

<p>DOCKET NO. 470B - NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).</p>	<p>} } } }</p>	<p>Connecticut Siting Council June 6, 2019</p>
--	----------------------------	---

Decision and Order

Pursuant to Connecticut General Statutes (CGS) §4-181a(b) and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the proposed 650 MW dual-fuel combined cycle electric generating facility in Killingly, Connecticut, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when compared to public benefit, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, the Council directs that a Certificate of Environmental Compatibility and Public Need, be issued to NTE Connecticut, LLC (hereinafter referred to as the Certificate Holder) for the construction, maintenance and operation of the project. This Decision and Order shall be subject to the following conditions and requirements:

1. Conditions

- a) The facility shall be constructed and operated substantially as specified by the Certificate Holder in the record in Docket No. 470 and this proceeding, except where otherwise ordered by the Council;
- b) The exhaust stacks shall be no higher than necessary, consistent with air emissions modeling conducted by the Department of Energy and Environmental Protection (DEEP);
- c) The project shall operate primarily on natural gas, except when the project may operate on ultra-low sulfur distillate fuel (ULSD) for a maximum total of 720 hours per year or as permitted by the DEEP;
- d) The use of natural gas as a fuel pipeline/system cleaning medium for construction or any future facility modification shall be prohibited;
- e) Submit the following information to the Council 15 days prior to any fuel pipeline/system cleaning operations related to construction or any future facility modification:
 - i. Identification of the cleaning media to be used;
 - ii. Identification of any known hazards through use of the selected cleaning media;
 - iii. Description of how known hazards will be mitigated, including identification of any applicable state or federal regulations concerning hazard mitigation measures for such media;
 - iv. Identification and description of accepted industry practices or relevant regulations concerning the proper use of such media;
 - v. Provide detailed specifications (narratives/drawings) indicating the location and procedures to be used during the pipe cleaning process, including any necessary worker safety exclusion zones;
 - vi. 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;
 - vii. 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
- viii. Certification of notice regarding pipe cleaning operations to all state agencies listed in CGS § 16-50j(g), the Department of Consumer Protection, Department of Labor, Department of Emergency Services and Public Protection (DESPP), Department of Construction Services, Department of Emergency Management and Homeland Security, and the local Fire Marshal.
- f) The Certificate Holder shall comply with all applicable NFPA and ASME codes/standards, as adopted and amended by the DESPP and/or the Authority Having Jurisdiction, for any fuel pipeline/system cleaning operations related to construction or any future facility modification.
- g) Submit a copy of an Emergency Response/Safety Plan developed in cooperation with all local public safety officials, the DESPP, and other emergency response officials that identifies any revisions since the initial filing of the Development and Management Plan and that includes, but is not limited to the following:
- i. A description of the results of any simulated emergency response activities with any state and/or local emergency response officials;
 - ii. Details of any facility site access system that accounts for all personnel entering and leaving the facility; and
 - iii. 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 that wish to participate.
- h) The Certificate Holder 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.
- i) The Certificate Holder shall provide the Council with a copy of the Stormwater Pollution Control Plan and necessary permits from any other state or federal agency with concurrent jurisdiction prior to the commencement of operation including, but not limited to, DEEP General Permit, wastewater permit, and final DEEP air emissions and water discharge permits.
- j) The Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.
- k) This 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.
- l) The Certificate Holder shall provide the Council with not less than 30 days written notice that the facility plans to cease operation. If the facility ceases to provide electric generation for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall notify the Council in writing and implement the Decommissioning Plan.
- m) 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 facility within 30 days of the sale and/or transfer.

- n) The Certificate Holder shall retain for the duration of construction a special inspector to assist the fire marshal in reviewing the construction plans and conducting inspections sufficient to ensure compliance with recommended standards pursuant to CGS §16-50ii and submit the contact information for the special inspector to the Council.
- o) The Certificate Holder shall deposit a fee into the Code Training Fund to be used in the training of local fire marshals on the complex issues of electric generating facility construction in accordance with CGS §29-251c.
- p) Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within five years of the effective date of the Decision and Order, or within five years after all appeals to this Decision and Order have been resolved. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
- q) Any request for extension of the time period referred to in Condition 1p shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Killingly.
- r) This Certificate may be surrendered by the Certificate Holder upon written notification to the Council.

2. Development and Management Plan

The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include:

- a) A final site plan showing all roads, structures and other improvements on the site. The final site plan shall, where possible, preserve existing vegetation on the site;
- b) A detailed plan for the natural gas connection to the facility including gas metering and compressor station if applicable;
- c) Water and sewer connection routes;
- d) Detailed project schedules for all work activities and proposed construction hours;
- e) Erosion and sedimentation control plans consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*;
- f) Wetland restoration and creation plans;
- g) Emergency response/safety plan per Condition No. 1(g) of the Decision.
- h) Final noise mitigation measures and plans to demonstrate compliance with DEEP noise standards;
- i) Stormwater design and stormwater management plan;
- j) Decommissioning Plan;
- k) Final fuel storage and handling plan including containment and other measures to protect against spillage when the ULSD tank is being refilled;
- l) Final plans for the safe delivery, storage and containment measures for aqueous ammonia;
- m) Final plans for the safe delivery, storage and usage of hydrogen at the site;
- n) Backup generator design and containment measures for fuel, oil, and coolant;
- o) Dewatering plan to address groundwater issues during construction;
- p) Final construction traffic route plans; and
- q) Fence design and other site security measures.

3. Operations Plan

Prior to commencement of operations, the Certificate Holder shall submit an Operations Plan with components to include base line testing, performance objectives, post-construction operations monitoring, enforcement protocol, and the development of mitigation measures to ensure compliance with regulatory requirements and/or performance objectives for each of the following components:

- a) noise emissions;
- b) water usage;
- c) water discharges;
- d) air and water vapor emissions;
- e) odors;
- f) plant lighting;
- g) traffic management; and
- h) physical plant and site management.

4. Notification

The Certificate Holder shall provide the Council with written notification of the following events not less than two weeks in advance of their occurrence:

- a) commencement of facility construction;
- b) commencement of facility testing;
- c) commencement of commercial operations; and
- d) permanent termination of any operation of the project.

5. Reporting

The Certificate Holder shall provide the Council with following reports:

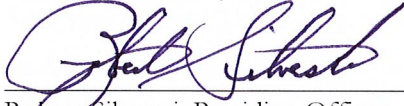
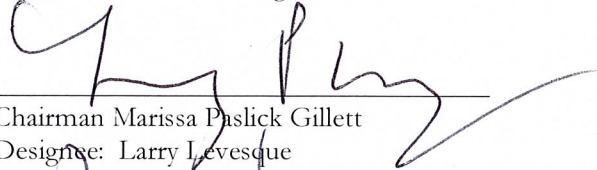
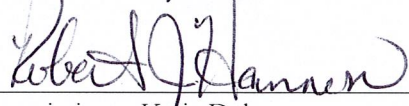
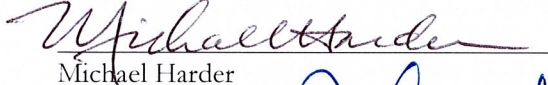
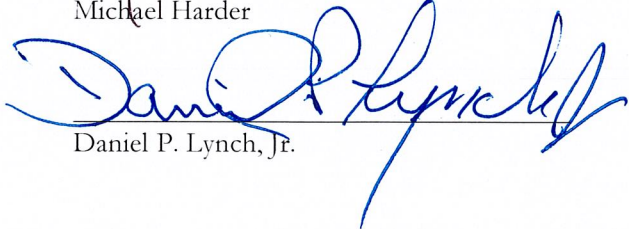
- a) Quarterly progress reports to include the status of all permits, starting with the effective date of this Decision and Order and ending with the commencement of facility operation, or as otherwise directed by the Council; and
- b) A first year operating report, to be submitted to the Council within three months after the conclusion of the first year of operation, to include:
 - i. The number of hours when operation on natural gas was curtailed and ULSD was burned, facility capacity and availability, and the number of and reasons for any interruption in electric generation; and
 - ii. Overall condition and reliability of the facility.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated April 29, 2019, and notice of issuance published in The Bulletin.

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.

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. 470B** – NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) and voted as follows to approve the proposed facility:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Silvestri, Presiding Officer	Yes
 _____ Chairman Marissa Paslick Gillett Designee: Larry Levesque	Yes
 _____ Commissioner Katie Dykes Designee: Robert Hannon	Yes
_____ Edward Edelson	Absent
 _____ Michael Harder	No
 _____ Daniel P. Lynch, Jr.	Yes

Dated at New Britain, Connecticut, June 6, 2019.