



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

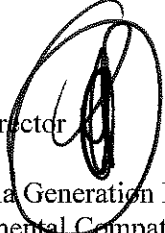
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May 7, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

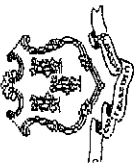
RE: **PETITION NO. 805** - Ansonia Generation LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 58.4 MW combined heat and power natural gas-fired electric generating facility and transmission line tap located at 75 Liberty Street, Ansonia, Connecticut.

Comments have been received from the Department of Environmental Protection, dated May 4, 2007. A copy of the comments is attached for your review.

SDP/laf

Enclosure

c: Council Members



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Daniel F. Caruso, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

May 4, 2007

RE: 58.4 MW Combined Heat and Power Electric Generating Facility
Ansonia Generating LLC
Ansonia, Connecticut
Petition No. 805

Dear Chairman Caruso:

Staff of this department have reviewed the above-referenced petition for a declaratory ruling that the construction and operation of this steam and electric plant will not have a substantial environmental impact and will not require a Certificate of Environmental Compatibility and Public Need. No site visit was performed in connection with these comments.

DEP is currently in close contact with consultants for the applicant to better define the project and to determine the regulatory obligations for the proposed facility. Some aspects of the facility design, such as the treatment of wastewater flows, have evolved since the Petition was prepared, and the regulatory treatment of the facility is evolving with the design modifications. No permit applications for the facility have been received to date as the exact permit requirements of the facility are still being determined.

The water use at the Ansonia Generating facility will likely require a Diversion Permit as it would not be covered by the existing registration of Ansonia Copper and Brass due to Ansonia Generating being a separate entity and due to the water being used for purposes not covered by the existing diversion registration of Ansonia Copper and Brass. The regulatory treatment of the waste water is still being determined at this time.

As stated on page 10 of the Petition, this facility will need a New Source Review air permit and an Title V operating permit. There is also the potential for the facility to need a Title IV Acid Rain Permit depending on the amount of the facility's output which will go onto the grid.

Potential impacts to fisheries resources in the Naugatuck River such as entrainment and impingement of various life stages of fish as a result of water withdrawals will be evaluated in

connection with either a diversion permit application or a NDDES discharge permit. DEP staff last reviewed Ansonia Copper and Brass's NDDES permit in 2005. At that time, it was the opinion of staff that ACB's average withdrawal of 70,000 gallons per day and maximum withdrawal of 150,000 gallons per day would not result in significant entrainment of fish eggs and larvae in the Naugatuck River, and impingement would be minimal because the water velocity at the intake screen was estimated to be 0.04 feet per second, which is well below the recommended maximum velocity of 0.5 feet per second for existing facilities.

Since water use at the site would increase with the addition of the Ansonia Generating facility, the potential for entrainment and impingement should be re-evaluated and mitigation developed if needed. As it is our current understanding that the Ansonia Generating facility will share the existing intake structure used by Ansonia Copper and Brass, it would appear appropriate to evaluate these two withdrawals together.

Due to multiple transfers of ownership of the business and real estate at this site, and the nature of the industrial activities there, this property is subject to the requirements of the Property Transfer Act. Although some investigation has taken place to define potential soil and groundwater contamination at the site, this work has not been completed and there is no activity currently ongoing on this effort. The department has been in touch with the applicant concerning the status of these investigations. At any rate, if there is a need to excavate or move any soil around on the site, perhaps in connection with the re-enforcing of the floor of the flat wire mill or perhaps for other site activities, this should be coordinated with DEP to be sure that any redevelopment is done in a way that will not exacerbate contamination or make future investigations or clean up work more difficult. Pat DeRosa of the Remediation Division of the Bureau of Water Protection and Land Reuse should be the contact on these issues, and she can be reached at (860) 424-3301.

Thank you for the opportunity to review this petition and to submit these comments to the Council. Should you, other Council members or Council staff have any questions, please feel free to call me at (860) 424-4110.

Respectfully yours,



Frederick L. Riese
Senior Environmental Analyst

cc: Commissioner Gina McCarthy

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Ansonia Generation LLC	<p>Philip M. Small, Esq. Michael E. Kozlik, Esq. Brown Rudnick Berlack Israels LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6500 (860) 509-6501 – fax psmall@brownrudnick.com mkozlik@brownrudnick.com</p> <p>Raymond McGee Ansonia Copper & Brass, Inc. Ansonia Generation LLC 75 Liberty Street Ansonia, CT 06401 (203) 732-6673 (203) 735-3787 fax rmcgee@ansoniacb.com</p> <p>Ted W. Verrill Sasco River Advisors LLC 75 Sasco River Lane Southport, CT 06890 (203) 292-3798 (636) 594-3798 fax tverrill@gmail.com</p>
Party (granted 05/01/07)	The United Illuminating Company	<p>Bruce L. McDermott, Esq. Wiggin and Dana LLP One Century Tower P.O. Box 1832 New Haven, CT 06508-1832 (203) 498-4340 (203) 782-2889 – fax bmcdermott@wiggin.com</p>