

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition of Plainfield Renewable Energy LLC for a)	Petition 784MR
Declaratory Ruling that No Certificate of)	
Environmental Compatibility and Public Need Is)	
Required for the Construction, Maintenance, and)	
Operation of a 37.5 MW Wood Biomass Staged)	
Gasification Generating Project in Plainfield,)	
Connecticut)	September 15, 2008

Proposed Findings of Fact

1. On August 14, 2006, pursuant to General Statutes § 16-50k and Section 16-50j-39 of the Regulations of Connecticut State Agencies, Plainfield Renewable Energy LLC ("PRE"), filed with the Connecticut Siting Council ("Council") a petition for declaratory ruling that the construction, maintenance and operation of a 37.5 MW wood biomass staged gasification generating project in Plainfield, Connecticut (the "Project") would not have a substantial adverse environmental effect, and that no Certificate of Environmental Compatibility and Public Need would be required. The proposed site for the Project was a 27-acre parcel in Plainfield, Connecticut, with an intake/outfall structure located on a property adjacent to the Quinebaug River in the neighboring Town of Canterbury, Connecticut. See Petition 784 PRE Exh. 1.
2. Notice of the petition and the Council's hearing was published in The Norwich Bulletin on November 8, 2006 and November 13, 2006. See Petition 784 PRE Exh. 7 at 3; Affidavit of Daniel Donovan Regarding Notice of Filing of Petition and Hearing, dated November 9, 2006; Council Findings of Fact on Petition No. 784, dated June 7, 2007 at ¶¶ 5-7.
3. The Council held a public evidentiary hearing on November 16, 2006 at the Plainfield Town Hall, 8 Community Avenue, Plainfield, Connecticut at 2:00 p.m. and continuing in the evening after public comments. See *generally* 11/16/06 Tr. (afternoon).
4. Pursuant to Conn. Gen. Stats. §§ 16-50/(d) and 16-50m, the Council, after giving due notice thereof, held a public hearing for citizen comment on November 16, 2006 Plainfield Town Hall at 7:00 p.m. for the convenience of the public. See *generally* 11/16/06 Tr. (evening).

5. On June 7, 2007 the Council ruled that this proposal would not have a substantial environmental effect and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need. See 8/14/08 Tr. at 4.
6. Pursuant to Conn. Gen. Stat. § 4-181a(b) The Friends of the Quinebaug River ("FQR") filed a motion to reopen this proceeding on May 20, 2008. See 8/14/08 Tr. at 4.
7. On August 14, the Council held a public hearing pursuant to Con. Gen Stat. § 4-181a(b) at the offices of the Connecticut Siting Council, Ten Franklin Square, New Britain, CT at 1:00 pm. See *generally* 08/14/08 Tr.
8. The participants to this proceeding were PRE, Petitioner; Connecticut Light and Power ("CL&P"), Intervener; FQR, Participant; and Margaret Miner, Participant. See 8/14/08 Tr. at 4-5.
9. On July 31, 2008, letters providing notice of the August 14, 2008 public hearing and a brief description of the proposed facilities were sent via certified mail, return receipt requested, to the abutters to the power plant, the water diversion facility, and the pipeline connecting the two sites. See Petition 784MR PRE Exh. 3 at 4; PRE letter to Connecticut Siting Council dated August 12, 2008 (regarding publisher's certificate and return receipts from notice letters); PRE letter to Connecticut Siting Council dated August 28, 2008 (regarding additional return receipts from notice letters).
10. Notice of the Council's 8/14/08 public hearing was published in The Turnpike Buyer on August 6, 2008. See Petition 784MR PRE Exh. 3 at 3; Publisher's Certificate dated August 7, 2008 (attachment to PRE letter to Connecticut Siting Council dated August 12, 2008).
11. Upon the Council's June 7, 2007 decision, PRE has obtained the following draft permits from the Connecticut Department of Environmental Protection ("DEP"): Permit to Construct and Operate, New Source Review Permit, NPDES and State Permit, and Water Diversion Permit, of which, the Council has taken administrative notice. See 8/14/08 Tr. at 75, 127-129; Petition 784 MR Exh 1 at CSC 6.
12. In early November 2006, PRE changed the location of the water intake/outfall structure to a property located off of Packer Road and owned by Man-Burch, LLC. PRE notified the Town of Canterbury about the changed location. See Petition 784MR PRE Exh. 1 at CSC-1 – CSC-4; 8/14/08 Tr. at 124-125; DuPont Affidavit, dated June 12, 2008 (Exhibit A to PRE's June 19, 2008 Response to Motion to Reopen).

13. The Yaworski Landfill and the closed Yaworski Lagoon are located upstream of the Man-Burch property along the banks of the Quinebaug River. The Yaworski Landfill contains a groundwater plume that has migrated across the Quinebaug River. In accordance with the Remediation Division of the DEP, there is no evidence that contaminants from the Yaworski Landfill and/or the Yaworski Lagoon have migrated onto the Man-Burch property. See Petition 784MR PRE Exh. 1 at CSC-7; Petition 784MR PRE Exh. 2 at FQR-1; 8/14/08 Tr. at 46-47.
14. The Project is not proposing the use of groundwater from the Man-Burch property, and the minimal diversion of the surface water from the Quinebaug River is not anticipated to affect groundwater levels. See Petition 784MR PRE Exh. 1 at CSC-7; Petition 784MR PRE Exh. 2 at FQR-2.
15. Surface water quality data for samples collected at and upstream of the Man-Burch property, but downstream of the Yaworski Landfill and Yaworski Lagoon have been reviewed as part of the permitting and design of the PRE water intake. The surface water of the Quinebaug River shows no significant contaminants attributable to these or other sources, and its use by the PRE project should not pose any significant hazards. See Petition 784MR PRE Exh. 1 at CSC-7; 8/14/08 Tr. at 46-47.
16. The Project's use of water from the Quinebaug River is minimal, comprising roughly one tenth of one percent (0.1%) of the average annual flow of the River. See Tr. 8/14/08 at 101.
17. The intake structure is expected to be two and a half feet off of the bottom of the river and have a diameter of less than two feet. See Petition 784MR PRE Exh. 2 at CSC-11; 8/14/08 Tr. at 98.
18. Horizontal directional drilling techniques will be used to install the pipelines from the intake structure to the river to reduce construction related impacts to the river and navigational markers will be installed to mark the location of the intake structure. See Petition 784MR PRE Exh. 2 at FQR-11; 8/14/08 Tr. at 107-108.
19. Construction of the intake/outfall structure will not interfere with the pre-existing boat launch three quarters of a mile downstream. See 8/14/08 Tr. at 69.