STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 13, 2008

John DeTore, Esq.
Rubin and Rudman, LLP
50 Rowes Wharf, 3rd Floor
Boston, MA 02110

RE: **PETITION NO. 836** – Waterside Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a permanent peaking facility located at 17 Amelia Place, Stamford, Connecticut.

Dear Attorney DeTore:

At a public meeting held on May 8, 2008, 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.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the record for this project.

Enclosed for your information is a copy of the Council's Findings of Fact, Opinion and Decision & Order on this project.

Very truly yours,

Daniel F. Caruso
Chairman

DFC/MP/cm

Enclosures (3)

c: The Honorable Dannel P. Malloy, Mayor, City of Stamford
Robert Stein, Planning and Zoning Director, City of Stamford
Parties and Intervenors

Date: March 27, 2008

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Waterside Power, LLC	John DeTore, Esq. Rubin and Rudman, LLP 50 Rowes Wharf, 3rd Floor Boston, MA 02110 617-330-7000 Thomas E. Atkins, Director Waterside Power, LLC' 105 Chestnut Street, STE 37 Needham, MA 02492-2520 617-453-1145
(Intervenor Approved on December 13, 2007)	The Connecticut Light & Power Company	Robert S. Golden Jr. Carmody & Torrance LLP P.O. Box 1110 Waterbury, CT 06721 203-573-1200 203-575-2600 rgolden@carmodylaw.com Anthony M. Fitzgerald Carmoy & Torrance LLP P.O. Box 1950 195 Church Street, 18th Floor New Haven, CT 06509-1950 203-777-5501 Afitzgerald@carmodylaw.com Robert Carberry, P.E. Manager, Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 P: 860-665-6774 carbere@nu.com Paul M. Sousa, Senior Engineer Transmission Interconnection Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 860-665-2481

		Duncan R. MacKay Assistant General Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 860-665-3495 860-665-5504 mackadr@nu.com

PETITION NO. 836 – Waterside Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a permanent peaking facility located at 17 Amelia Place, Stamford, Connecticut.	}	Connecticut Siting Council May 8, 2008

Decision and Order

Pursuant to the record in this proceeding, Waterside Power LLC's proposed permanent peaking facility located at 17 Amelia Place in Stamford will not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k(a), we hereby declare that the project will not require a Certificate of Environmental Compatibility and Public Need.

The proposed facility shall be implemented substantially as specified in the Council's record in this matter and subject to the following conditions:

1. The Petitioner shall comply with State of Connecticut and City of Stamford noise standards.

2. The Petitioner shall comply with all Connecticut Department of Environmental Protection permits that pertain to the facility.

3. The Petitioner, or its successors, shall submit to the Council, for approval, any substantial modifications to operation parameters, site design or equipment.

4. The Petitioner shall remove all equipment from the site when the plant becomes no longer useful.

Decision

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. 836 – Waterside Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a permanent peaking facility located at 17 Amelia Place, Stamford, Connecticut, and voted as follows to approve the proposed project:

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: Frederick Riese	Yes
Philip T. Ashton	Yes
Daniel P. Lynch, Jr.	Yes
James J. Murphy, Jr.	Yes
Dr. Barbara Currier Bell	Yes
Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, May 8, 2008.

PETITION NO. 836 – Waterside Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a permanent peaking facility located at 17 Amelia Place, Stamford, Connecticut.	} } }	Connecticut Siting Council May 8, 2008

Opinion

On November 21, 2007, Waterside Power LLC (Waterside) petitioned the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for a permanent 69.2 MW peaking facility located at 17 Amelia Place in Stamford, CT. The permanent facility was proposed in response to the Department of Public Utility Control (DPUC), request for proposals (RFP) for long-term resources. On April 23, 2007, the DPUC selected a bid from Waterside based on the continued use of the existing turbines with limited revisions that are needed to convert the current facility to a long-term facility. Moreover, this facility is located within southwest Connecticut, recognized as a region of transmission congestion.

On April 25, 2002, in Petition 556, the Council approved the facility's operation from June 1 through September 30, 2002 to provide temporary (authorized annually) peaking capacity of 69.2 megawatt (MW). In Petition 617E, on May 6, 2003, the Council approved continuance on that basis between June 1 and September 30, 2003. On February 18, 2004, as part of Petition 658, the Council approved revisions allowing the plant to run on more than a temporary basis, but limited to a period of no more than five years, beginning June 1, 2004. Subsequently, on March 4, 2004, the Council allowed Waterside to provide supplemental generation throughout the year, so that the company could respond to a pending Request for Proposals (RFP) from ISO-NE. Two years later, in Petition 772, the Council granted Waterside approval to make modifications necessary to participate in the ISO-NE Locational Forward Reserve Market. The Council approved this petition on August 27, 2006. Throughout the years since the plant was first developed, Waterside has cooperatively worked with the City of Stamford, community groups, including the ABBDS Block Association and the Waterside Coalition, and the State of Connecticut. Also, past changes have been based mostly on operating parameters. With that said, Waterside has monitored and responded to a dynamic energy market.

The existing units and associated equipment are located on an industrially-zoned 5.8 acre parcel that is interconnected with the existing CL&P substation adjacent to the property. The proposed project includes the continued use of three turbine generator units that are each rated at 23.3 MW. The winter capability of the facility is approximately 75 MW and the summer capability is approximately 69.2 MW.

Furthermore, Waterside had blackstart capability with a 1.2 MW generator and will retain such capability with a new 1.0 MW unit. This capability is advantageous to allow restart of the generating units independently of the electric distribution system and gives added reliability to Connecticut's electric system.

Waterside would replace five 20,000 gallon fuel oil storage tanks (located near the center of the parcel) with two 126,000 gallon double-walled tanks (located near the western boundary of the parcel). An associated pump building would be constructed adjacent to the new tanks. Waterside would incorporate enhanced fire protection, spill prevention and containment measures into the design of the new tanks.

The project would use ultra low sulfur fuel oil to minimize impact to air quality. Also, approximately 40,000 gallons would be stored on site for water injection to control nitrogen oxide (NO_x) emissions. Water would be transported to the site via an interconnection with the local water system. NO_x emissions from the proposed site would be reduced to 42 parts per million, volumetric dry (ppmvd). The New Source Performance Standards limit NO_x emissions to 75 ppmvd. Volatile Organic Compound emissions would be less than 25 tons per year, which is the acceptable major source threshold.

The Council recognizes that most of the new turbine electric generators are fueled by natural gas due to its low emissions profile in comparison with regular fuel oil; however, Waterside has chosen to operate on a low sulfur fuel oil with associated emission controls. This fuel type would result in an emissions profile similar to that of natural gas, but has greater reliability and cost effectiveness than natural gas, for this particular project. Also, during sustained cold weather, delivery of natural gas to electric generating plants can be problematic. Consequently, the Council supports the use of low sulfur fuel oil.

New sound attenuation walls would be installed adjacent to the combustion turbine exhaust sections at each of the generating units to minimize noise impact to the surrounding community. With the walls in place, sound levels from the proposed facility would be lower than ambient sound levels. The facility would meet all City of Stamford noise regulations, including the nighttime noise standard of 51 dBA.

The existing facility is not visible from the nearby residences north of the site due to the distance of the equipment from the street, site grading, and screening from the earthen berm and fencing along Amelia Place. The only location with a view of the facility is through the emergency access gate located off Betts Avenue. The proposed fuel storage tanks would be visible from Betts Avenue through the existing gate. Waterside proposes to add dark green slats in the chain-link fence to provide additional visual screening and eliminate any community ground-level view of the facility's equipment.

Waterside would design and operate the permanent facility in accordance with the National Electrical Safety Code and appropriate elements of the Council's Electric and Magnetic Field Best Management Practices.

The Council finds that the Waterside site is the appropriate location for a permanent peaking facility. Since a temporary peaking facility already exists on the property, a permanent facility would result in little additional environmental impact. The temporary facility has been in place since 2002; therefore, impact to the surrounding community has occurred in the past. The existing site is well screened from the nearby residential community, which would remain the case for the permanent facility. The permanent facility would be in compliance with all noise and air emissions standards.

Based on the record in this proceeding, the Council finds that the effects associated with the permanent peaking plant at the existing temporary Waterside peaking facility, including effects on the natural environment; ecological integrity and balance; 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.

PETITION NO. 836 – Waterside Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a permanent peaking facility located at 17 Amelia Place, Stamford, Connecticut.	}	Connecticut Siting Council
	}	May 8, 2008

FINDINGS OF FACT

INTRODUCTION

1. On November 21, 2007, Waterside Power, LLC (Waterside), in accordance with Connecticut General Statutes (CGS) § 16-50k and Regulations of Connecticut State Agencies § 16-50j-38, submitted to the Connecticut Siting Council (Council) a Petition for a declaratory ruling (Petition) that no certificate of environmental compatibility and public need is required for a permanent peaking facility located at 17 Amelia Place in Stamford, CT. (Waterside 1, p. 1)

2. On April 25, 2002, in Petition 556, the Council approved the facility's operation from June 1 through September 30, 2002 to provide temporary (authorized annually) peaking capacity of 69.2 MW. In Petition 617E, on May 6, 2003, the Council approved continuance on that basis between June 1 and September 30, 2003. On February 18, 2004, as part of Petition 658, the Council approved revisions allowing the plant to run on more than a temporary basis, but limited to a period of no more than five years, beginning June 1, 2004. Subsequently, on March 4, 2004, the Council allowed Waterside to provide supplemental generation throughout the year, so that the company could respond to a pending Request for Proposals (RFP) from ISO-NE. Two years later, in Petition 772, Waterside sought permission from the Council for permission to participate in ISO-NE's Locational Forward Reserve market (LFRM), and to make modifications necessary for such participation: namely, to add equipment that would improve the plant's reliability during winter; to extend its hours of operation from 7:00 a.m. to 11:00 p.m.; and to reduce its noise impacts. The Council approved this petition on August 27, 2006. (Council Admin. Notice #14, 15, 16, 17; Waterside 1, p. 2)

3. During the Petition 772 proceedings (2006), Waterside anticipated that the Department of Public Utility Control (DPUC) would soon be issuing an RFP for long-term energy resources, and expressed an intention to petition the Council in the future for permission to participate in the RFP by: a) making further equipment and operations changes to turn its facility into a permanent peaking plant; and b) removing the June, 2009 time limit on operations. (Council Admin. Notice #14, 15, 16, 17; Waterside 1, p. 3)

4. On August 25, 2006, the DPUC issued its RFP for long-term resources. Waterside submitted two bids with different potential permanent turbine configurations in the fall of 2006. On April 23, 2007, the DPUC selected a bid based on the continued use of the existing turbines with limited revisions that are needed to convert the current facility to a long-term facility. (Waterside 1, pp. 3, 4)

5. The facility would operate as a peaking facility to supply power to Connecticut on a long-term basis through a 15 year contract with the Connecticut Light & Power Company (CL&P). (Waterside 1, p. 4)

6. 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 March 6, 2008 beginning at 3:00 p.m. and continued at 7:00 p.m. in the 4th floor cafeteria of the Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut. (Transcript 1 [Tr. 1], 3:17 p.m., p. 3; Transcript 2 [Tr. 2], 7:00 p.m., p. 3)

7. The Council and its staff conducted an inspection of the facility on March 6, 2008, beginning at 2:00 p.m. (Hearing notice)

8. The party to this proceeding is the Petitioner. The intervenor is CL&P. (Tr. 1, p. 5; Tr. 2, p. 5)

9. On February 21, 2008, Waterside placed a sign in front of the site along Amelia Street to provide notification to the public regarding the proposed project and the Council's hearing. (Tr. 1, pp. 20, 21)

10. The Connecticut Department of Transportation (CDOT) submitted a letter stating it has no comments on the proposed project. (CDOT letter dated March 11, 2008)

MUNICIPAL INVOLVEMENT

11. The City of Stamford Zoning Board of Appeals (ZBA) has approved a Special Exception of the temporary units each year since 2002. (Waterside 1, p. 13)

12. On June 14, 2006, the ZBA approved Waterside's request to participate in the LFRM through May 31, 2009. On June 28, 2007, the ZBA reaffirmed approval of the units and extended approval of the temporary units through June 29, 2009. (Council's Admin. Notice 17; Waterside 1, pp. 13, 14)

13. On October 2, 2007, representatives of Waterside met with City of Stamford Mayor Dannel Malloy and Michael Freimuth, Director of Economic Development to review the proposed plan for a long-term facility at the Waterside site. (Waterside 2, R. 1)

14. On November 29, 2007, Thomas Atkins of Waterside met with Mr. Freimuth to review a proposed updated application to the ZBA including changes made by Mayor Malloy. (Waterside 2, R. 1)

15. Also on November 29, 2007, Kenneth Roberts and Mr. Atkins attended a meeting of the Waterside Coalition, a local neighborhood group, in Stamford. At this meeting Waterside Power reviewed its latest ZBA application. (Waterside 2, R. 1)

16. On January 9, 2008, the ZBA held a public hearing on Waterside's application to make the site a long-term facility. Mr. Freimuth spoke in favor of Waterside's application. A Waterside Coalition board member also spoke in favor of the application. At this meeting the ZBA approved Waterside's application. (Waterside 2, R. 1)

17. Mr. Freimuth spoke at the Council's hearing on the proposed project to express the town's concern regarding capacity and reliability of electricity for the region and to express support for the project. (Tr. 1, pp. 8, 9)

PROJECT ASSESSMENT

18. On May 3, 2007, the DPUC issued a decision in Docket No. 05-07-14PH02, *Investigation of Measures to Reduce Federally Mandated Congestion Charges* (FMCCs). The DPUC selected the Waterside project as one of four winning bidders to provide new capacity to Connecticut and reduce the impact of FMCCs to Connecticut ratepayers. (Waterside 1, pp. 4, 5, 9)

19. Following the DPUC's selection of the Waterside project, Waterside implemented a long-term standardized supply contract, which was reviewed in a DPUC contested case proceeding (Docket 07-04-24). On August 22, 2007, the DPUC issued an Order approving the Master Agreement between Waterside and CL&P to provide capacity for the period 2010 through 2025. (Waterside 1, p. 9)

20. Southwest Connecticut has been identified by the Independent System Operator – New England as a location where existing generation and transmission capabilities are not sufficient to supply electric load during extremely hot weather without overloading lines or causing severe low voltage conditions. (Waterside 1, pp. 8, 20)

SITE SELECTION

21. The existing site was initially selected during 2002 in a search for a least-cost, least environmental impact site for the proposed generating facility. (Waterside 1, p. 20)

22. Locating the site in close proximity to electric transmission facilities reduces interconnection costs and minimize environmental and community impacts associated with interconnection to the electric transmission system. (Waterside 1, p. 20)

23. The initial site selection was based on criteria including: a location in southwestern Connecticut; ability to acquire necessary land rights; a nearby electric substation and transmission lines; zoning that promotes industrial and business recruitment and retention; low risk of soil contamination or other environmental remediation requirements; a location that was used for industrial purposes; sufficient parcel size for the installation of necessary equipment and a buffer; sufficient water supply; geological conditions conducive to construction of the facility; no apparent structures of archaeological or historical significance; and no apparent threatened or endangered species at the site. (Waterside 1, pp. 20, 21)

EXISTING/PROPOSED SITE

24. The existing units and associated equipment are located on a 5.8 acre site that is interconnected with the existing CL&P substation adjacent to the parcel. (Waterside 1, p. 5)

25. The proposed configuration of the Waterside project is similar to the design of the existing plant, with the addition of certain fuel storage facilities to ensure compliance with the DPUC RFP on a long-term basis. (Waterside 1, p. 5)

26. The site is bordered on the west by the Stamford Executive Park, to the south/southeast and east by Metro North/AMTRAK rail lines, to the northeast by CL&P's Waterside Substation and to the north by residences. Properties to the northwest, west, south, east and northeast are zoned M-G (General Industrial District). The Innis Arden Golf Club is south of the Metro North/AMTRAK rail line. The residential area north of the site is zoned R-6 (residential). (Council Admin. Notice 19; Waterside 1, p. 7)

27. The main entrance to the site is through the Stamford Executive Park from West Avenue. (Waterside 1, p. 16)

28. Access from Amelia Place would be retained for emergency use only. (Waterside 1, Tab F)

29. The site is located approximately ½ mile from Interstate 95 (I-95). (Waterside 1, p. 16)

30. Prior to the construction of the Waterside Project in 2002, the parcel contained a 160,000 square foot industrial building. The building was demolished in the fall of 2001. (Waterside 1, p. 7)

31. Landscaping, consisting of a mix of trees in front of an earthen berm topped by a wooden fence, is located between Amelia Place and the facility site to minimize impacts to the surrounding neighborhood. (Waterside 1, p. 8)

32. The facility would remain available for power generation throughout the transition from a short-term facility to a permanent one. (Tr. 1, p. 49)

PROPOSED EQUIPMENT AND OPERATIONS

33. The proposed project will continue the use of the three existing General Electric TM2500 turbine generator units. Each unit is rated at 23.2 MW at a temperature of 90-degrees Fahrenheit. The estimated winter capability of the facility is approximately 75 MW and the summer capability is approximately 69.2 MW. (Waterside 1, p. 5)

34. The facility has a black start generator that allows the units to be available even if a blackout occurs on the electric grid. Black start capability allows the units to start and commence generating without any outside source of electricity. (Council Admin. Notice 7, p. 29; Waterside 1, p. 5)

35. The existing black start generator is a 1,200 kilowatt (kW) rented unit, which would be replaced with a 1,000 kW unit that would be owned by Waterside. The reduction in generator size is due to an assessment of need for the facility that resulted in a determination that the plant could use a smaller generator than currently exists. (Waterside 3, pre-filed testimony of Mr. DiCristofaro, p. 5; Tr. 1, p. 27)

36. Each existing generator unit consists of four trailers: a turbine generator trailer; an inlet filter trailer; an exhaust trailer; and an auxiliary trailer. All trailers are sound-insulated. Each four-trailer unit is located within an approximately 103-foot by 70-foot area. The maximum height of the units is 29.5 feet above ground level, which is the height of the exhaust silencers that were installed in 2006 to minimize noise impacts from the facility. (Waterside 1, pp. 5, 6)

37. Waterside proposes to replace five 20,000 gallon fuel oil storage tanks (located near the center of the parcel) with two 126,000 gallon double-walled tanks (located near the western boundary of the parcel). The new tanks would be 40 feet wide by 24 feet tall. An associated pump building would be installed adjacent to the new tanks. Enhanced fire protection, spill prevention and containment measures would be incorporated into the design of the new tanks. Since the most likely spill of fuel is associated with the transfer of fuel oil from tanker trucks to the storage tanks, Waterside's current practice is to provide for the containment of more than 110% of the volume of a 7,200 gallon tanker truck. (Waterside 1, pp. 6, 16, Tab I, p. 10)

38. Waterside proposes to maintain a 40-hour fuel supply. Delivery of the fuel would be via tanker trucks with a maximum delivery load of between 6,200 and 6,500 gallons per truck. If Waterside operated during all peak load hours, a maximum of 16 round trips would be needed per day to refill the storage tanks. (Waterside 1, p. 17, 18)

39. The proposed fuel storage system would be relocated to a portion of the parcel farther from the nearest residential areas. (Waterside 1, p. 28)

40. Approximately 40,000 gallons of demineralized water would be stored on site for water injection to control NO_x emissions. Water would be transported to the site via an interconnection with the local water system. (Waterside 1, p. 17)

41. The units would use air cooling and a simple cycle design, which minimizes the water use for the project. Water demand for each of the three units would be approximately 1,625 gallons per hour. (Waterside 1, p. 19)

42. The configuration of the existing auxiliary trailer enclosures would be changed, and their locations would be moved ten feet to the south so as to place sound attenuation walls adjacent to each combustion turbine unit. (Waterside 1, p. 6)

43. The turbine generator units would continue to be fueled by ultra low sulfur fuel oil; however the units would now use sulfur values of 0.0015% rather than the currently permitted 0.003% by weight. (Waterside 1, p. 6)

44. Maintenance inspections of the existing turbines are conducted after 500, 1,000, 4,500, and 8,000 hours of engine operation. Any necessary repairs are made at each inspection. At 12,500 hours of engine operation an engine hot section repair/replacement is required. At 50,000 hours of engine operation a complete engine overhaul is necessary. (Waterside 2, R. 3)

45. The current hours of operation, since 2002, of the existing turbines are 497 hours for Unit 1; 1,122 hours for Unit 2; and 1,123 hours for Unit 3. The turbines are limited to approximately 400 hours of operation annually due to the facility's air permit. Based on the above data, Unit 2 and Unit 3 would reach the 12,500 hour maintenance requirement in approximately 28 years. (Waterside 2, R. 3)

46. The units would generate 13.8 kilovolts (kV), which would be stepped up to 115 kV by an on-site generator step-up transformer. The 115-kV output would be transmitted to the CL&P 115 kV Waterside Substation located adjacent to the site. (Waterside 1, p. 7)

47. To make the facility permanent, Waterside proposes to make adjustments to the existing CL&P interconnection. These include burying a section of control cabling and installing two footings for equipment associated with the interconnection. (Tr. 1, p. 22)

48. The facility would be staffed on a 24 hour a day, 7 day a week basis. The employees include two shifts of two employees covering the 7:00 a.m. to 11:00 p.m. operating period. A night watchman would be at the site during the overnight hours. (Tr. 1, p. 21)

ENVIRONMENTAL CONCERNS

Noise

49. Ambient noise levels in the project area are consistent with an urban setting. (Waterside 1, p. 15)

50. Existing equipment is enclosed within trailer housing and stack silencers have been installed to minimize noise from the facility. (Waterside 1, p. 15)

51. The generating units were originally installed in the southern portion of the site to mitigate potential noise impacts to the community north of the site. The existing earthen berm with an eight-foot fence and landscaping further minimizes potential noise impact to the residential community. (Waterside 1, p. 16)

52. Waterside proposes to install new sound barrier walls along the combustion turbine exhaust sections at each of the generating units to minimize noise impact to the surrounding community. (Waterside 1, p. 30, Tab C, Tab M)

53. With the three units in operation, noise levels outside of the northern property boundary are measured at 54 dBA. With only Unit 1 in operation, the sound level at the northern property boundary was measured at 50 dBA with a temporary version of the proposed sound wall in place. (Waterside 1, Tab M)

54. Sound levels from the proposed facility would be lower than ambient sound levels, with the sound barrier walls installed. (Waterside 1, Tab M)

55. The facility would meet all City of Stamford noise regulations, including the nighttime noise standard of 51 dBA. (Waterside 1, Tab M; Tr. 1, p. 20)

Visibility

56. Mature trees exist on adjacent properties, including a rail line, substation and offices, that screen the proposed facility. (Waterside 1, p. 31)

57. The facility is not visible from the nearby residences north of the site due to the distance of the equipment from the street, site grading, and screening from the earthen berm and fencing. (Waterside 1, p. 31)

58. The facility is currently fully screened, with the exception of the emergency access gate located at the corner of Betts Avenue and Amelia Place. (Waterside 1, Tab C, p. 1)

59. The proposed installation of the fuel storage tanks in the southwest corner of the site would create a view of the fuel area from southbound traffic on Betts Avenue. (Waterside 1, Tab C, p. 6)

60. The facility's support equipment along the western property line is visible from a section of road at the intersection of Betts Avenue and Amelia Place. Views of the site are also available through the chain-link security fence along the north property line. (Waterside 1, Tab C, p. 1)

61. Waterside proposes to add dark green slats in the chain-link fence to provide additional visual screening. This would eliminate any community ground-level view of the facility's equipment. (Waterside 1, Tab C, pp. 1, 6)

Soil

62. Remediation was originally conducted and completed at the site due to the prior use of the property as a manufacturing operation. In February 2002, the previous property owner received a "No Further Action" letter from the DEP, which indicates that no other remediation activities would be required. (Waterside 1, p. 26)

63. Waterside would install appropriate erosion and sediment control measures to protect off-site wetland areas. (Waterside 1, p. 29)

Water Quality

64. No hydric soils are located on the property of the proposed site; however, stormwater is directed to an on-site storm drain and is discharged through a culvert along the southern edge of the site. (Waterside 1, p. 34)

65. Any wastewater generated during unit operations or maintenance activities would be collected and trucked off-site for disposal at an appropriate facility. (Waterside 1, p. 35)

Air Quality

66. The proposed project would be in compliance with all applicable state and federal air quality requirements and in accordance with the conditions in the facility's New Source Review (NSR) permits that were issued by the Department of Environmental Protection (DEP) on July 2, 2004. The NSR permits expire on July 7, 2009; however, DEP regulations allow the facility to operate until new permits are issued. Waterside is currently filing new applications with the DEP. (Waterside 1, p. 24)

67. Waterside received the Title V Operating Permit on June 9, 2006. The permit will expire on June 9, 2011, which would require Waterside to apply for a new permit by June 9, 2010. Waterside would operate under the existing operating permit until a new permit is issued. (Waterside 1, p. 24)

68. Water injection would be used in the proposed project to reduce NO_x emissions to 42 parts per million, volumetric dry (ppmvd) at 15% Oxygen gas (O_2) or less. The total NO_x and Volatile Organic Compound (VOC) emissions from the facility would be less than the 25 tons per year acceptable for major source thresholds. The New Source Performance Standards (NSPS) include NO_x limitations on the proposed facility at a nominal value of 75 ppmvd at 15% O_2. (Waterside 1, pp. 24, 25)

69. The Waterside site is located in an area that is designated as severe nonattainment for 1-hour National Ambient Air Quality Standards for ozone. (Waterside 1, p. 24)

70. The NSPS limits sulfur dioxide to 150 ppmvd at 15% O_2 and fuel sulfur content to less than 0.8% by weight. The ultra low sulfur fuel proposed would result in a sulfur content of no greater than 0.0015% by weight. (Waterside 1, p. 25)

ELECTRIC AND MAGNETIC FIELDS

71. Potential sources of electric and magnetic fields (EMF) at the Waterside property are generators, generator leads, transformers and a three-phase 115-kV interconnection to CL&P's Waterside Substation. (Waterside 1, p. 21)

72. The design and location of the generators, leads and transformers would prevent them from having a significant effect on EMF levels outside of the property boundaries. (Waterside 1, p. 22)

73. The 115-kV interconnection would contribute to higher EMF levels within the Waterside and adjacent CL&P substation properties. At the northern edge of the site, electric field and magnetic field levels would be approximately 0.031 kV per meter (kV/m) and 2.6 milligauss (mG), respectively. (Waterside 1, p. 22)

74. Approximately 210 feet north of the interconnection, along Amelia Place, maximum EMF levels are estimated at 0.012 kV/m and 1.3 mG, respectively. (Waterside 1, p. 22)

75. The proposed facility would be designed and operated in accordance with the National Electrical Safety Code and appropriate elements of the Council's Electric and Magnetic Field Best Management Practices. (Waterside 1, p. 23)

76. The proposed project would not significantly increase EMF levels outside of the utility properties. (Waterside 1, p. 23)

SAFETY

77. The proposed project would operate in accordance with the Emergency Action Plan (EAP) that was previously developed by Waterside for the existing site. The EAP was designed to ensure employee safety from fire and other emergencies. EAP elements include:

    a. Emergency escape procedures and route assignments;
    b. Procedures for employees who remain at the site to perform critical plant operations before evacuation;
    c. Procedures to account for all employees after completion of emergency evacuation;
    d. Rescue and medical duties for employees who are to perform them;
    e. Preferred means of reporting fires and other emergencies; and
    f. Names or job titles of persons or departments to be contacted for further information or explanation of duties under the plan.

    (Council Admin. Notice 17, FOF #32; Waterside 1, p. 18)

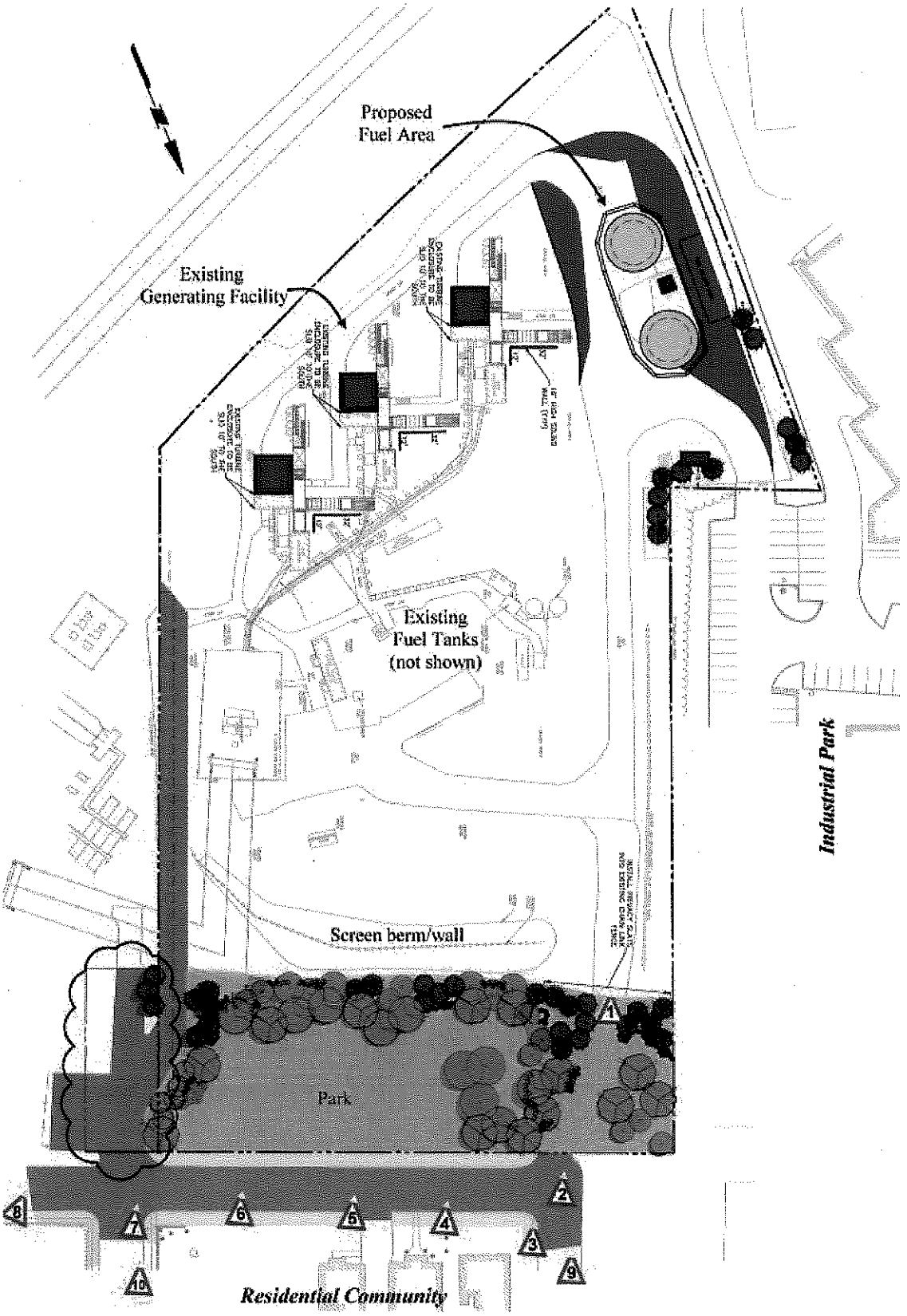

Figure 1. Waterside facility site plan showing existing and proposed equipment. (Waterside 1, Tab C)