STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
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Daniel F. Caruso
Chairman

June 8, 2007

Daniel Donovan, Vice President
Plainfield Renewable Energy LLC
20 Marshall Street, Suite 300
Norwalk, CT 06854

RE: **PETITION NO. 784** – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.

Dear Mr. Donovan:

At a public meeting held on June 7, 2007, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need. Attached are the Council's Findings of Fact, Opinion, and Decision and Order.

Although not specified in the Decision and Order for this project, staff recommends the following:

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:

a. The number of hours of operation and the number of and reasons for any interruption in electric generation;
b. Overall condition and reliability of the facility;
c. The types and quantity of fuel used; and,
d. Any exceedance of applicable regulatory thresholds and/or permit criteria.

Very truly yours,

Daniel Caruso/laf

Daniel F. Caruso
Chairman

Enclosure

c: Honorable Kevin Michael Cunningham, First Selectman, Town of Plainfield
Gloria Rizer, Planning and Zoning, Town of Plainfield
Honorable Neil A. Dupont, Sr., First Selectman, Town of Canterbury
Darlene L. Gannon. Zoning Enforcement Officer, Town of Canterbury
Bruce L. McDermott, Wiggin and Dana LLP

DFC/RDM/laf

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Daniel F. Caruso
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June 8, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director SDP/laf

RE: **PETITION NO. 784** – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.

By its Decision and Order dated June 7, 2007, the Connecticut Siting Council approved the proposed wood biomass generating project.

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

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

PETITION NO. 784 – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.	}	Connecticut Siting Council

June 7, 2007

FINDINGS OF FACT

Introduction

1. On August 14, 2006, Plainfield Renewable Energy LLC (PRE), pursuant to Connecticut General Statute (CGS) §16-50k and as amended by Section 18 of Public Act 05-01, submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, maintenance, and operation of a 37.5 MW (net) wood biomass fueled electric generating facility in the Town of Plainfield, Connecticut. (PRE 1, pp. 1, 7; PRE 2)

2. PRE is a joint venture between Decker Energy International, Inc. and NuPower LLC. Decker Energy International, LLC was involved in the development of six biomass facilities, including an ownership interest in two operating biomass facilities, one in North Carolina and one in Michigan. NuPower LLC is an in-state renewable energy developer. (PRE 1, p. 9; PRE 6, Attachment, p. 2; Transcript 1, November 16, 2006 [Tr. 1], p. 33; Transcript 2, November 16, 2006 [Tr. 2], pp. 6-7)

3. The proposed power plant would be a Class I renewable resource as defined by CGS §16-1(a)(26). The project would be partially funded by the Connecticut Clean Energy Fund, established to support the use of renewable energy consistent with Connecticut Public Act 03-135. (PRE 1, pp. 2, 64; PRE 6, Attachment D)

4. The party in this proceeding is the petitioner. The intervenor is The Connecticut Light and Power Company (CL&P). (Tr. 1, p. 5)

5. Public notice of the petition was published in the Norwich Bulletin on November 8, and 13, 2006. (PRE 14)

6. Notice of the petition was provided to all abutting property owners by certified mail. (PRE 14)

7. Pursuant to Sections 16-50j-21 and 16-50j-40 of the Regulations of Connecticut State Agencies, the Council, after giving due notice thereof, held a public hearing on November 16, 2006, beginning at 2:30 and continuing at 7:15 p.m. at the Plainfield Town Hall, 8 Community Avenue, Plainfield, Connecticut. (Tr. 1, p. 3; Tr. 2, p. 3)

8. The Council and its staff inspected the proposed site on November 16, 2006. During the field review, the petitioner attempted to fly a balloon to simulate the height of the proposed exhaust stack but weather conditions prevented the balloon from reaching a height greater than 50 feet above ground level (agl). (Tr. 1, pp. 27-28; Council Hearing Notice of October 6, 2006)

State Agency Comment

9. Pursuant to CGS § 16-50j (h), on October 6, and November 17, 2006, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: 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), and the Department of Transportation (DOT). (Record)

10. State agency comments were received from the Department of Environmental Protection (DEP) on November 13, 2006. Comments are described in this document where applicable. (Record)

11. The following agencies did not respond with comment on the application: CEQ, DPUC, OPM, DPH, DOT, and the DECD. (Record)

Municipal Consultation

12. PRE first introduced the project to the then First Selectman of the Town of Plainfield, Donald Gladding, on October 13, 2004. Successive meetings were held with various town officials in 2004 and 2005. PRE met with the present First Selectman, Kevin Cunningham, on November 17, 2005. (PRE 1, p. 119)

13. PRE held a public information meeting at the town hall on February 2, 2006 that was attended by approximately 150 residents of Plainfield and neighboring towns. A second public informational hearing was held on October 16, 2006, when a more finalized plan was discussed. (PRE 6, Attachment, p. 3; Tr. 1, p. 23)

14. First Selectman Cunningham made a limited appearance statement into the record at the November 16, 2006 hearing stating the town is confident that exhaust emissions would meet regulatory criteria and that daily truck traffic to support plant operations would have no negative impact on the neighboring area. The town requests mitigation of noise from the cooling fans, access to environmental records, and the right to perform environmental testing of the fuel material prior to combustion. (Tr. 1, pp. 7-10)

15. The Town of Plainfield Director of Economic Development, Elizabeth Swenson, made a limited appearance statement into the record at the November 16, 2006 public comment session expressing support for the proposed project but with the following concerns: sound and light effects should be mitigated by using natural plantings, directional lighting, and sound walls as necessary; low wooden poles should be used to support the electrical connection from the proposed plant to a neighboring substation. (Tr. 2, 20-23)

Site Description

16. The proposed site is on a 27-acre parcel north of Mill Brook Road and west of Route 12 (Map 10, Block 30, Lot 32) in the Town of Plainfield, Connecticut. The Providence and Worcester Railroad abuts the site to the west. The site was previously used for gravel extraction. (PRE 1, pp. 1, 103, Figure 1; PRE 4 Figure 14-1)

17. The site parcel is zoned industrial. The Town of Plainfield zoning regulations allow power plants with a special use permit within an industrial zone. (PRE 1, p. 11)

18. The site parcel is a brownfield and was listed on the Environmental Protection Agency Priority List as a Superfund site in 1989. Industrial chemicals were illegally dumped on the parcel in 1977 in three different locations. DEP-supervised remediation of the site began in 1978 with the removal of drums, free liquids, and contaminated soil. Contaminated soils and groundwater remain in the northern portion of the parcel. This contaminated area, approximately 1.8-acres, is designated as an Environmental Land Use Restriction area where no soil disturbing activities are permitted. (PRE 1, pp. 103-105; Tr. 2, pp. 42 43)

19. Site construction activities would not disturb the Environmental Land Use Restriction area. (PRE 4, Q. 13; Tr. 2, p 44)

20. The parcel is undeveloped and is mostly wooded, with six wetland areas and a sand barren. The parcel is mostly level except for a sharply rising knoll in the east central portion of the property. (PRE 4, Figure 14-1)

21. Development of the site would require the acquisition of an approximate 1.3-acre rear portion of the Garriepy property, a residential parcel abutting the site to the east. PRE has an option to purchase this portion of the parcel. (PRE 4, Figure 14-1; Tr. 1, p. 64)

22. Five residential parcels abut the site to the east. The nearest residence, 855 Norwich Road, is approximately 55 feet east of the property boundary. This residence is approximately 180 feet from the proposed main plant facilities. (PRE 1, p. 93, Figure 3.1; PRE 4, Figure 11-1; PRE 9; Tr. 1, p. 64)

23. Undeveloped land owned by the Town of Plainfield abuts the site to the north. (PRE 1, Figure 3.1; PRE 4, Figure 11-1; PRE 9)

24. The Providence and Worcester Railroad right-of-way abuts the site to the west. Beyond the railroad right-of-way, farther west, lies undeveloped land owned by Tilcon Minerals Inc. and the Town of Plainfield. (PRE 1, Figure 3.1; PRE 4, Figure 11-1; PRE 9)

25. Mill Brook Road abuts the site to the south. One residential parcel is located in this area. (PRE 1, Figure 3.1; PRE 4, Figure 11-1; PRE 9)

26. Approximately 69 residential structures are within 1,000 feet of the site. (PRE 4, Q. 1)

27. The site is approximately 1,500 feet from the Fry Brook Substation in Plainfield, the proposed power plant electrical interconnection point. (PRE 1, p. 91)

28. Interstate 395 is approximately a half-mile to the east. Route 12 and Mill Brook Road are adjacent to the site and were recently widened to accommodate truck traffic for a Lowe's regional warehouse and transfer facility approximately a half-mile west of the site. (PRE 1, p. 11, Figure 2, Figure 17)

Power Plant Description

29. The power plant would contain a 37.5-megawatt (net) generator fueled by wood biomass. (PRE 1, p. 11)

30. The facility would be constructed in a linear arrangement in a north-south direction on the parcel. The primary access to the facility would be from Mill Brook Road. Major facility components would

include the truck weighing and unloading areas, wood storage yard, powerhouse, step-up transformer, cooling tower, ash silo, exhaust stack, and water handling facilities. (PRE 4, Figure 14-1)

31. Approximate dimensions of the larger facility components would be as follows;
    a) Powerhouse: 200 feet long, 175 feet wide, and 103 feet tall;
    b) Covered wood storage area: 300 feet long, 200 feet wide, 45 feet tall at roof peak;
    c) Cooling tower: 100 feet long, 45 feet wide, 45 feet tall; and
    d) Exhaust stack: 155 feet tall, 9 feet in diameter at top.
    (PRE 10, Q. 18)

32. A 16-foot wide emergency access road would be constructed to the rear portion of the facility from Route 12. PRE would need an encroachment permit from the Connecticut Department of Transportation for this road. The road is an internal PRE design feature and is not a requirement of the town or any other regulatory entity. (PRE 4, Figure 14-1; PRE late file 3, Q. 22; Tr. 1, p. 70)

33. Wood fuel deliveries would be by truck. Once a truck entered the site, it would be weighed at the truck receiving scale before proceeding to one of two truck tippers for unloading. There would be sufficient space in the unloading area to accommodate five or six trucks. The unloading process would take a few minutes. Once unloaded, the wood fuel would be transported to the wood storage yard by conveyor. (PRE 1, p. 12; Tr. 1, pp. 61-62)

34. Approximately 64 truck loads of fuel would be delivered each day. (Tr. 1, p. 60)

35. The wood storage yard would consist of a paved area 300 feet by 600 feet. A 200-foot by 300-foot portion of the yard would be covered by a roofed structure. The yard could accommodate a 45-day supply of wood fuel. PRE would manage the wood fuel by continually mixing the incoming fuel with bulldozers and burning the oldest mixed fuel in the yard ahead of newer fuel. (PRE 1, p. 73; PRE 4, Figure 14-1; Tr. 1, p. 118)

36. The wood fuel would consist primarily of wood chips up to four inches in length. (PRE 1, p. 12)

37. Wood fuel is transported to the combustion unit, an enclosed fluidized bed staged gasification system. The fuel enters the gasifier to be combusted and begins to break down and emit a gas before complete combustion. The energy from the gasification is used to produce steam through a water wall boiler system. The steam production would drive one steam turbine to generate electricity. (PRE 1, pp. 12, 26, 28; Tr. 1, p. 39)

38. The staged combustion system is designed to operate at low temperatures and low excess air to minimize the formation of nitrogen oxides (NOx). The design of the system also ensures efficient mixing, gasification, and combustion of the wood fuel to reduce the formation of carbon monoxide and volatile organic compounds. (PRE 1, p. 21; Tr. 1, p. 39)

39. The power plant would operate as a base load unit connected to the CL&P's Fry Brook Substation located approximately 1,500 feet north of the site. (PRE 1, pp. 4, 70)

40. The plant would be connected to the substation via a single-circuit 115-kV line. PRE initially proposed to route the transmission line through a wetland north of the site. This proposal would of required the installation of six transmission poles and the construction of temporary access roads. To avoid wetland impacts, PRE now proposes to use an existing railroad right-of-way for connection to the substation. The railroad is adjacent to both the site parcel and Fry Brook substation. (PRE 1, p. 70, Figure 17; PRE 4, Q. 11, Figure 11-1; PRE late file 4, Q. 24)

41. The interconnection scenarios currently under study include a 115-kV radial tap interconnection or a 115-kV ring bus interconnection. The interconnection is under review by ISO New England. (PRE 1, p. 108; Tr. 1, p. 75)

42. The existing CL&P right-of-way contains a 23-kV double circuit overhead line. The landowners in the portion of the right-of-way to be used by PRE are the Town of Plainfield and Connecticut Yankee Community Avenue Associates. (PRE 1, p. 108)

43. The gasifier start-up fuel would be bio-fuel, with no fossil fuel additives. A 10,000-gallon storage tank for this fuel would be located on site. (PRE 4, Q. 8; Tr. 1, p 103-105)

44. A 500 kW emergency diesel generator would be located at the site to provide backup lighting and other electrical power needs in the event of a power failure. (PRE late file 3, Q. 20)

45. The power plant has a service life of 35 years at an annual capacity factor of 90%. (PRE 1, p. 12; Tr. 2, p. 55)

46. Two plant maintenance events are performed each year: one in the spring (seven days), and one in the fall (four days). (Tr. 2, p. 54)

47. Construction is anticipated to begin in 2007, with commercial operations anticipated by early 2009. PRE 1, p. 112)

48. PRE estimates a capital cost of $110-$130 million. (PRE 1, p. 45)

Wood Fuel Supply

49. The power plant would require approximately 365,000 tons per year of wood fuel. (PRE 1, p. 46)

50. Several studies indicate there is 500,000 to 1,000,000 tons per year of available wood fuel in the state. (PRE 1, p. 46; PRE 10, Q. 16)

51. The wood fuel would be comprised of a variety of wood waste, including forest thinnings and land clearing waste, separated urban waste wood, primary wood waste, pallet waste, mill residues, and separated construction and demolition wood waste. (PRE 1, p. 3)

52. PRE would obtain the wood fuel from a variety of sources, including municipalities, regional and state agencies/authorities, tree trimming services, land clearing contractors, waste collectors, transfer station operators, demolition contractors, forestry management entities, and construction and demolition (C&D) contractors and waste processors. (PRE 1, p. 13)

53. PRE currently has four executed Memoranda of Understanding and two executed Letters of Intent with various wood fuel providers representing 248,850 tons per year of fuel, or 68% of the project's needs. The providers consist of a landfill/transfer station and five C&D contractors. (PRE 1, p. 46; PRE 4, Q. 3)

54. PRE would obtain fuel from within a 60-mile radius of the site. Distances greater than 60 miles become uneconomical. (Tr. 1, pp. 89-91)

55. Due to the 60-mile distance constraint, PRE anticipates 80% of the wood fuel would be obtained from in-state sources. PRE is currently negotiating with two firms in Massachusetts. (Tr. 1, p. 84)

56. PRE projects a fuel cost ranging from $5 to $25 per ton. (PRE 1, p. 45)

57. Wood fuel deliveries would occur during normal business hours, 7:00 a.m. to 4:00 p.m., during weekdays and a half-day on Saturday. No deliveries would occur on Sunday. (Tr. 1, pp. 60, 63)

58. PRE intends to use a combination of short-term and long-term contracts to create wood supply flexibility. The contracts would require the providers to supply specific quantities of wood fuel. PRE would also use spot purchases with pre-approved suppliers to take advantage of seasonal wood supplies. (Tr. 1, pp. 86, 90)

59. The supply contracts would specify the quality and size requirements. All wood fuel would be separated from undesirable material, processed, and reduced in size before being transported to the site. The wood fuel suppliers would transport the fuel to the plant. (PRE 1, p. 13; Tr. 1, pp. 56, 59)

60. Wood fuel from C&D and other sources such as manufacturing waste would only be used if it met the DEP's definition of "recycled wood", "clean wood", "regulated wood fuel", or "processed construction and demolition wood." These definitions exclude contaminants such as creosote, asbestos, pesticides, and plastics or any substances defined as hazardous waste. Only wood that meets regulatory criteria would be accepted at the facility. (PRE 1, pp. 16-17; Tr. 1, pp.44-46)

61. The quality of the wood fuel would be the responsibility of the supplier. The DEP regulates volume reduction facilities - facilities that process C&D material - by issuing five-year renewable permits. PRE has submitted a proposed inspection protocol to the DEP to ensure the wood fuel meets regulatory standards. Initial inspections of wood fuel would be conducted by the DEP at the reduction facilities. (Tr. 1, pp. 46-49, 57)

62. PRE would conduct its own statistical sampling of the processed wood fuel arriving at the facility to ensure quality and quantity standards are met. (Tr. 1, pp. 56-57)

Water Requirements

63. Municipal water would be used for on-site sanitary purposes, boiler makeup water, and fire suppression, if necessary. Approximately 23,100 gallons of municipal water would be used each day. Municipal water, provided by the Connecticut Water Company, is available from distribution lines on Mill Brook Road and Route 12. (PRE 1, pp. 24-25, 48)

64. The boiler makeup water would go through a de-mineralizing process to remove impurities prior to use in the boiler. PRE would use a leased trailer-mounted water filtration system for this process. A demineralized water storage tank, sufficient for a one-day supply, would be constructed on site. (PRE 1, p. 48)

65. The plant would employ wet cooling technology. (PRE 1, p. 53)

66. Approximately 656,000 to 994,000 gallons of water would be utilized each day as non-contact cooling water, equipment service water, and spray dryer water for the air pollution control scrubber. (PRE 1, p. 25)

67. PRE proposes to obtain water for these purposes from the Quinebaug River in Canterbury, approximately three miles west of the site. Access to the river would be obtained from a 14-acre river front parcel on Packer Road in Canterbury. (PRE 1, pp. 25, 49)

68. PRE could not use the existing municipal water supply for cooling since the Connecticut Water Company permits only allow for the pumping of 600,000 gallons per day from the wells servicing the Plainfield area. (PRE 1, p. 50)

69. PRE would not be able to use on-site wells to obtain cooling water due to the presence of contaminated groundwater northwest of the designated Environmental Land Use Restriction area. (Tr. 2, pp. 43-44)

70. The river water would be clarified before use in the cooling tower. This process would yield approximately 250-280 tons per year of non-hazardous solids, which would be landfilled at an appropriate waste disposal facility. (PRE 1, p. 30)

71. Approximately 126,000 to 194,000 gallons of non-contact cooling water would be returned to the river each day. (PRE 1, p. 25)

72. Infrastructure associated with the river water supply would include a river intake structure, pumping stations, and piping from the river to the power plant. (PRE 1, p. 49)

73. The water intake structure, a cylinder 13 inches in diameter and 40 inches long, would be placed in the river at a depth of 8 feet. Concrete bollards would be installed upstream of the structure to provide protection from debris. Permanent navigational markers would identify the location to safeguard boaters and swimmers. (PRE 4, Q. 5)

74. A pump house, approximately 650 square feet in size, would be constructed near the water intake point. The pump house would contain three 75- horsepower pumps, an air compressor, spare parts, and a diesel generator. Evidence was absent regarding fuel storage and spill containment methods. (PRE 4, Q. 5)

75. The river water supply lines would be routed underground across private property bordering the river, then to Packer Road. The lines would be installed in a three to five-foot wide trench along Packer Road in Canterbury and along Mill Brook Road in Plainfield to the site. (PRE 1, p. 49; PRE 4, Figure 18, PRE late file 3, Q. 30)

76. PRE has an option to purchase the riverfront parcel. (Tr. 1, p. 95)

77. PRE has informed the Towns of Canterbury and Plainfield of the proposed route. No final agreement with either town has been formalized, although both towns are receptive to the proposed route. (Tr. 1, p. 96; Tr. 2, p. 62)

78. The DEP has not received an application for a water diversion permit and cannot offer definitive comments on this portion of the proposed project. (DEP comments of November 13, 2006)

Residue Disposal

79. Residues produced by the plant operations include non-combustibles contained within the biomass fuel stream, and ash from plant combustion, air pollution control residues, and non-hazardous solids. (PRE 1, p. 30)

80. Residues would be disposed of at a landfills operated by Wheelabrator Millbury Inc. throughout New England, including one in Lisbon. (PRE 1, p. 31; Tr. 1, p. 42)

81. Approximately 40,000 -60,000 tons per year of residue/ash would be produced. (PRE 1, p. 30)

82. Approximately six truckloads of residue/ ash per day would be removed from the site. (Tr. 1, p .62)

Environmental Considerations

Wetland Impacts

83. The site contains six different wetland areas, most of which were formed by past excavation activities. Five of the wetland areas total 0.7 acres in size. The sixth wetland area is a red maple forested wetland that occupies 2 acres of the site parcel and is part of a larger wetland area that extends to the north. (PRE 1, Attachment C, pp. 12, 19; PRE 4, Figure 14-1)

84. Wetland 1 is located in the southwestern corner of the parcel abutting the railroad bed. The limit of construction would be approximately 65 feet from the wetland. (PRE 4, Q. 14)

85. Wetland 2 is located immediately east and north of Wetland 1 and abuts the railroad bed. The wetland is classified as highly productive. Proposed construction activities would occur up to the edge of the wetland. (PRE 1, Attachment C, p. 20; PRE 4, Q. 14)

86. Wetland 3, classified as an extremely degraded wetland with little wildlife value, is located in the southern portion of the parcel adjacent to Mill Brook Road. Approximately 260 square feet of this wetland would be filled to accommodate the site access road. PRE intends to construct a stormwater detention basin adjacent to, and integrated with, the wetland to enhance wetland quality. The bottom and sides of the detention basin would be planted with herbaceous wetlands species and scattered berry-bearing shrubs. (PRE 1, Attachment C, pp. 37-38, 43-44; PRE late file 5)

87. Wetland 4 is located on the western property boundary, adjacent to the railroad bed. A retaining wall associated with the wood storage yard would be constructed near the wetlands edge. (PRE 4, Q. 14)

88. Wetland 5 is located in the south central portion of the parcel between the proposed scale access drive and wood storage yard. A detention basin would be constructed adjacent to Wetland 5 that incorporates the area of the wetland. The bottom and sides of the detention basin would be planted with herbaceous wetlands species and scattered berry-bearing shrubs. A retaining wall would be constructed approximately eight feet from the wetland edge. (PRE 4, Q. 14, Figure 14-1; Tr. 1, p. 79; PRE late file 5)

89. Wetland 6, the red maple forested wetland, is located on the northern edge of the property. Approximately 2,200 square feet of this wetland would be filled along the southern edge to accommodate the proposed emergency access drive. PRE proposes to replace the amount of filled wetland by excavating an area on the northwest and southeast sides of the wetland. (PRE 4, Figure 14-1; Tr. 1, pp. 70-73)

90. Impacts to Wetland 6 could be reduced if retaining walls were installed or if the width of the access road were reduced from 16 feet to 14 feet. Both techniques could reduce the wetland impact by 150 to 200 square feet. (PRE late file 3, Q. 23)

91. To avoid impacts to Wetland 6, PRE examined the feasibility of constructing the emergency access road through the upland portion of the parcel that abuts Route 12, but determined the slopes in this area were too severe. Significant amounts of blasting and earthwork would be required to lower the slope. Additionally, lowering the slope would allow for a direct view into the plant yard from Route 12. Presently, this view is blocked by a wooded knoll. (Tr. 1, pp. 76-77)

92. PRE could eliminate the emergency access drive from the final plant design to avoid impacts to Wetland 6. (PRE late file 3, Q. 23)

93. The river intake piping would require a 20-foot-wide corridor and trenching through upland and wetland areas of the river front parcel to Packer Road in Canterbury. Per the proposed route, this corridor would impact approximately 8,000 square feet of Connecticut regulated wetlands and 4,500 square feet of federally regulated wetlands. (Tr. 1, pp. 92-97)

94. Wetland impacts would require a DEP and U.S. Army Corps of Engineers wetland permit. Issuance of a permit may require modifications to the plant site layout and associated impacts to on-site wetlands. (PRE late file 3, Q 28)

Wildlife Impacts

95. A 1993 wildlife study of the site parcel by the U.S. Fish and Wildlife Service did not identify any federally or state listed rare, threatened, or endangered species. (PRE 1, p. 98)

96. Three species listed on the DEP's Natural Diversity Database occur near the site parcel: the savannah sparrow (special concern), the eastern spadefoot toad (endangered), and the blue-spotted salamander (threatened). (PRE 1, p. 98, Attachment C)

97. Suitable habitat for the savannah sparrow does not occur at the site parcel and no individuals of this species were identified. (PRE 1, p. 98, Attachment C, pp. 32-33)

98. The eastern spadefoot toad and blue spotted salamander do not occur at the site parcel, although suitable habitat is present. The DEP recommends that all ground disturbing construction work in the sand barren area, Wetland 2 and Wetland 6 occur between November 1 through April 1 to avoid potential impacts to these species. (PRE late file 3, Q. 21)

99. Two species listed on the DEP's Natural Diversity Database occur near the river intake parcel: the eastern spadefoot toad (endangered) and the savannah sparrow (special concern). Suitable habitat for each species does not exist at the river intake parcel. (Tr. 2, p. 60-61)

100. The DEP is conducting a eastern spadefoot toad study in the vicinity of Packer Road and Lillibridge Road and blue spotted salamanders have been documented on Packer Road. The DEP recommends the installation of the river water supply lines in these areas from November 1 through April 1 to avoid potential impacts to these species. (PRE late file 3, Q. 21)

101. Suitable habitat for the whip-poor-will, a state species of special concern, occurs at the site parcel. The DEP has not issued final comment regarding this species. (PRE late file 3, Q. 21)

102. The river intake structure would use a cylindrical wedge wire screen design to protect local fish populations from entrainment and impingement. (PRE 4, Q. 7)

Cultural Resources

103. Development of the Mill Brook Road parcel for the main plant would have no effect on archaeological resources. (PRE late file 3, Q. 25)

104. PRE will submit an archaeological survey for the river intake parcel to the Connecticut Commission on Culture and Tourism upon completion. (PRE late file 3, Q. 25)

Odors

105. The only odor that may be distinguishable is a wood scent originating from the wood storage yard. This is usually from green wood or wood that is wet. PRE would burn the oldest wood supply first to ensure no wood that is continually wet remains in the storage yard, thus reducing the time for odors to develop. (Tr. 1, pp. 36, 43-44)

106. No burning odor would emanate from the exhaust stack due to the complete combustion of the fuel. (Tr. 1, p. 37)

Noise

107. The project would be designed to meet State of Connecticut Noise regulations. The Town of Plainfield noise ordinance refers to the state criteria. (PRE 1, p. 31, Attachment A, p. 1)

108. The site parcel and adjacent parcels are zoned industrial; however, some of the adjacent lots are currently developed as residential properties. Noise levels at the residential property line cannot exceed 61 dBA during the daytime or 51 dBA during the nighttime. (PRE 1, p. 31, Attachment A, p. 2)

109. Existing background noise levels around the site parcel range from 50-55 dBA. (PRE 1, Attachment A, p. 6)

110. The noise levels from plant operations at the nearest residential building are expected to range from 37 to 50 dBA but may exceed 51 dBA at the property line. (Tr. 1, p. 35)

111. Noise mitigation for the exterior fans may be necessary to keep the noise level below 51 dBA at the property line. (Tr. 1, p. 35)

112. PRE would most likely install sound walls as a noise mitigation technique although other methods may be used depending on the final design of the site. The expected reduction in noise is approximately 10 dBA. (PRE 4, Q. 6; Tr. 1, p. 35)

113. PRE would most likely specify the use of a pre-engineered Butler-type building to house the power generation facility. Based on the manufacturer's specifications, it is anticipated noise from this portion of the plant would comply with applicable noise regulations without the need for any noise mitigation techniques. (PRE 4, Q. 6)

Air Emissions

114. The project would require a DEP Title V Operating Permit. The permit combines all applicable state and federal air quality requirements into a single document. (PRE 1, p. 41)

115. Potential emissions from the plant would meet all applicable EPA and DEP Ambient Air Quality Standards. (PRE late file 3, Q. 19)

116. The project would be subject to and would meet the applicable emission standards of the National Emission Standards for Hazardous Air Pollutants. (PRE 1, p. 40)

117. The project would be subject to and would meet the applicable emission standards of the Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. (PRE 1, p. 39)

118. The project is considered a Major Stationary Source of air pollutants under the Clean Air Act. (PRE 1, p. 37)

119. The project would be regulated under the New Source Review (NSR) provision of the Clean Air Act. Major New Source Review has two permitting programs: the Prevention of Significant Deterioration (PSD) program and the Non-attainment NSR programs (NNSR). (PRE 1, pp. 35-36)

120. The PSD regulations are designed to ensure that air quality in current attainment areas does not deteriorate beyond baseline concentrations. Under DEP PSD guidelines, a major Stationary Source is defined as having the potential to emit 100 tons per year or more of any criteria pollutant with the exception of NO_x and VOC in a serious non-attainment area such as Plainfield, for which the threshold is 50 tons per year. (PRE 1, p. 37)

121. The project is in a serious non-attainment area for ozone. Ozone is a pollutant photo-chemically produced in the atmosphere from Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NO_x). (PRE 1, pp.36-37)

122. Potential annual air emissions and applicable regulatory criteria are provided in the table below:

Pollutant	PM/PM_{10}	NO_X	SO_X	CO	VOC	LEAD	HCL	MERCURY
Emissions from Project (tpy)	46.5	174.2	81.3	240.0	26.6	0.3	30.4	0.006
Major Source thresholds (tpy)	100	50	100	100	50	10	-	100
PSD Significant Emission Rate Thresholds (tpy)	25/15	40	40	100	N/A	0.6	-	0.1

(PRE 1, pp. 29, 36, 43)

123. The project would exceed the DEP Major Source thresholds for NO_x and CO emissions. (PRE 1, pp. 29, 43)

124. The project would exceed the PSD significant emissions rate thresholds and would be subject to PSD review for PM/PM_{10}, SO_x,, NO_x and CO. (PRE 1, pp. 29, 43)

125. The project would also be subject to Non-attainment NSR requirements, including an emission cap on NO_x Per NNSR, NO_x emission reduction credits must be obtained from existing sources in the ratio of 1.2 to 1. PRE would need to obtain 210 tons of NO_x Emission Reduction Credits to offset the potential NO_x emissions from this project. (PRE 1, p. 39)

126. The project would emit approximately 1.05 pounds of NO_x per megawatt-hour. (DEP Comments of January 13, 2006)

127. The fluidized bed gasification process is considered the best available control technology for the control of certain pollutants such as carbon monoxide and VOCs, due to the efficiency of the combustion. (PRE 1, p. 26; Tr. 2, p. 41)

128. NO_x emissions would be controlled by a selective non-catalytic reduction system that injects urea into the exhaust stream to break down the NO_x into nitrogen and water. (PRE 1, p. 26; Tr. 2, p. 41)

129. A spray dryer scrubber would control sulfur oxide gases, metal emissions, hydrogen chlorides, and other soluble pollutants. (PRE 1, p. 26)

130. Particulate matter (PM) would be controlled by a mutliclone and a baghouse that consists of modules with filter bags. Each filter bag has an estimated lifespan of five years. Scheduled bag replacements typically occur during annual boiler outages. (PRE 1, pp. 26, 28; PRE 4, Q. 4)

131. The plant would emit 2,900 pounds of carbon dioxide (CO_2) per megawatt hour, which is greater than any other Connecticut baseload or peaking power facility. Although not currently regulated, CO_2 will be incorporated into the Connecticut air permit process under the Regional Greenhouse Gas Initiative (RGGI). However, the PRE facility would be exempt from the RGGI requirements as long as it does not combust more than 5% of fossil fuel in a given year. (DEP Comments of November 13, 2006)

132. The plant would be equipped with a continuous monitoring system that would monitor emissions of certain pollutants and other conditions that are indicative of the plant performance. If air permit conditions are exceeded, an internal alarm system would be activated and the violation would be reported to the DEP. Additionally, the DEP reviews the data from the system on a quarterly basis to check for unreported violations. (PRE 1, p. 24; Tr. 2, p.38-39)

133. The wet cooling tower would emit less than 15 tons per year of PM and PM_{10} and would not require a DEP permit. (PRE 1, p. 26)

Plume Visibility and Fogging

134. The plant would use a mechanical draft evaporative cooling tower to remove waste heat from plant operations. A liquid water plume is emitted during the process, as well as occasional fogging from condensation. (PRE 1, pp. 99-100)

135. Adverse effects include localized shading, ground level fog and icing, and salt deposition. (PRE 1, p. 100)

136. Plume fogging would occur approximately 2.8 hours per year, predominately within 400 to 600 meters south of the cooling tower. (PRE 1, p. 100)

137. Icing would occur approximately 0.16 hours per year northeast of the cooling tower. (PRE 1, p. 101)

138. Plume shadowing would occur approximately 40 hours per year within 200 meters of the site. (PRE 1, p. 101)

139. The plume would be less than 100 meters in length, 20-30 meters in height, and 15 meters in radius. The plume would be visible offsite approximately 3% of the time, excluding nighttime, periods of low visibility, and precipitation events. (PRE 1, p. 101)

140. Approximately 0.0014 pounds per year of salt would be deposited within the plume area. (Tr. 1, pp. 26-27)

Magnetic Fields

141. The proposed on-site electrical equipment and transmission line would produce magnetic fields. The on-site highest magnetic fields are expected at the north property boundary where the 115 kV transmission line crosses the property line onto undeveloped Town of Plainfield property. Magnetic fields are expected to be 20 mG in this location. (PRE 1, p. 109; PRE 4, Q. 11)

142. The proposed interconnection transmission line would use a portion of an existing CL&P right-of-way containing a 23-kV double circuit pole line. Existing magnetic fields within the right-of-way were measured at 15 mG. Magnetic fields at the edge of the right-of-way were measured at 4-10 mG. (PRE 1, pp. 109-110)

143. Following installation of the proposed 115-kV line, magnetic fields within the right-of-way are expected to be 40-50 mG. Magnetic fields at the edge of the right-of-way are expected to range from 4-15 mG depending on the phase orientation of 115-kV line. (PRE 1, p. 110)

Visibility

144. The 155-foot exhaust stack would be visible from a majority of the surrounding area, both above the treeline and through trees during winter months. Areas to the east and south of the site are topographically higher than the site. (PRE 10, Q. 15)

145. A majority of the land within a mile of the site to the east, west, and south is lightly developed. Development in these areas is concentrated along major roads. (PRE 10, Q .15)

146. The area to the north within a mile of the site is densely developed. (PRE 10, Q. 15)

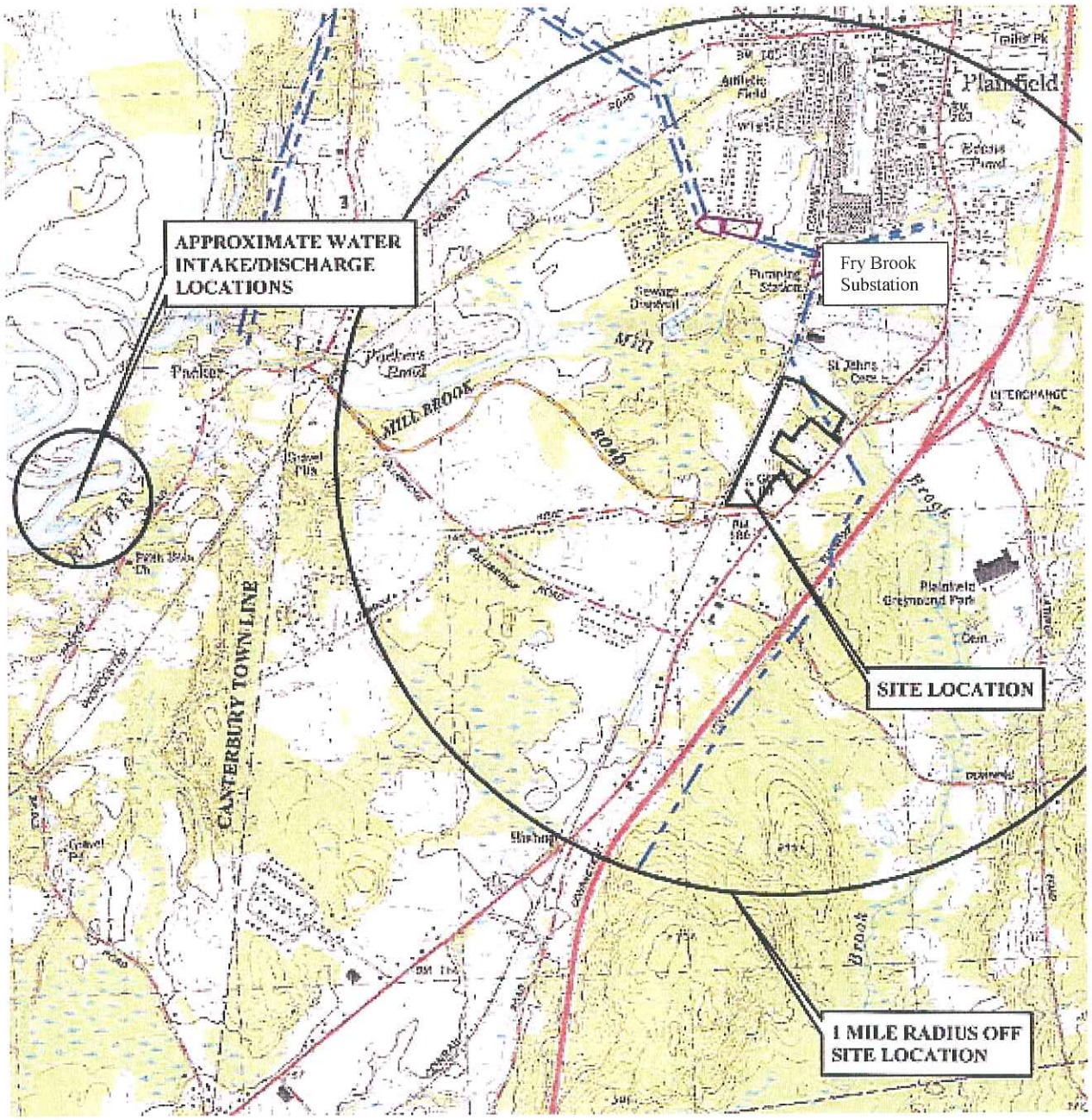
147. Certain specific areas where the exhaust stack would be visible are as follows;
- a. Property entrance at Mill Brook Road, 0.3 miles south; above treeline;
- b. St. John's Cemetery, 0.2 miles northeast, above treeline
- c. McDonald's on Route 12; 0.4 miles northeast, above treeline;
- d. Intersection of Route 12 and Downing Road, 0.5 miles south, through treeline;
- e. Former Plainfield Greyhound Dog Track, 0.7 miles east, above treeline; and
- f. Town Hall property, 0.9 miles north, above trees.

Permits and Approvals

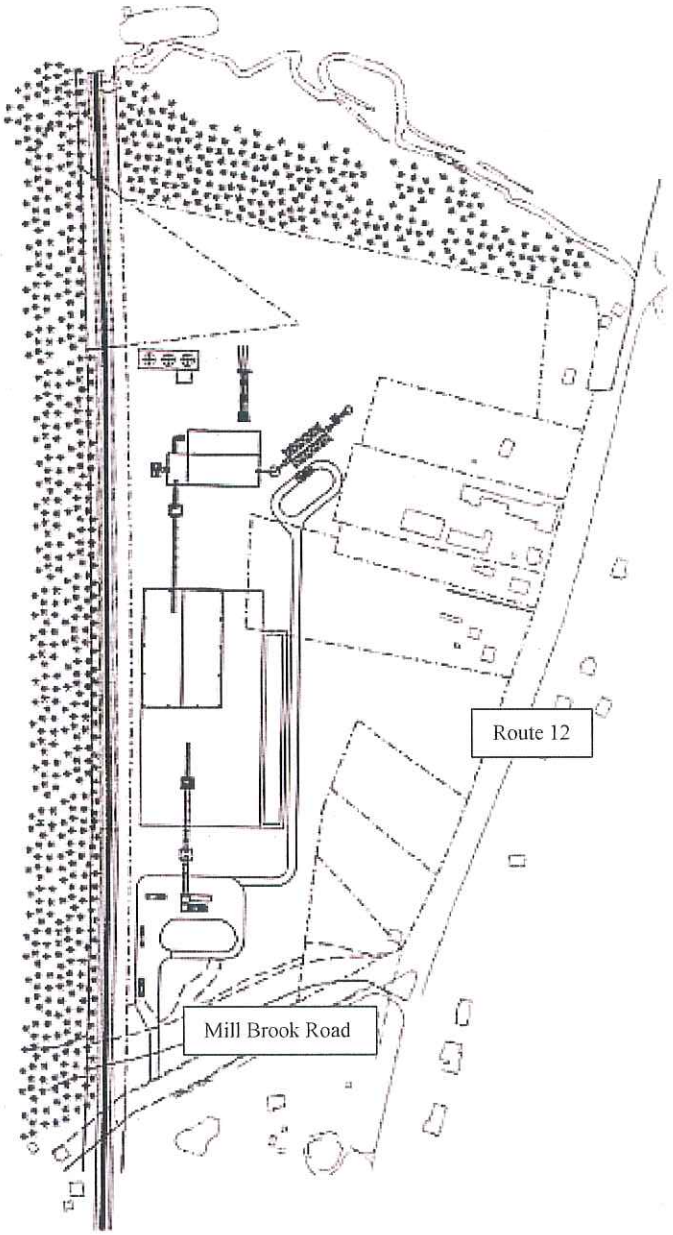
148. The project would require the following permits and approvals;
- a. DEP Title V Operating Permit (air permit);
- b. DEP Water Diversion Permit;
- c. Wastewater Permit;
- d. Solid Waste Permit;
- e. Volume Reduction Facility Permit;
- f. Stormwater Discharge Permit;
- g. FAA letter of Air Hazard Determination;
- h. State Traffic Commission Permit;
- i. DEP and U.S. Army Corps of Engineers wetland permits, and
- j. DOT Road Encroachment Permit.

(PRE 1, p. 113; PRE late file 3, Q. 28)

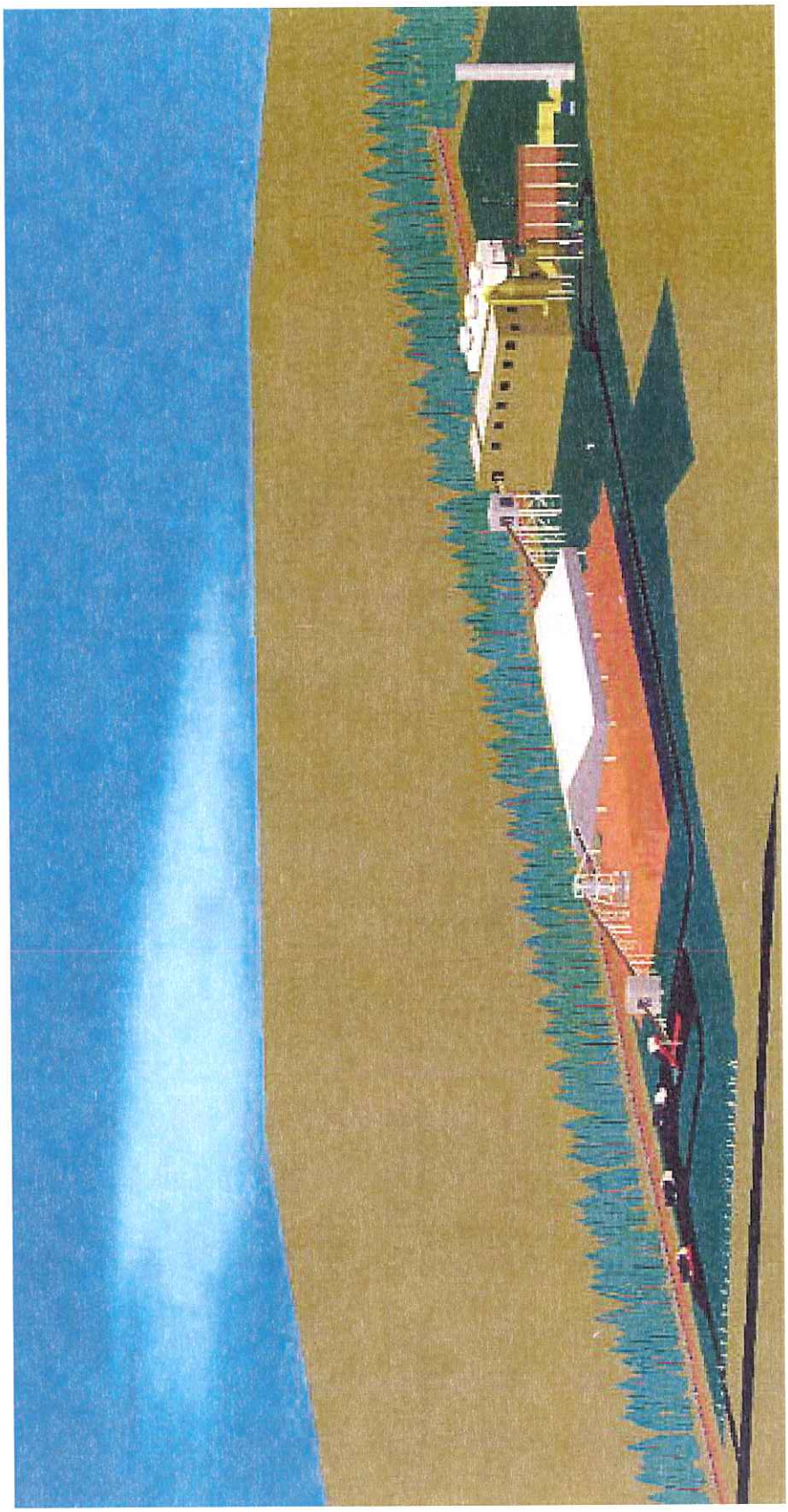
APPENDIX A – SITE LOCATION



APPENDIX B – PROPOSED SITE LAYOUT



APPENDIX C – CONCEPTUAL CONFIGURATION



PETITION NO. 784 – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.	}	Connecticut
	}	Siting
	}	Council
		June 7, 2007

Opinion

On August 14, 2006, Plainfield Renewable Energy LLC (PRE) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, maintenance, and operation of a 37.5 MW (net) wood biomass fueled electric generating facility in the Town of Plainfield, Connecticut. PRE is a joint venture between Decker Energy International, Inc. and NuPower LLC. Decker Energy International, LLC was involved in the development of six biomass facilities, including an ownership interest in two operating biomass facilities. NuPower LLC is an in-state renewable energy developer.

The project would be partially funded by the Connecticut Clean Energy Fund, established to support the use of renewable energy consistent with Connecticut Public Act 03-135. The fund was established to facilitate the generation of renewable energy for electric suppliers. The project would provide approximately 15% of the State's Class I 2008 Renewable Portfolio Standards.

The proposed site is on a 27-acre parcel north of Mill Brook Road and west of Route 12 in the Town of Plainfield, Connecticut. The Providence and Worcester Railroad abuts the site to the west. The site is a brownfield and was listed on the Environmental Protection Agency Priority List as a Superfund site in 1989 due to illegal dumping of chemicals in the 1970's. Remediation activities occurred in the late 1970's; however, contaminated soils and groundwater remain in the northern portion of the parcel. This area is designated as an Environmental Land Use Restriction (ELUR) area where no soil disturbing activities are permitted.

Infrastructure for the plant would be laid out in a linear arrangement. The southern area of the plant would contain the access road, truck scales, and wood storage yard. The northern area of the plant would contain the power generation building, emission control equipment, and electrical interconnection equipment and transmission line. The plant would interconnect with the Connecticut Light and Power Company's (CL&P) Fry Brook substation, located approximately 1,500 feet north of the site.

The power plant would require 365,000 tons of wood per year to run at 90% capacity. PRE would obtain wood from a variety of sources, mostly in Connecticut, including municipalities, regional and state agencies/authorities, tree trimming services, land clearing contractors, waste collectors, transfer station operators, demolition contractors, forestry management entities, and construction and demolition contractors and waste processors. Only wood that meets Connecticut Department of Environmental Protection (DEP) criteria for non-hazardous waste would be accepted as fuel.

In accordance with Connecticut General Statute §16-50k, as amended by Section 18 of Public Act 05-01, air emissions from the project would have to meet DEP air quality standards. Air emissions from the plant would be regulated under the DEP air permitting process. The plant would be equipped with a continuous monitoring system to monitor emissions of certain pollutants and other conditions that are indicative of the plant's performance. If air permit conditions are exceeded, an internal alarm system would be activated and the violation would be reported to the DEP.

The facility would emit several air pollutants most notably nitrogen oxides (NO_x), a precursor for ozone. To comply with DEP requirements for NO_x mitigation, PRE must acquire NO_x emissions credits at a minimum ratio of 1.2 to 1. The plant would have a higher NO_x emission factor per megawatt hour than a natural gas-fired combined cycle plant. However, the facility would have lower NO_x emissions than oil or coal fired plants.

This plant is projected to emit CO_2 in amounts greater than fossil fuel plants. Presently, a cap and trade program, known as the Regional Greenhouse Gas Initiative (RGGI), aims to reduce carbon emissions from power plants greater than 25 MW, beginning in 2009. While this plant is greater than 25 MW, it is exempt from RGGI requirements because it would use biomass as its primary fuel. In Connecticut, biomass has been classified as a Class I renewable fuel. Its use to generate electricity has been encouraged for reasons such as energy diversity and security. Moreover, using biomass to generate electricity has benefits for Connecticut's waste management programs.

PRE would use wet cooling technology that would require the use of 656,000 to 994,000 gallons of water per day. PRE proposes to obtain cooling water from the Quinebaug River in Canterbury. PRE would install pumping equipment on a 14-acre riverfront parcel off Packer Road and construct an associated underground pipeline along several local roads to the plant. Although concerned about the environmental effects of such water use, the Council believes sufficient water may be present in the river to accommodate such use with no evidence of significant adverse environmental effect. A more complete study of environmental effects, including habitat impacts and water quality analysis, is currently being conducted by the DEP as part of the state mandated water diversion permit process. Additionally, the Council recognizes the limited options PRE has in obtaining water for cooling. PRE examined the feasibility of installing on-site wells, but the presence of the ELUR area precludes this option. Use of municipal water was also not viable due to low daily pumping limits that could not accommodate plant water usage requirements.

The site and associated water intake facilities are within the range of the blue spotted salamander, a state threatened species, and the eastern spadefoot toad, a state endangered species. Although no individuals of either species were identified at the plant or river intake sites, the DEP recommends limiting construction from November 1 through April 1 to avoid potential impacts on these species. The DEP is currently reviewing information regarding suitable habitat for the whip-poor-will, a state species of special concern, at the plant site. If necessary, the Council will address any DEP recommendations regarding construction impacts to this species during the Development and Management (D&M) Plan approval process.

The site contains six different wetland areas, two of which have been identified as highly productive. Approximately 2,200 square feet of one of the highly productive wetlands, a red maple forested wetland at the north end of the site, would be filled to accommodate a secondary access road. The Council, in its concern for this wetland impact, notes that the secondary access road is not a town or other regulatory requirement, but rather an internal PRE design feature. The Council believes the plant would have adequate fire protection from existing building codes and from the proposed installation of water cannons to extinguish any fires in the wood storage yard. As a result, the Council believes the secondary access road is not necessary and will require PRE to relocate it away from the wetland, if possible, or remove it entirely from the final plant design.

Further impacts to this wetland were avoided when PRE amended its initial site design for the interconnection transmission line route. The route initially passed through the wetland to the north of the site and would have required the installation of six poles in the wetland as well as temporary construction mats for pole and transmission line installation. Due to the Council's concern regarding impact to this wetland, PRE redesigned the transmission route to avoid the wetland and utilize an existing railroad right-of-way abutting the west side of the site that extends to the north and adjacent to the Fry Brook substation. Although the Council understands CL&P has reservations regarding this re-design and associated railroad lease terms, the Council believes PRE and CL&P can reach an amicable agreement to use the right-of-way and avoid using the originally proposed route through the wetland.

Construction of the main access road would require filling approximately 260 square feet of a small isolated wetland. This wetland was assessed as degraded, with little wildlife value. PRE proposes to enhance this wetland and other on-site wetlands by clearing out debris as needed and planting native wetland plants. Construction of the river intake structures and pipeline would impact approximately 8,000 square feet of state regulated wetlands and 4,500 square feet of federally regulated wetlands. Although the Council understands the current plant and pipeline design is under review by the Army Corps of Engineers and the DEP as part of the wetland permit process, the Council will instruct PRE to minimize wetland impacts to the greatest extent possible including establishment of a 50-foot no-disturbance buffer zone around Wetlands 1 and 2, the most productive wetlands at the plant site. The Council views the impacts to the wetlands on the river front parcel as unavoidable but temporary since PRE will restore surface conditions and vegetation once pipeline installation is complete.

Due to concern for potential detrimental environmental effects during construction activities, the Council will require periodic inspection of the site by an independent environmental inspector to ensure appropriate environmental safeguards are being adhered to. Additionally, the Council will require PRE to establish a detailed wetlands mitigation monitoring program for Wetlands 3, 4, and 5 to ensure the restoration of these degraded and disturbed wetlands.

The site is not near any historic district or other historic resources. Development of the power plant would have no effect on archeological resources. An archeological survey of the river intake parcel is currently under review by the Connecticut Commission on Culture and Tourism. If significant archeological resources are identified, the Council will review the potential impacts and any recommendations presented by the Commission. If necessary, the Council will incorporate appropriate mitigation measures during the Development and Management Plan approval process.

The Council is satisfied that noise levels during plant operations would not exceed a 61 dBA noise level during the day and 51 dBA during the night at the nearest residential property boundary, as required by State noise regulations. Approximately 69 residences are within 1,000 feet of the plant but existing vegetative buffers and a knoll to the east of the site would mitigate plant operational noise. To confirm that the proposed noise levels are true and accurate, the Council will order the applicant to conduct a post-construction noise level survey including an analysis of mitigation measures, if necessary.

The plant would be visible from portions of the surrounding area, especially from the north, where residential, commercial and industrial development is concentrated. Abutting parcels to the east are also commercially and residentially developed. The remaining surrounding area is lightly developed, with development concentrated along main roads. The plant would be surrounded by vegetative buffers and a knoll to the east would block direct views into the plant yard. Although the 155-foot exhaust stack would be the plant's most visible feature, the stack would be consistent with the industrial zoning of the site. The Council believes views of the stack would be insignificant from the surrounding area.

The proposed site offers ease of electrical interconnection; adequate separation to nearby residences; a location in an industrially-zoned district; redevelopment of a brownfield site; and no significant effects on wildlife, rare and endangered species, or historic resources. Additionally, the proposed project presents an opportunity to remove substantial amounts of wood, a renewable resource, from Connecticut's waste stream. A majority of the state's construction/demolition wood waste is currently landfilled rather than recycled, reused or recovered for energy. Another significant wood source, land-clearing waste, is mostly left to rot or is burned. The Council believes the proposed power plant would benefit the state by removing a renewable resource from the waste stream, thereby prolonging the life of regional landfills, and generating energy that may displace older, non-efficient generation without detriment to the local environment or surrounding community.

Based on the record in this proceeding we find that the effects associated with the construction, operation, and maintenance of this electric generating facility at the proposed site, including effects on the natural environment; public health and safety; scenic, historic, and recreational values are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the proposed project. Therefore, the Council will issue a favorable decision for this project, accompanied by conditions including a detailed D&M Plan with elements designed to protect on-site resources and mitigate impacts off-site.

PETITION NO. 784 – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.	}	Connecticut
	}	Siting
	}	Council

June 7, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a 37.5 MW wood biomass generating project in Plainfield, Connecticut would not have substantial adverse environmental effect, would meet all applicable Environmental Protection Agency and Connecticut Department of Environmental Protection Ambient Air Quality Standards and therefore, would not require a Certificate of Environmental Compatibility and Public Need.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and is subject to the following conditions:

1. The Petitioner shall provide a copy to the Council of all required final decisions and/or permits issued by the DEP, Army Corps of Engineers, and other federal or State regulatory agencies concerning the proposed project, when available. If there are provisions in any regulatory decision that are inconsistent with the Council's record in this matter, the Certificate holder shall notify the Council immediately.

2. The Petitioner shall not commence construction activities until securing Council approval of a Development & Management Plan that includes the following elements:
    a. A detailed site plan showing the placement of access roads, structure foundations, building specifications, equipment and material staging areas, landscaping, and wetland buffers;
    b. An erosion and sediment control plan, consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
    c. Provisions for crossing inland wetland and watercourses;
    d. Establishment of a 50-foot no-disturbance buffer around Wetlands 1 & 2;
    e. Vegetative clearing plan; and,
    f. Wetland restoration plan.

3. Site construction activities shall conform to all DEP recommendations regarding the eastern spadefoot toad, blue spotted salamander, and whip-poor-will.

4. The final site design of the facility shall not contain provisions for a secondary access road that directly impacts Wetland 6. If site constraints do not allow for accommodation of this request, the secondary access road shall be eliminated from the final site design.

5. The Petitioner shall retain an independent environmental consultant, subject to Council approval, to monitor and report on construction impacts to environmental resources during site development including site clearing and grading for plant construction and the installation of water intake structures and associated pipeline.

6. The Petitioner shall perform a post construction noise survey at the property boundaries and nearest residential receptors to ensure plant operations do not exceed regulatory criteria. Survey results shall be reported to the Council along with proposed noise mitigation measures, if applicable.

7. If The Connecticut Light and Power Company (CL&P) is requested and accepts or is required to construct or is required to assume ownership or operation of any portion of the interconnection transmission line not located on CL&P property, the following conditions shall apply to any portion to be owned by CL&P:

    a. Petitioner shall provide the Council with a certification from CL&P to the effect that CL&P is satisfied (as determined by CL&P's in its sole discretion) as to the following conditions in subsections (i)-(iv) below;

        i) That the transmission line design and studies of potential electric effects on railroad facilities to be done by the Petitioner's qualified consultant, by CL&P's consultant, or by CL&P employees, complies with applicable engineering, safety and other related laws, rules, regulations, standards and practices.

        ii) The Petitioner has demonstrated to CL&P's satisfaction that the Petitioner has acquired all rights necessary to enable CL&P to access, construct, operate, repair, replace and maintain the transmission line. That further, there are no underlying encumbrances, environmental impairments or other obstacles to the construction and maintenance of the transmission line.

        iii) All such necessary rights are assignable to CL&P;

        iv) The Petitioner has undertaken, by agreement satisfactory to CL&P, to indemnify and protect CL&P against any expenses, resulting from the exercise by the property owner of any right to require relocation of the line.

    The above conditions shall not apply if CL&P is not requested or required to construct and/or CL&P is not required to assume ownership or operation of any portion of the interconnection transmission line not located on its own property.

By this Decision, 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:

Petitioner	Plainfield Renewable Energy LLC	Daniel Donovan, Vice President Plainfield Renewable Energy LLC 20 Marshall Street, Suite 300 Norwalk, CT 06854 Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832
Intervenor	The Connecticut Light and Power Company	Paul Sousa Senior Engineer – Transmission Interconnections Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 Kathleen A. Shea Associate Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 Anthony M. Fitzgerald, Esq. Carmody& Torrance LLP P.O. Box 1950 195 Church Street, 18th floor New Haven, CT 06509-1950

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **PETITION NO. 784** – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut, and voted as follows to approve the proposed petition:

Council Members	Vote Cast
Daniel F. Caruso, Chairman	Yes
Colin C. Tait, Vice Chairman	Yes
Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
Commissioner Gina McCarthy Designee: Brian J. Emerick	Yes
Philip T. Ashton	Yes
Daniel P. Lynch, Jr.	Abstain
James J. Murphy, Jr.	Yes
Dr. Barbara Currier Bell	Yes
Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, June 7, 2007.

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:

S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Petition No. 784 has been forwarded by Certified First Class Return Receipt Requested mail on June 8, 2007, to all parties and intervenors of record as listed on the attached service list, dated November 15, 2006.

ATTEST:

Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

Date: November 15, 2006

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Plainfield Renewable Energy LLC	Daniel Donovan, Vice President Plainfield Renewable Energy LLC 20 Marshall Street, Suite 300 Norwalk, CT 06854 (203) 354-1529 (203) 549-0596 fax ddonovan@prelic.net Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4400 (203) 782-2889 fax bmcdermott@wiggin.com
Intervenor (granted 11/14/06)	The Connecticut Light and Power Company (CL&P)	Paul Sousa Senior Engineer – Transmission Interconnections Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2481 sousapm@nu.com Kathleen A. Shea Associate Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3395 (860) 665-5504 fax Anthony M. Fitzgerald, Esq. Carmody& Torrance LLP P.O. Box 1950 195 Church Street, 18th floor New Haven, CT 06509-1950 (203) 777-5501 (203) 784-3199 afitzgerald@carmodylaw.com

Date: November 15, 2006

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	CL&P continued…	Robert S. Golden, Jr. Carmody & Torrance LLP P.O. Box 1110 50 Leavenworth Street Waterbury, CT 06721-1110 rgolden@carmodylaw.com

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

Daniel F. Caruso
Chairman

June 8, 2007

TO: Classified/Legal Supervisor
784061116
Norwich Bulletin
66 Franklin Street
Norwich, CT 06360

FROM: Lisa A. Fontaine, Administrative Assistant

RE: **PETITION NO. 784** – Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF

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

Daniel F. Caruso
Chairman

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on June 7, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving a petition from Plainfield Renewable Energy, LLC for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut. This petition record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.