- The Connecticut River, smaller tributaries and numerous wetlands
- Uplands and traprock ridges
- Diverse flora and fauna and habitats

### Issues and Opportunities



- Improved connections and access to the Connecticut River so residents are better able to appreciate the river's benefits.
- Future acquisition of open space lands and the need to support the city's natural environmental systems.
- Protection of city's wildlife and habitat, including any threatened or endangered plant and animal species.

Hello, my name is Dan Dziob and I live at 35 Wellwyn Drive in Portland. Ever since I was a boy, my dream was to live on the river. In 1998, I found the perfect location. I moved into 39 Wellwyn Drive and also purchased 35 Wellwyn Drive in order to build my dream home, a beautiful A frame with gorgeous views of the Connecticut River and Maroma Mountain. I was in heaven.

I was only in my new home for a couple of months, when one day a tremendous blast shook my house. I called 911 only to find out that a Power Plant was being built within 2,000 unobstructed feet from my house. Boy was I was surprised. Why wasn't I ever notified that such a large power plant was going to be built so close to my life? On January 7, 2008, the blasts were so big that I filed a complaint with the City of Middletown and Fire Marshall, Steve Karol. DRS Consultants, Inc. was sent over to monitor the blasts from then on with seismograph machines. When I asked the Middletown Fire Marshall "what qualifications do the officials have that are issuing the permits for a project of this scale?", his response was "I just sign off on what they tell me to sign". I ask you, are any of these permits reviewed prior to being "just signed off"? This was definitely not a good sign to the continued building of this plant. Why were there no town or state officials able to offer any help or aid to our complaints when asked? Who was in charge? As time went on, clearing and construction noise was all that I could hear. (see before and after photos, attachment #1) From January 2008 until June 2009, I documented over 300 dynamite blasts as Kleen Energy prepared to construct its plant. (see attachment #2)

When I review the original Docket #225, I see that the original size of the plant was to be 520 MW but somewhere along the way it has grown to 620 MW. Have any studies been done since 2002 on the impact of this new size. The report speaks about the 2,800,000 -- 4,500,000 gallons of water that this plant will utilize from the river, but no where does it address how much water it will discharge back into the river. Given the increased size of Kleen Energy and now the increased size of the NRG Plant just feet down the river, I am greatly concerned about the impact of this discharged water on the Connecticut River by the combination of these two plants. I am also concerned about the silt runoff and pollution that I have seen in the river. (see attachment # 3)

Were there any impact studies done as to how this plant would affect the residents of Wellwyn Drive? Every time Wellwyn Drive is mentioned in Docket No. 225, the subject is quickly changed. It seems like the residents of Wellwyn Drive were never fully considered in this decision. After all, we are just Portland residents; "just the little people".

I want to know who is responsible for what happened to our lives and our property? If the Connecticut Siting Council was the final authority that allowed the building of this plant then why weren't they the ones to make sure that we were protected?

Here we are more than six months after the February 7<sup>th</sup> explosion and neither one of my homes have been repaired. Both homes suffered extensive damage. When O&G's insurance engineer came to view my damages the last thing I expected to hear was insults. His comments were, "I wouldn't have chosen that style of beam and that's an awful color you picked to paint it." Never once was he concerned with the extent of my damages. And yet Kleen energy has the nerve to ask for an extension of its permits to rebuild its facility while both my homes still remain in this condition. The possibility of allowing this deadly project to move forward is totally incomprehensible to me!

I understand the whole Power Plant issue is a balance of want and need. It's unfortunate that our Wellwyn Drive neighborhood shares a disproportionate share of the burden. We don't want it but everyone says we need it. The actions of the Connecticut Siting Council ruined my life.

The peaceful and tranquil way of waterfront life that I had in my beautiful, new, perfect dream home along the Connecticut River known as "ONE OF THE LAST GREAT PLACES" as quoted right in your own permitting process, has been ruined! A place where former President Clinton designated as "one of the world's 14 Heritage Rivers" is being destroyed.

Until these questions and concerns are fully and adequately addressed, and our homes and our lives are made whole again, there should be absolutely no renewal of this permit!

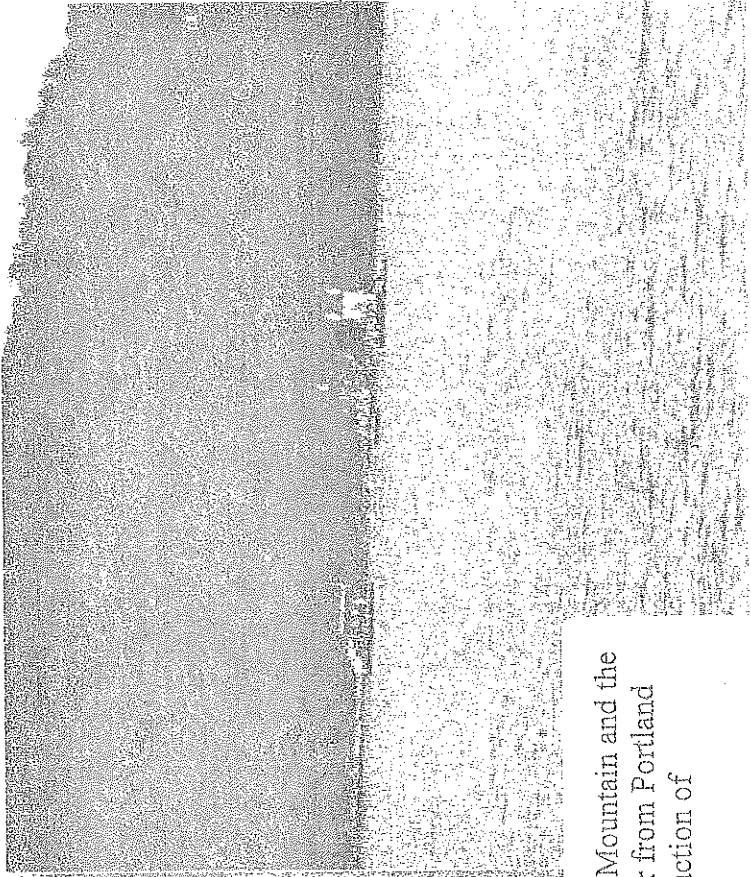
Dan Dziob  
35 Wellwyn Drive  
Portland, CT 06480

## Questions and Concerns

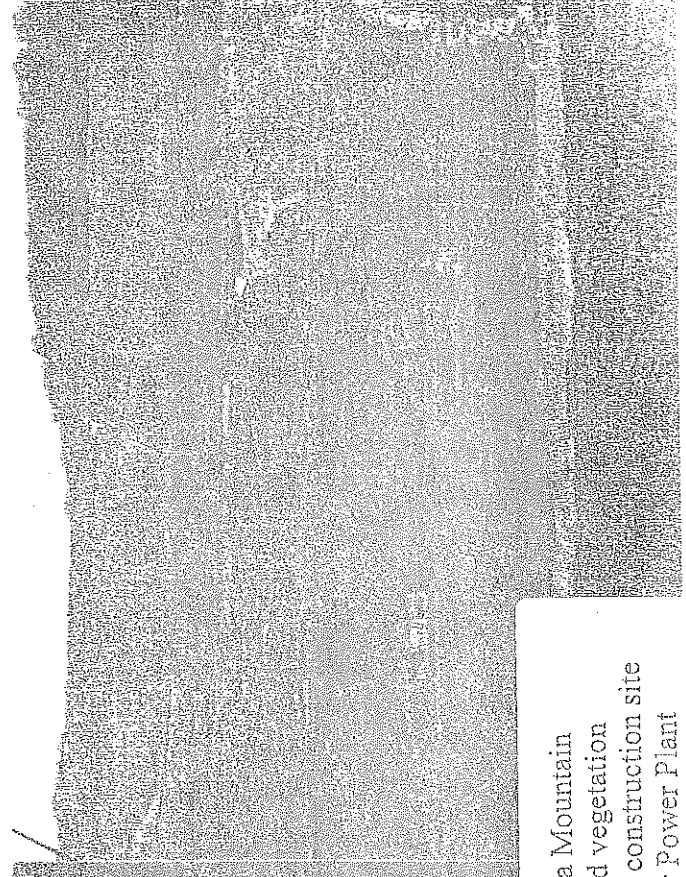
1. Qualifications: What qualifications did the officials have that issued the permits for such a large project?
2. Preliminary blasting tests: Why were no preliminary blasting tests done in the Wellwyn Drive neighborhood considering that we are so close to the plant with nothing between us and the plant but 1,000 feet of river?
3. Aid: Why were there no town or state officials able to offer any aid or help when we had concerns or complaints?
4. Responsibility/Accountability: Who is responsible and accountable for what happened to our lives and property?
5. Safety and Protection: Who is responsible for our safety? If the Siting Council is the agency that allows a power plant of this magnitude to be built within feet of neighborhoods, they should be held accountable as well.
6. Impact studies: What studies have been done on the impact of the power plant on the Wellwyn Drive neighborhood and on the Connecticut River?



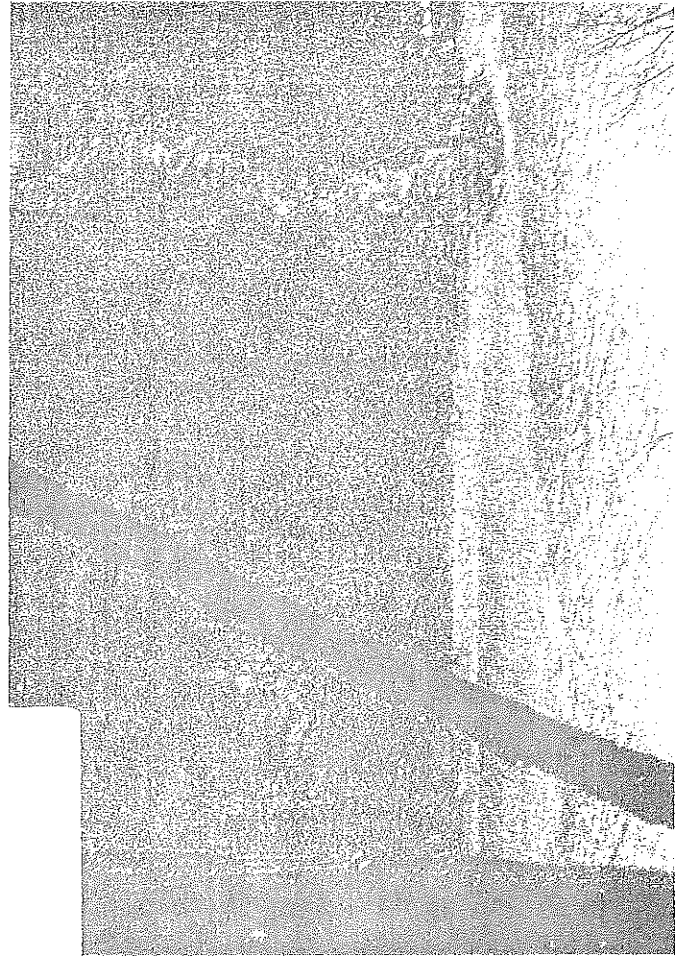
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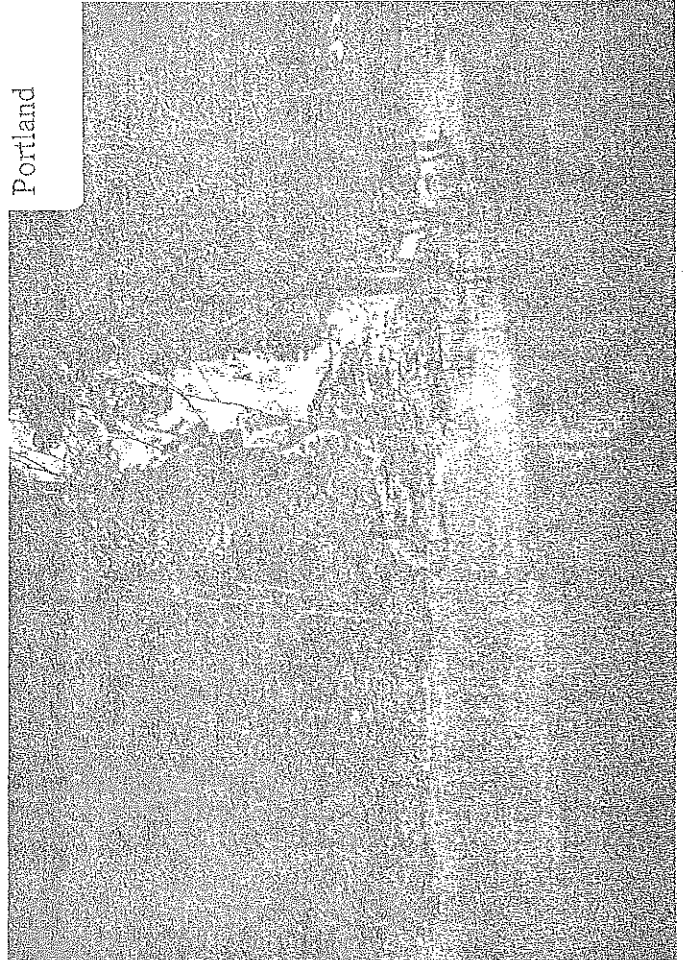
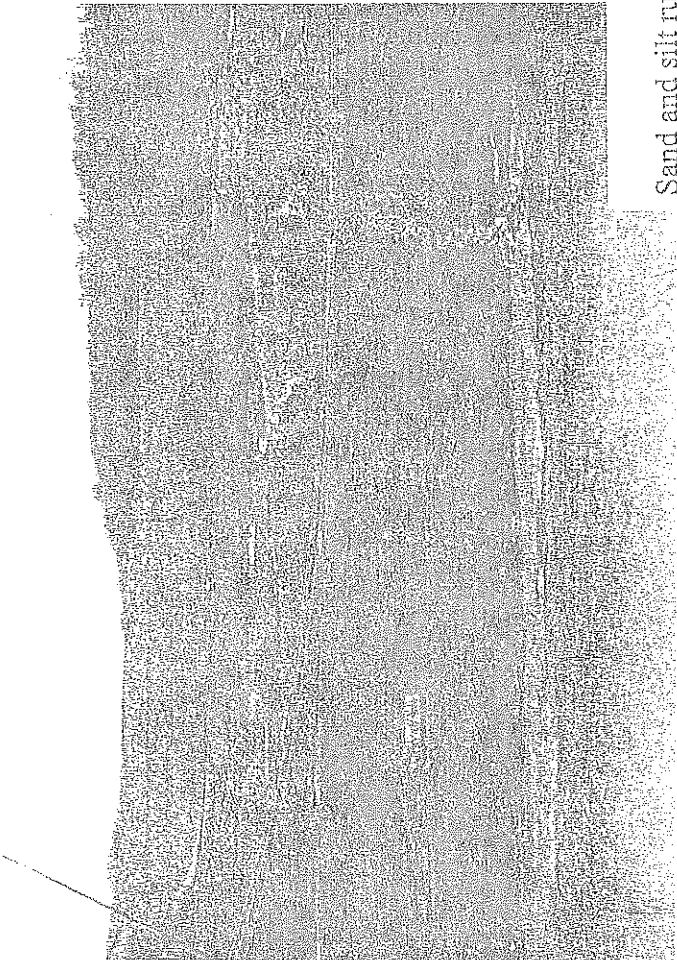
View of Maroma Mountain and the Connecticut River from Portland before the construction of Power Plant



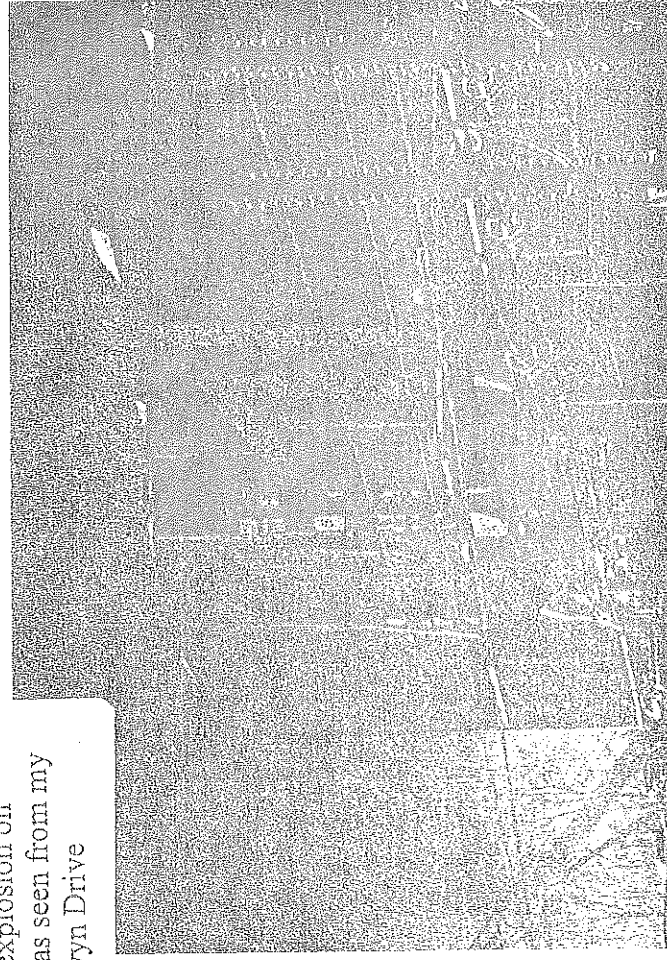
View of Maroma Mountain after all trees and vegetation was cleared and construction site to make way for Power Plant



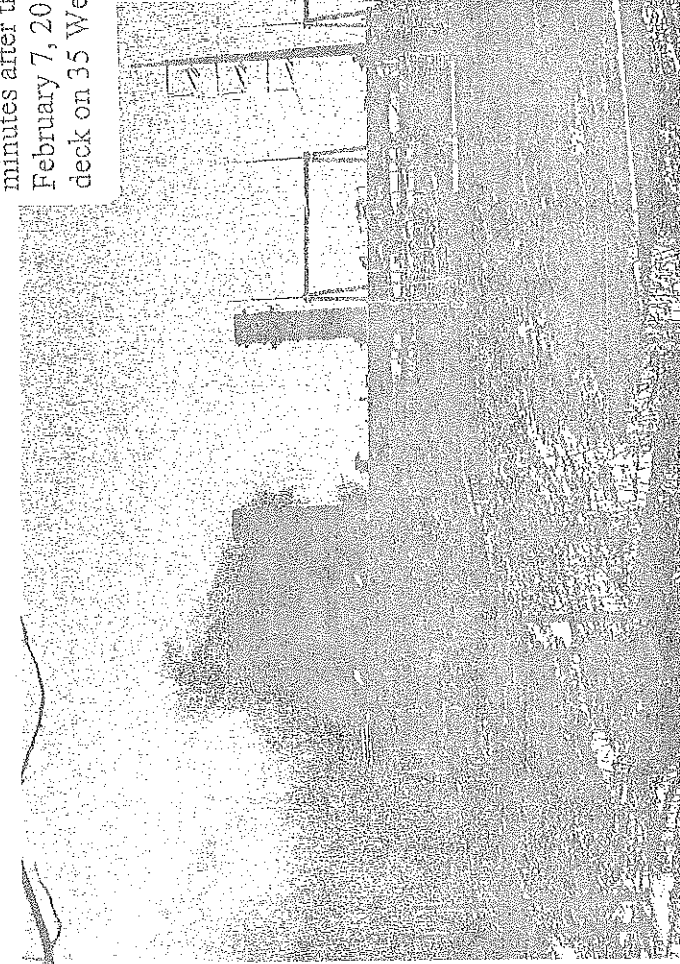
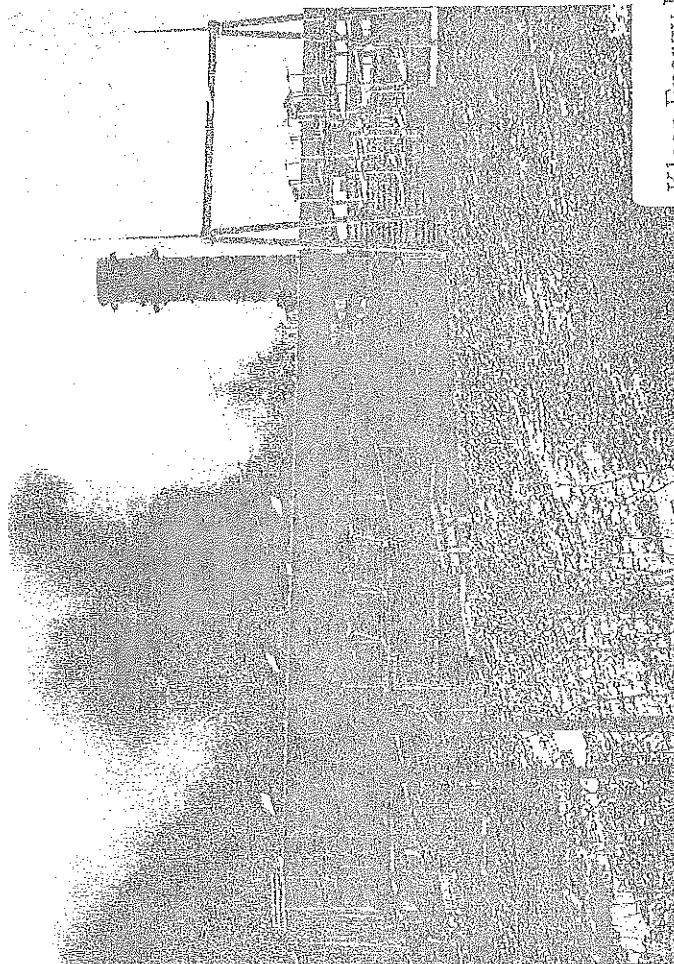
Sand and silt running into the  
Connecticut River as seen from  
Portland







Kleen Energy Plant  
minutes after the explosion on  
February 7, 2010 as seen from my  
deck on 35 Wellwyn Drive



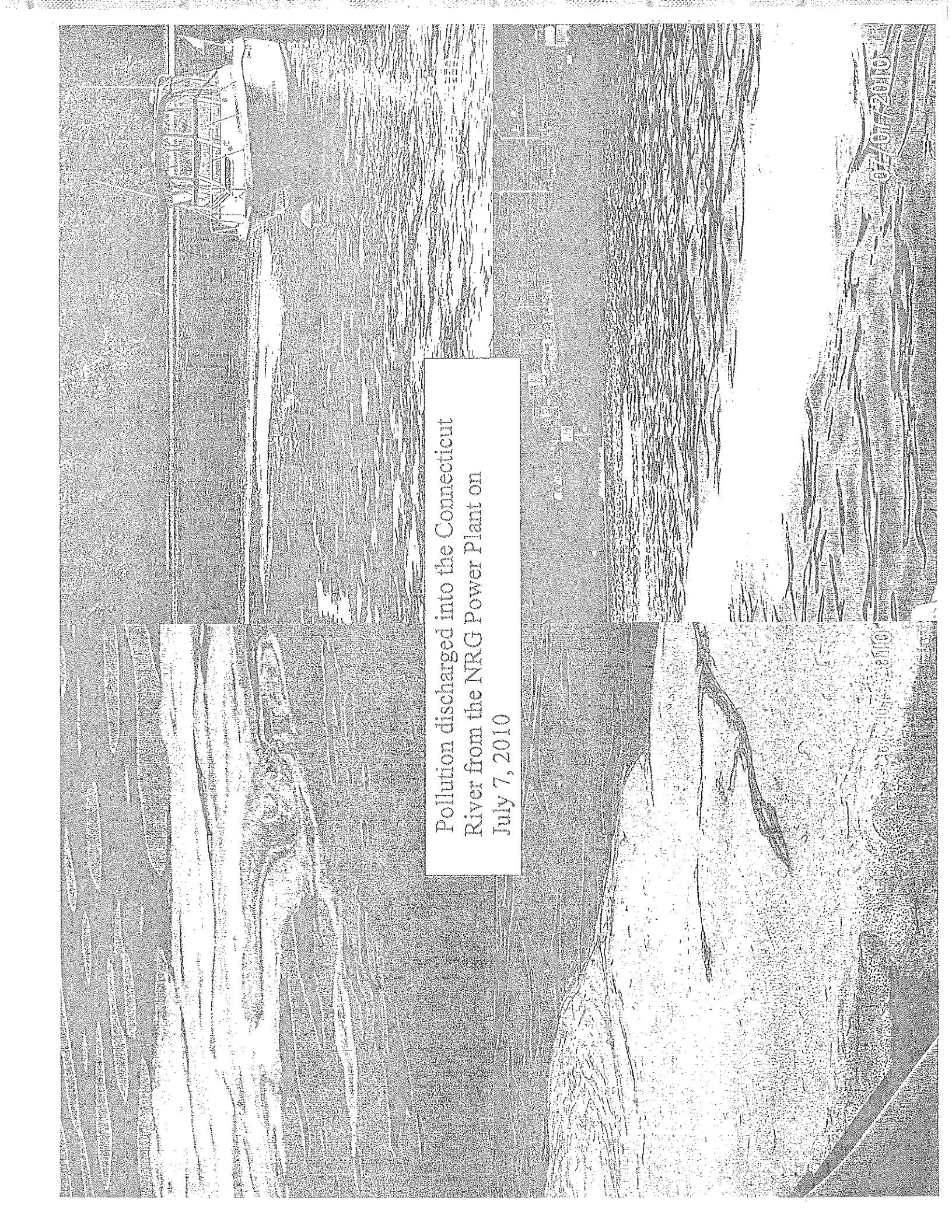
# M.D. Drilling and Blasting

This is a subcontractor of Kleen Energy. They had been doing months of huge Dynamite Blasting on the rock mountainside across the Ct. River from my home @ approx. 2,000 unobstructed feet away. I learned of this when I was home on vacation the week before Christmas 2007 when I was shaken off my couch by such a tremendous blast that the house shook and things fell from the walls. Instantly I called the police and fire dept. and was then told what was happening and there was nothing I or anybody else could do about it except be put on a call list for when the BLASTS were going to happen. I started to keep track after the new year, here is my list.

1-4-08 between 9:30-10  
1-7-08 two blasts 10 am & 1:30 pm Blasts were so big I wrote a compliant to City of Middletown & fire marshal Steve Karol. DRS Consultants, Inc. were sent over to monitor the blasts from then on with seismograph machines.  
1-8-08 two blasts 11-11:30 12-12:30  
1-9-08 four blasts 11-11:30 2-2:30 & two at 2 & 2:30  
1-10-08 five blasts random times  
1-15-08 two blasts 9:30-10 12:15-12:30  
1-16-08 four blasts 11-11:30 12-12:30- (twice) 2-2:30  
1-17-08 two blasts 12:15 3:30-4  
1-18-08 two blasts 9:30-10 12-12:30  
1-22-08 two blasts 9:30-10 1-1:30  
1-23-08 four blasts 9:30-10 11:45 12:00 12:30  
1-24-08 four blasts random times  
1-25-08 two blasts 9-9:30 3:30-4  
1-28-08 three blasts 11:30 12:30 2:30 4:30  
1-29-08 three blasts 9:00 1:30 2:00  
1-30-08 three blasts 10:00 12:00 12:30  
1-31-08 three blasts 9:30-10 2:30-3 4:30  
2-1-08 one blast 11:50  
2-4-08 two blasts 9:30-10 2:30-3  
2-5-08 three blasts 9:50 10:30 12-1:30  
2-7-08 one blast 11-12:30  
2-8-08 one blast 2:30-3  
2-11-08 two blasts 10-10:30 2:00-3  
2-12-08 one blast 3:30-4  
2-14-08 two blasts 10-10:30 1-1:30  
2-15-08 three blasts 11-11:30 1-1:30 3:30 Patti was home the house shook all three times!  
2-18-08 one blast 1-1:30  
2-19-08 one blast 1-1:30  
2-20-08 one blast 1:15-2  
2-23-08 ONE BLAST 11-11:30 Rob from DRS & I were in the house to witness violent shake from blast.  
2-24-08 construction stopped to repair silt & sediment running into the Ct. River  
2-26-08 one blast 12:15-12:30  
2-27-08 two blasts 12-12:30 1:30-2  
2-28-08 three blasts 11:30 3:30 4:00  
2-29-08 three blasts 1:30 2:00 3:00  
3-3-08 one blast 1-1:30  
3-4-08 three blasts 9:30-10 10:30-11 2-2:30  
3-6-08 two blasts 12-12:30 1:30-2  
3-10-08 one blast 12-12:30  
3-11-08 three blasts 9:30-11 (twice) 3:00  
3-12-08 three blasts 9-9:30 1:30-2 3:30-4  
3-13-08 two blasts 9:30 12:30  
3-14-08 two blasts 12-12:30 2:30-3  
3-17-08 three blasts 9-9:30 12:15-12:30 2-2:30  
3-18-08 two blasts 9-9:30 12-12:30  
3-20-08 two blasts 9:30-10 1-1:30  
3-24-08 two blasts 9-9:30 1-1:30  
3-25-08 two blasts 10-10:30 1-1:30  
3-26-08 two blasts 12-12:30 2-2:30  
3-27-08 one blast 2:30-3  
3-31-08 one blast 12-12:30  
4-1-08 three blasts 9-9:30 12-12:30 1:50-2 Broke porcelain figurine off back wall.  
4-2-08 one blast 12-12:30  
4-3-08 four blasts 9-9:30 12-12:30 two after 2:45  
4-7-08 four blasts 9-9:30 10-10:30 12:30 2:00  
4-8-08 two blasts 11-11:30 1-1:30  
4-10-08 three blasts 9:10-9:30 12-12:30 3:00  
4-11-08 one blast 10-10:30  
4-14-08 three blasts 11:30-12 12:30 3:00

\* There were over 300 blasts that I documented \*  
between January 2008 and June 2009,  
before the explosion on February 7, 2010

more  
on reverse  
→

An aerial photograph of a river. In the upper left, a boat is visible on the water. In the lower right, a power plant with several tall smokestacks is situated on the riverbank. The water shows some ripples and reflections. A white rectangular box is overlaid on the center of the image, containing text.

Pollution discharged into the Connecticut  
River from the NRG Power Plant on  
July 7, 2010

07/07/2010

07/07/2010



07/07/2010

07/07/2010

07/07/2010

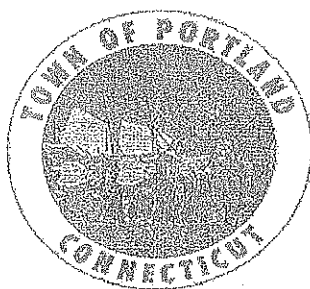
07/07/2010

Pollution discharged into the Connecticut River from the NRG Power Plant on July 7, 2010



Skeletal Remains found at the base of the  
Kleen Energy Plant after February 7th  
explosion





Town of Portland, Connecticut  
Equal Opportunity Employer  
**Office of the First Selectwoman**  
33 East Main Street / P.O. Box 71  
Portland, CT 06480-0071  
Phone: 860/342-6715  
Fax: 860/342-6714

July 27, 2010

The Honorable Daniel F. Caruso  
Chairman, Connecticut Siting Council  
Members, Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: **DOCKET NO. 225** – Kleen Energy Systems, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut

Dear Chairman Caruso and Members of the CT Siting Council:

The Hearing being held on August 3, 2010 is to consider the extension of the Kleen Energy Systems, LLC certificate from November 21, 2010 to June 30, 2011. In addition, the Connecticut Siting Council (Council) has been asked to consider changed conditions and the attachment of conditions to the certificate that would be consistent with the findings of the Kleen Energy Plant Investigation Review Panel Final Report (Nevas Report).

I would like to present information to you, the Council members that I believe will be helpful as you contemplate your decision. The terrible and tragic explosion at the Kleen Energy Plant (Plant) was seen, heard and felt throughout the entire region, including the Town of Portland.

My deepest sympathies go to those whose loved ones lost their very precious lives in the deadly February 7, 2010 explosion. Their grief is immense and immeasurable. Any action you take must be made for their honor and respect. All prudent safety measures must be in place to help prevent anyone from suffering such a terrible loss again.

There was extensive damage to the Plant, and to surrounding properties as well, including those properties directly across the Connecticut River in Portland. Many residents in the areas of Wellwyn Drive, Payne Boulevard and Lyman Road experienced serious damage to their personal and real property as a result of the explosion. Residents are and remain very upset and dissatisfied. Some maintain that their property values have declined as a direct result of the explosion. When property values decline the Town can suffer losses in tax revenues. The Town and its residents also suffer if activities at the site adversely impact not only public improvements and facilities, but also, most importantly, public safety, health and welfare.

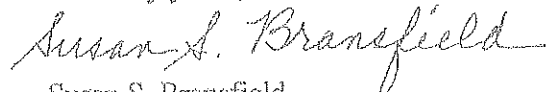


I am therefore requesting that the extension of the Certificate of Environmental Compatibility and Public Need be granted only under the following conditions:

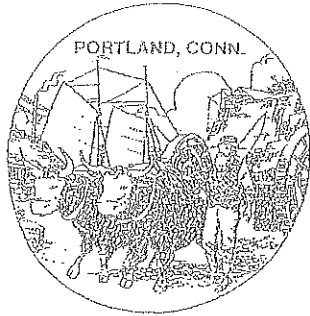
1. All of the affected parties, including the families of those who were killed, or injured, as well as all Portland and Middletown residents who suffered personal and/or real property losses are appropriately compensated and made as whole as possible.
2. The second investigatory panel's recommendations are issued and made a part of the conditions of the extension. This second panel, to be chaired by James "Skip" Thomas, retired Commissioner of the state Department of Emergency Management and Homeland Security has been charged with the review of the Nevas Report as well as the issuance of its own report with the strong possibility of additional safety recommendations. Skip Thomas is renowned and well respected, with years of real life experience in public safety, emergency management and homeland security. He is one of the best. While I am aware that the Thomas Commission is charged primarily with the responsibility of suggesting changes in the laws and/or rules associated with the Nevas Report, I would venture to say that additional safety recommendations will likely be issued. For the Council to take any action before both reports are issued would be ill advised, given the grave severity of the February 7, 2010 explosion.
3. Every condition and stipulation of both the Nevas and Thomas Reports must be included and made an attachment to any extension of the certificate. This action is necessary to protect the public health, safety, and welfare, as well as property values, both public and private, which could be impacted by any and all activities at the Plant.
4. With respect to the Town of Portland, Kleen Energy shall:
  - a. Perform pre and post inspections of properties within a specific radius of the facility, both immediately before and immediately after specific potentially hazardous activities at the facility and assess the impact on the properties of each such activity;
  - b. Send written notification to owners of said properties and Town officials at least one week in advance of specific potentially hazardous activities at the Plant to alert them of the date and time of the planned potentially hazardous activity;
  - c. Set up a hotline to field Portland resident and Town official complaints and concerns and respond to each within a specified time limit.

Public Safety is paramount to everything else. I implore you to take the necessary time to ensure the safety of the public. Please take no action in extending any certificate until both reports are issued and all recommendations are in place. It is your responsibility and your charge as public officials of the CT Siting Council. Public Safety is the most important task you have. Thank you.

Sincerely yours,



Susan S. Bransfield  
First Selectwoman



TOWN OF PORTLAND  
33 EAST MAIN STREET  
P.O. BOX 71  
PORTLAND, CONNECTICUT 06480-0071  
PHONE: (860) 342-6715  
FAX: (860) 342-6714  
E-Mail: ekalinowski@portlandct.org

OFFICE OF THE FIRST SELECTMAN

August 16, 2002

Mortimer A. Gelston  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

Dear Mr. Gelston:

New information has come to the Portland Board of Selectmen concerning the proposed Kleen Energy power plant in the Maromas section of the City of Middletown (docket #225) that is of concern to us, specifically that:

- 1) The Town of Portland suffers from unhealthy concentrations of ozone and due to the airflow patterns specific to this region such concentrations tend to linger. Because of these health impacts, before this application is approved we ask that modeling be done that simulates the inversion layer dynamics of the Connecticut River Valley in order to insure that the cumulative ozone emission impacts are not increased.
- 2) All Connecticut, and central Connecticut especially, has an abundant supply of electrical generation, not just currently but also for the next decade and beyond. Since we have the time, before this application is approved we ask that development of cleaner Class I and Class II renewable energy sources be given preferential treatment as a need for more power is demonstrated.
- 3) The Maromas area, being part of the Connecticut River Valley, is recognized nationally (Silvio O. Conte award) and internationally (Ramsar Designation) as an area of scenic and environmental importance. They are explicit in requesting that development of its banks have conservation as the guiding principle.
- 4) There is concern for the use of an underground pipeline designated to transport oil, which has been dormant and inactive for many years, to the plant in Middletown from Portland through the waters of the Connecticut River.

Because of the ecological uniqueness of this area, before this application is approved we ask that other more appropriate sites be explored. Thank you for your attention to this matter. If you have any questions or concerns, do not hesitate to contact me.

Sincerely yours,

  
Edward L. Kalinowski  
First Selectman

On behalf of the Portland Board of Selectmen



State of Connecticut

SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

SENATOR EILEEN M. DAILY  
THIRTY-THIRD DISTRICT

LEGISLATIVE OFFICE BUILDING  
ROOM 3700  
HARTFORD, CT 06106-1591  
CAPITOL: (860) 240-0462  
TOLL FREE: 1-800-842-1420  
FAX: (860) 240-0036  
E-MAIL: Daily@senatedems.ct.gov

DEPUTY PRESIDENT PRO TEMPORE

CHAIRMAN  
FINANCE, REVENUE AND BONDING COMMITTEE

VICE CHAIRMAN  
PUBLIC SAFETY AND SECURITY COMMITTEE

MEMBER  
LEGISLATIVE MANAGEMENT COMMITTEE  
INTERNSHIP COMMITTEE

July 28, 2010

The Honorable Daniel F. Caruso, Chairman  
Connecticut Siting Council  
Members, Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: DOCKET NO. 225** – Kleen Energy Systems, LLC application for a Certificate of Environmental Compatibility and Public Need for construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut

Dear Chairman Caruso and Members of the Connecticut Siting Council,

This docket has been opened to consider the request of Kleen Energy to extend their time of construction from November 21, 2010 to June 30, 2011 and to consider implementation of the recommendations of the Kleen Energy Plant Investigation Review Panel Final Report (Nevas Report)

The damage caused by the February 7, 2010 explosion is indeed profound. The loss of six lives- (Ron Crabbe and Ray Dobraty were friends and constituents) all tragic. Injuries and trauma- lives will never again be the same.

Additionally real and personal property of my constituents on Wellwyn Drive, Payne Boulevard, and Lyman Road were extensively damaged. Residents can never be fully compensated for the trauma they suffered but they must be fully compensated for their property.

I urge you, in the strongest terms possible to grant the continuation only after all affected parties have been made whole.

Kleen Energy and its contractors must be sure that their insurers are working cooperatively and quickly with the residents. They must conduct inspections by experts of the Town's choosing to ensure that there is no damage beyond that for which they are being compensated. This must be accomplished before a continuation is granted.

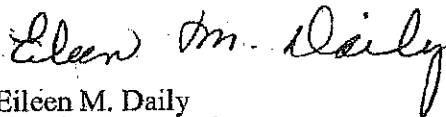
Every recommendation of the Nevas report must be put in place prior to granting said continuance. Further I request that Docket No. 225 be reopened when the Thomas Report is received. It is incumbent on you to make sure that every possible safeguard is in place for ongoing construction and future operation of the Kleen Energy Plant. I am keenly aware of the State's need for the electricity this plant will produce. We should prefer no new electricity generation rather than see a repeat of the February 7, 2010 tragedy.

I join with the Honorable Susan Bransfield, First Selectwoman of The Town of Portland, in requesting:

- A. Perform inspections of properties within a specific radius of the facility by an expert of the Town's choosing, for current settlements and as a baseline for any future difficulties;
- B. Send written notification to owners of said properties and Town officials at least two weeks in advance of potentially hazardous activities at the Plant to alert them to the date and time of the planned potentially hazardous activity;
- C. Set up a hotline to field Portland resident and Town official complaints and concerns and respond to each within a specified time limit.

Under our current regulatory scheme The Connecticut Siting Council is the only body able to set conditions that will reassure the public and guarantee the health and safety of our residents.

Sincerely,



Eileen M. Daily  
State Senator, 33<sup>rd</sup> District