STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

PETITION OF WATERSIDE POWER, LLC FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS NECESSARY FOR THE WATERSIDE PERMANENT 69.2 MW PEAKING PROJECT IN STAMFORD, CONNECTICUT	**PETITION NO. 836**

BRIEF OF WATERSIDE POWER, LLC

Petitioner

I. INTRODUCTION

Pursuant to Section 16-50k of the Connecticut General Statutes ("C.G.S.") and Section 16-50j-38 of the Regulations of Connecticut State Agencies ("R.C.S.A."), Waterside Power, LLC ("Waterside" or the "Petitioner") petitioned the Connecticut Siting Council ("CSC" or "Council") for a Declaratory Ruling that Waterside's permanent 69.2 megawatt ("MW") peaking project located in Stamford, Connecticut (the "Waterside Project" or "Project") will not have a substantial adverse environmental effect, and that therefore, no Certificate of Environmental Compatibility and Public Need is required. In this proceeding, Waterside has presented details of certain limited revisions to the existing temporary peaking operations which were approved by the Council in the past. As presented in this record, Waterside has demonstrated that the steps required to convert the Project will have no significant impacts to the environment and that the Project is needed to become a permanent source of peaking capacity for Connecticut.

Waterside's petition in this docket for status as a permanent peaking facility has been filed based on its selection by the Connecticut Department of Public Utility Control ("DPUC") to operate as a peaking facility to supply power to Connecticut on a long-term basis through a fifteen year contract with Connecticut Light and Power Company ("CL&P"). In its Decision issued May 3, 2007 in Docket No. 05-07-14PH02, *Investigation of Measures to Reduce Federally Mandated Congestion Charges* ("FMCCs"),[1] the DPUC selected the Waterside Project as one of the winning bidders to provide new capacity to Connecticut and reduce the impact of FMCCs to Connecticut ratepayers.

As a winner of this RFP process, Waterside may apply to the Council through the filing of a petition for declaratory ruling for approval of this Project. Specifically, Section 16-243m(g) of the General Laws provides that "projects approved pursuant to this subsection are eligible for expedited siting pursuant to subsection (a) of section 16-50k." The only expedited permitting referenced in subsection (a) of Section 16-50k is the petition process.

With only limited changes necessary for permanent operations, Waterside asserts that its permanent facility is consistent with the need for long-term peaking facilities in Connecticut. The changes presented in this Petition do not create new adverse environmental impacts. Instead, the environmental impact assessments presented to the Council in earlier dockets related to the temporary facility remain largely unchanged due to Waterside's determination to maintain the use of the existing turbines on a permanent basis.

[1] On August 22, 2007, the DPUC approved the Master Generation Agreement between CL&P and Waterside Power by its Final Decision in Docket No. 07-04-24.

II. PROJECT OVERVIEW

The design of the permanent configuration of the Waterside Project is similar to the design of the temporary facilities with the addition of certain fuel facilities which ensure that the operation will be available as needed to operate in the LFRM on a long-term basis. The Waterside Project will continue to utilize three General Electric ("GE") TM2500 turbine generator units. The turbine units have proved to be reliable and environmentally sound, and are easy to dispatch, operate and maintain. In addition, the Project has a black start generator which allows the units to be available even if there is a blackout of the local distribution system. With black-start capability, the Project can provide local support when other generation fails, ensuring service can continue with minimum interruption and further enhancing the reliability of the Project.

The most significant change in the site plan and operations necessary to convert the facility to permanent operations is the replacement of the five existing 20,000 gallon liquid fuel storage tanks with two new storage tanks capable of holding a combined capacity of 252,000 gallons and a related small pump building. The overall impact of these new tanks will be minimized by placement in a location furthest away from the nearest residences and incorporating enhanced fire protection, spill prevention and containment measures.

The turbine generator units will continue to be fueled by ultra low sulfur fuel oil. The new sulfur values will be 0.0015% rather than the currently permitted 0.003% by weight. The air permit applications reflect the lower sulfur value. The units will continue to use water injection to reduce emissions of nitrogen oxides ("NO_x") to 42 parts per million ("ppm") or less on a dry basis at 15% O_2.

III. THE CONVERSION OF THE EXISTING WATERSIDE PROJECT TO A PERMANENT FACILITY IS NECESSARY TO MEET THE NEEDS OF CONNECTICUT.

A. Statutory Requirements Relating to Public Need and Benefit.

The Project was originally developed in response to a concern that existing generation and transmission within Southwest Connecticut was not capable of supplying electric load during extremely hot summer weather without overloading lines or causing severe low voltage conditions. The reliability needs for peaking support to meet loads during times of high demand have persisted since 2002, leading to significant legislative activity in the last five years including the mandate for the DPUC to take specific actions including its recent RFP for long-term resources. Pursuant to Public Act No. 05-01, An Act Creating Energy Independence ("EIA"), for the purposes of §16-50p(c)(1), the DPUC's approval of a contract for a project through the most recent RFP establishes a rebuttable presumption for siting purposes that the facility would provide a public benefit as defined in §16-50i (a)(1). This presumption applies to the proposed Waterside Project as a permanent peaking facility.

Other statutory changes also apply to the Waterside Project as proposed in this Application. Pursuant to §16-50p(c) (3), a project will be found to have a public benefit if it is necessary for reliability of the electric power supply of the state or for the operation of a competitive market and fulfills a public need if such facility is necessary for the reliability of the electric power supply of the state. Thus, the Waterside Project as selected by the DPUC in its all resource competitive bidding process, provides a public benefit to Connecticut and fulfills a public need for a reliable electric supply in Connecticut.

B. Unique Characteristics of the Waterside Project

1. Waterside was selected as a Winning Bidder in the DPUC RFP.

The Waterside Project was selected by the DPUC as part of an overall portfolio of four projects. After selection by the DPUC on May 2, 2007, all four winners executed long-term standardized supply contracts, which were further reviewed in a contested case proceeding, Docket 07-04-24. The DPUC issued an Order in that proceeding on August 22, 2007 which approved the Master Agreement between Waterside and CL&P to provide capacity for the period 2010 through 2025.

Waterside was selected as one of the four winning bidders out of more than 20 bids filed with the DPUC as part of an all resource selection process. The portfolio of four projects was selected by the DPUC and its consultant, London Economics International, LLC ("LEI") as producing the greatest net benefits of $509 million (not including energy savings) and weighted average net benefits of $521 million or $791 per kilowatt ("kW") when including energy savings benefits. See LEI Report at 6 in Attachment D to the Petition. The Report noted that the portfolio chosen met many of Connecticut's policy objectives in selecting new long-term projects including improving system reliability. LEI tested system reliability improvements with the addition of the four projects by the ability of the portfolio to reduce system outages under system stress conditions. The LEI Report concluded that the portfolio "augments the amount of overall generating capacity in the state, reinforcing system-wide transmission security and providing for more permanent fast start resources. LEI also determined that the portfolio minimized congestion costs and was procured at the lowest reasonable cost possible.

Information was provided on a stand-alone basis for the projects and in comparison to other bids in its resource category in addition to the portfolio combinations. The Waterside Project was one of two of the peakers selected as part of an overall portfolio which produced the

largest net benefits to Connecticut ratepayers and was the lowest cost peaker among the total of six peaking final bids submitted. At page 34 of the LEI Report, the Waterside Project was described as the strongest peaking project "due largely to its lower than average contract costs." LEI estimated its weighted average net benefits of $48 million or $729/kW. At average costs of $6 million or $94/kW, Waterside had the lowest costs. Average net benefits were estimated at $48 million or $729/kW or $63 million or $957/kW when an economic valuation of other factors including environmental benefits were included.

2. 2007 CSC Forecast

In the CSC's Report on the Ten Year Forecast of Connecticut Load and Resources ("CSC Draft Report"), the CSC noted Waterside's selection by the DPUC as a long-term resource. At page 10, the Council also noted the current temporary facility's inclusion as part of ISO-NE's existing seasonal claimed capability report for June 2007. Waterside's continued contribution as a quick start resource is critical for maintaining reliability in SWCT and Connecticut.

The CSC Report focuses on summer peak loads and the continued growth in peak loads predicted by CL&P and the ISO. The CSC Report adopts the need for 1,200 MW for Connecticut estimated by the ISO in its 2006 Regional System Plan ("RSP"). The Council also notes the need for significant quick-start generation in SWCT at page 24. Waterside's ability to provide quick start capacity to SWCT and Connecticut will continue to remain necessary to meet the needs identified in the Council's 2007 Report.

3. Other Forecasts of Connecticut Loads and Resources

The Connecticut Energy Advisory Board ("CEAB") in its 2007 Energy Plan focuses on peak load issues, noting that the shortage of electrical capacity could have a significant economic impact in the state's immediate future. "The current growth in the state's peak demand for electricity has long-term economic and environmental consequences for Connecticut. In August

of 2006, Connecticut set an all-time record electric peak, using more than 7,700 megawatts of capacity." Despite efforts to reduce coincident peak demand, the record 2006 summer peak was 7% higher than the prior year's record peak. CEAB State Energy Plan at page 7.

In its Electricity Supply Recommendations, the CEAB supports the use of quick-start generation resources. The CEAB states that these resources will satisfy the system wide requirements for Connecticut and load pocket needs, make more efficient use of existing transmission and generation infrastructure and save consumer capacity and congestion costs. CEAB State Energy Plan at 20. Thus, Waterside's permanent proposal would help to meet the CEAB's goals for Connecticut's energy supply.

IV. LOCAL APPROVALS AND INFORMATION OUTREACH

A. City of Stamford Zoning Board of Appeals

Waterside has received approvals from the City of Stamford Zoning Board of Appeals ("ZBA") for the temporary units since the 2002 initial application for a Special Exception. On June 14, 2006, the ZBA unanimously approved the Project's application. On June 28, 2007, the ZBA reaffirmed its approval of the Project extending its approval of the temporary facilities configuration through June 29, 2009. On January 24, 2008, Waterside received approval of its application for a Special Exception to operate the facility as a permanent peaking plant. This latest ZBA approval does not have an expiration date. The certificate of the decision of the ZBA approving that request was provided as an Attachment to Mr. Robert's prefiled testimony, Exh.

B. Waterside's Community Outreach

In addition to the full local permitting process discussed above, on numerous occasions Waterside has met with City of Stamford officials to inform them of Project developments and plans. Among others, Waterside has met several times with the Mayor of the City of Stamford and provided him with reports concerning the public need and benefit of the Waterside Project,

Waterside's site selection process and environmental effects of the Waterside Project. Waterside has also met with representatives from the City of Stamford City Council, Health and Safety Department, Fire Department, Building Inspections and the Corporation Counsel. Waterside has also met with members of the Legislature representing the Stamford area.

In addition to meeting with these local officials, Waterside has engaged in numerous activities to inform and receive feedback from the local community and citizens regarding issues relating to the Waterside Project. Among other community groups, Waterside has met with the ABBDS, the Stamford Partnership and the Waterside Coalition. Since early May 2002, representatives of Waterside have met regularly with the Project's neighbors. As part of this process, Waterside attends monthly community group meetings. Waterside has sponsored site visits by neighbors in the past. The Waterside Coalition supported the Project's application to the ZBA stating Waterside's Project was a "win for everyone". Attachment 1 to Exh. __, Robert's prefiled testimony.

The ZBA landscaping plan and reconfigurations of the Project over time, are the direct result of discussions with community stakeholders. Moreover, at the request of the local community, Waterside agreed to fund the installation of speed bumps on local residential streets to address long-standing traffic concerns of the Project's neighbors.

VI. THE PERMANENT WATERSIDE PEAKING FACILITY WILL HAVE NO SUBSTANTIALLY ADVERSE IMPACTS ON THE ENVIRONMENT.

A. Site Selection Process

In its initial siting process, Waterside developed and employed a site selection process designed to secure a least-cost, least environmental impact site for its proposed generating facility. With the existing infrastructure in place to serve the temporary facility, Waterside's

location as a permanent facility optimizes the use of the existing site and infrastructure to meet the continuing need for peaking facilities in Connecticut.

B. The Waterside Project Will Have No Substantial Adverse Environmental Effect On Electric And Magnetic Fields

The proposed site is well suited for the Project and the effect of the proposed temporary facility on existing electric and magnetic fields (or "EMF") levels outside the site will be minimal. The potential sources of EMF are: generators; generator leads; transformers; and a three-phase 115-kV interconnection to CL&P's Waterside Substation. All four sources are located within the industrially-zoned property of Waterside and CL&P.

The design and location of the generators, leads and transformers on the Waterside site precludes them from having a significant effect on field levels outside of the property boundaries. The contribution of the 115-kV interconnection to higher background field levels off-site was evaluated by modeling because of its length and location along the eastern border of the Waterside property.

Locations where EMFs are significantly increased by the interconnection will be entirely contained within the combined Waterside/CL&P properties. At the northern edge of the site, the EMF levels of the interconnection as built are estimated to be approximately 0.031 kV per meter ("kV/m") and 2.6 milligauss ("mG"), respectively. These values are well below the 6 mG standard for Electric and Magnetic Field Best Management Practices for transmission facilities recommended by the Department of Public Health in recent proceedings before the Council.

At residences about 210 feet in the north of the interconnection across Amelia Place, the maximum EMF levels are estimated to be 0.012 kV/m and 1.3 mG, respectively. These levels are comparable to or less than those measured near numerous other commonplace sources. For

example, at Bank ATMs magnetic field levels are measured at 120 mG, and magnetic field levels measure at 36 mG in fast food restaurants.

The proposed facilities will be designed and operated to meet the requirements of the National Electrical Safety Code.[2] The proposed Project meets the fundamental goal of the Electric and Magnetic Field Best Management Practices as the design and location of the Project minimizes the EMF fields produced as well as the opportunity for public exposure to fields. .

The Project will be compatible with practices recommended by the Council for responding to anticipated changes in ambient EMF levels and will not significantly increase levels outside controlled utility properties. Accordingly, the Waterside Project will not have any adverse environmental effect on EMF levels.

C. Effect of the Facility on the Public Health, Ecology, and Scenic, Historic, and Recreational Values

1. The Project will not have a substantial adverse effect on public health

(a) Air quality

The Project utilizes water injection to reduce NO_x emissions to 42 ppmvd at 15% O_2 or less. In particular, total emissions of NO_x and VOC will be less than the 25 TPY major source thresholds for these pollutants defined at § 22a-174-1(57)(A) for sources located in areas designated as severe nonattainment with respect to the 1-hour NAAQS for ozone, such as this portion of Fairfield County. 40 CFR § 81.307.

The Project meets the New Source Performance Standards ("NSPS") limitations for a stationary gas turbine used for electricity generation, at 40 CFR 60, Subpart GG. The NSPS places restrictions on emissions of NO_x and SO_2. NO_x concentrations in the flue gas for turbines

[2] Institute of Electrical and Electronics Engineers ("IEEE"). National Electric Safety Code. IEEE Standard C-2, 2002.

with heat inputs at peak loads greater than 100 MMBtu/hr are limited to a nominal value of 75 ppmvd at 15% O_2. The Project's guaranteed maximum NO_x emissions of 42 ppmvd at 15% O_2 or less during liquid fuel firing, and actual reported NO_x emissions of 37 ppmvd at 15% O_2, are well below the nominal NSPS limit of 75 ppmvd at 15% O_2.

Under the NSPS, SO_2 is limited to 150 ppmvd at 15% O_2, and fuel sulfur content is limited to less than 0.8 percent by weight. The Project will meet these criteria by using ultra low sulfur distillate liquid fuel with a sulfur content no greater than 0.0015 percent sulfur by weight (i.e., 15 ppm). Fuel sulfur content for the Project will therefore be well below the NSPS requirements.

DEP regulations at R.C.S.A. § 22a-174-18 limit PM emissions from new fuel burning equipment to a rate of 0.10 lb/MMBtu and opacity to less than 20 percent. The Project's PM emissions are only 0.01 lb/MMBtu. Opacity emissions will be well below 20 percent. The DEP regulation § 22a-174-19 limits fuel sulfur content to less than 1 percent for new fuel burning equipment. The Project will fire ultra low sulfur liquid fuel with 0.0015 percent sulfur. DEP regulation § 22a-174-22 limits NO_x emissions from new combustion turbines greater than 100 MMBtu/hr heat input to 55 ppmvd at 15% O_2 for gaseous fuel and 75 ppmvd at 15% O_2 for liquid fuel. The Project will limit NO_x emissions to 42 ppmvd at 15% O_2 or less, guaranteed, but has reported an average of 37.1 ppmvd at 15% O_2 to the DEP based on actual test data from August 21 and 22, 2002.

The DEP regulates emissions of Hazardous Air Pollutants ("HAPs"), as defined in R.C.S.A. § 22a-174-29. The Project will emit several pollutants identified as HAPs. The DEP requires that new sources of air pollution discharge all Connecticut listed HAPs at concentrations less than the maximum allowable stack concentration ("MASC"). Procedures for calculating the

MASC, based on the stack height, distance to the property line, and the Hazard Limit Value for the compound in question, are contained in the aforementioned regulation. The requirements are based on short-term (8-hour) emissions. With the above-described pollution controls, the Project will be in compliance with the MASC for all regulated compounds. The MASC calculations are provided in Attachment J.

The impacts of a proposed emission source on ambient air quality are estimated using dispersion models, which predict how pollutants are transported and dispersed between the source and receptors. For air permitting, the purpose of a modeling analysis is to determine whether the impacts of the proposed source, in combination with other nearby sources, will produce air quality consistent with ambient standards and increments.

Because the Project units will only operate under the Permits requirements noted above and with aggregate emissions well below major stationary source thresholds, there will be no substantial adverse environmental effect from the Project's air emissions. The project recently received a favorable unannounced audit from the DEP's enforcement arm, verifying compliance with DEP regulations. The DEP audit report was provided in an attachment to the Petition. Waterside asserts that the audit report demonstrates that the Project has an operating history which demonstrates compliance with all emission regulations. Waterside will continue to maintain that record in the future.

(b) Site contamination

Over the last ten years, a remediation project was conducted and completed at the site as a result of the former manufacturing operation (plating) present at the site prior to 1987. The previous property owner received a No Further Action letter from the DEP at the end of February 2002. A No Further Action letter indicates that all required remediation activities on site have been completed. No obvious signs of site contamination were visible on the Project site prior to

initial installation in 2002. The site surface appeared clean and no staining of site soils was evident.

Based on the apparent completion of necessary site remediation activities and absence of the need for significant soil disturbance for continued Project operation, the Project will have no significant adverse impact on natural resources.

2. The Project will not have a substantial adverse effect on safety

Installation and operation of the Waterside Project has been designed and managed to ensure maximum safety for employees and the surrounding community. All installation and operation activities and equipment for the Project are in accordance with good engineering practice and Federal, state and local regulations, and comply with the latest editions of the regulations of all applicable governmental agencies and engineering associations.

Liquid fuel, water, and any chemicals or other hazardous materials necessary for Project operation are appropriately contained to prevent release. In particular, liquid fuel will be stored on site in two 126,000-gallon, double-walled storage tanks.

Safety and emergency systems have been implemented to ensure safe and reliable facility operation. The Project site is enclosed by a security fence. The Project operates in accordance with a joint Spill Prevention Control and Countermeasure/Stormwater Pollution Prevention Plan.. Based on these factors, the Waterside Project will have no substantial adverse safety impacts.

3. The Project will not have a substantial adverse effect on existing and future development

The site for the Waterside Project is approximately 5.8 acres in size and was vacant prior to installation in 2002. Until the fall of 2001, the site was occupied by a 160,000 sq. ft. industrial facility that was then demolished. Public utility generating plants and bulk petroleum storage are

allowed uses in the applicable zoning district. The Waterside Project will continue to comply with the maximum building height in this district of fifty (50) feet.

Redevelopment of the site for industrial purposes is wholly compatible with its historic use, surrounding uses, and City of Stamford zoning and development plans for the site area. As discussed above, the ZBA has now granted Waterside a Special Exception which allows permanent operation of the faility. The Waterside Project will not alter the character of the area. Thus, no adverse impacts to land use or zoning will occur from the operation of the Waterside Project.

4. The Project will not have a substantial adverse environmental effect on adjacent land use

The site is surrounded on almost all sides by existing industrial, commercial, utility or transportation uses. The Waterside Project is wholly compatible with the site's historic use and the surrounding uses. The site is located within the Stamford Enterprise Zone, an area designated to promote industrial recruitment and retention. In particular, the site and surrounding areas in all directions, with the exception of the residential enclave to the immediate north, are zoned M-G (the general manufacturing zone in Stamford) . Numerous measures have been implemented to minimize or eliminate any possible impact the Project might have on the residential neighbors near the site. The new fuel storage system will relocate fuel operations to an area further from the nearest residential areas. Further noise mitigation measures have also been installed.

Therefore, the Project will have no substantial adverse impacts on adjacent land use.

5. The Project will not have a substantial adverse environmental effect on ecological integrity

The parcel is a previously disturbed former industrial facility, with no wetlands on site, minimal vegetation, and no endangered or threatened species, as discussed further in

subsection 11 below. Thus, there are no valuable ecological features on the site, which is one of the reasons it was selected. Stormwater is managed on site during operation to ensure runoff quality and quantity are consistent with existing conditions. There is an existing system of stormwater catch basins on site from the previous use, which are utilized by the Project. The stormwater system has been designed to ensure soils and groundwater are protected from potential oil spills. Appropriate erosion and sediment control measures have been established to protect the off-site wetland area. The Project will operate in accordance with an updated combined Spill Prevention Control and Countermeasures/Stormwater Pollution Prevention Plan based on the new site configuration. Therefore, the Project will have no substantial environmental effect on ecological integrity.

6. The Project will not have a substantial adverse environmental effect on noise

A Project noise assessment was performed and demonstrated that operation of the Project will be within all applicable noise standards. The trailer mounted turbine generator units and ancillary equipment are designed to minimize noise. The turbines are installed at the lowest site elevations and the greatest distance from residential properties to the north. All equipment is enclosed within the trailer housing. Noise minimization features incorporated in the design include stack silencer inserts pursuant to a condition of the ZBA Special Exception. Due to the small footprint of the units as compared to the overall site size, the units have been located in the southern portion of the site to mitigate potential noise impacts on surrounding areas. An earth berm topped by an eight-foot solid wood fence and the addition of landscaping further insulates neighbors from noise. An additional wooden structure similar to those used to minimize highway noise will be added to the existing noise mitigation measures for each turbine generator

unit to maintain low noise levels with the slight change in site configuration[3]. The noise analysis determined, using acoustic modeling procedures, that the facility would meet all applicable noise standards. Finally, through over six years of operation, the facility has never received a noise complaint. Thus, potential noise impacts from the Project will not cause a significant adverse effect to the surrounding area.

7. The Project will not have a substantial adverse environmental impact on recreational areas and areas of natural history including areas of geologic, ecological, and archaeological interest

Existing recreational and historic resources will not be adversely impacted by the Project. As discussed above, the site is surrounded on almost all sides by industrial, commercial, utility and transportation uses and does not contain any such areas. There are no areas of ecological and archaeological interest.

There are also no areas of geologic interest. Mapping of surficial geology in the site area identifies the site as underlain by till. Information about site geology was presented to the CSC in Petition 617E. Till is defined as unconsolidated mineral soils consisting of a mixture of clay, silt, sand, gravel, and boulders. Soils mapping for the site area identifies the site as Urban Land. Urban Land is defined as built up areas of level to steeply sloping fill material overlying native surficial geology deposits. These soils are typically moderately to well drained.

The geology of a given area dictates the degree to which a proposed development is at risk from natural phenomena such as seismic activities, landslides, slumping, wasting, liquification and karst-related subsidence. Landslides and areas of creep/slump are generally a function of steep topography, depth to bedrock and groundwater, availability of surface runoff,

[3] Waterside was asked to supply power on September 1, 2007 when ISO-NE instituted OP-4 measures. Since September 1, 2007 was a Saturday, Waterside did not run. However, in recognition of the increasing potential to be asked to dispatch during weekend hours as well as evening time periods, Waterside seeks to ensure that the Project can be dispatched at any time if called upon and remain within acceptable noise parameters for its closest neighbors.

and bedrock fracturing and angle of dip. The conditions necessary to produce the majority of aforementioned hazards are absent at the Project site. Moreover, no seismically active faults have been identified at the property or nearby.

Waterside conducted limited site grading of the portion of the site on which the Project is located, which grading further screens the Project. There will be additional grading and impervious surfaces for the areas related to the new fuel tank installations and the delivery of fuel to that location. With the landscaping plan developed by Waterside, these very limited impacts are necessary for the Project's permanent operation. With the existing foundations for the trailer mounted units (crushed stone topped by steel plates, or equivalent), the Project will have no significant adverse effect on the existing site soils or geology and will have minimal risk from a seismological event.

8. The Project will not have a substantial adverse environmental impact on visibility

The Project site is located on a 5.8 acre property in the City of Stamford. As discussed above, the site is surrounded on almost all sides by industrial, commercial, utility and transportation uses. The surrounding rail line, substation and office uses are all themselves buffered by mature trees. While a small residential enclave exists immediately north of the Project site, due to the Project's low profile, the small size of the trailer mounted generating units, the significant setback from the street, the site grading plan and use of screening fencing, only four homes immediately across the street from the site would have any views of the permanent units, but these views are blocked by the earthen berm and fencing. This installation has significantly less impact on these homes than the prior installation at the site (a 160,000 square foot. industrial facility directly on the street with no earthen berm or residential style fencing in place).

The Project has a small footprint, each unit requiring only an area of approximately 103 feet by 70 feet. On-site structures comply with local zoning regulations. The Project's potential visual impacts were considered in the design and placement of the Project structures. One consideration in siting the facility was to select a site from which visual impacts resulting from the Project would be minimal. The proposed site was selected in part due to the fact that the surrounding industrial areas and trees significantly buffer the Project from three sides. Furthermore, by selecting a disturbed industrial area, the Project displaced no existing scenic resources.

The Project has also incorporated design measures to minimize visibility. The Project footprint has been designed to be as compact as possible, utilizing only a fraction of the site. The Project was also designed to insure that the facility will fit in with the existing landscape to the maximum extent possible. In conjunction with the ABBDS, the Waterside Coalition and the Stamford Partnership, the Project's landscaping plan has been developed to further mitigate any visual effects from the Project on the nearby neighborhood.

Therefore, due to the existence of obstructions, and the fact that the Project will be designed to minimally impact the aesthetic qualities of the surrounding area, the Project does not significantly impact the existing viewsheds in any direction. Given the small size of the Project and the industrial nature of the surrounding land uses, the Project will not have a substantial adverse effect on visual resources.

9. The Project will not have a substantial adverse environmental impact on roads or traffic

The Waterside Project is located approximately ½ mile from I-95, the primary interstate highway along the eastern seaboard of the United States. A highway interchange provides direct access from the interstate to West Avenue and the site's access road through the Stamford

Executive Park. The entrance to the Project was specifically relocated from Amelia Place to West Avenue to avoid any traffic through the residential community. These roadways are adequate for all deliveries to support the operation of the Project.

Operation of the turbine generator units will not result in adverse traffic impacts on area roadways. During operation, liquid fuel deliveries will be required periodically to maintain adequate fuel storage on-site. Deliveries will be scheduled to avoid peak traffic conditions. Operational personnel trips will be limited, as the site will be manned by only 2 to 3 full time people per shift.

In addition to liquid fuel, approximately 40,000 gallons of water (an 8-hour supply) will be stored on site for water injection to control NO_x emissions. An adequate interconnection with the local water system is already in place from the site's prior industrial use. Therefore, trucking of water is not anticipated at this time.

The limited number of truck trips necessary to support operation is not sufficient to have any adverse impacts on local roadways or traffic conditions.

10. The Project will not have a substantial adverse environmental impact on wetlands and watercourses

The Project site is not located within either the 100 - or 500 - year floodplains or the coastal zone. Further, there are no surface water bodies or wetlands located on the site. A field survey was conducted to determine the presence or absence of wetlands on the site, as defined by the Federal Army Corps of Engineers ("ACOE") or the State of Connecticut. Because the Waterside Project has no water discharge, it will have no substantial adverse environmental effect on the off-site wetland. Therefore, the Project as proposed will have no significant impact on wetlands or watercourses.

11. The Project will not have a substantial adverse environmental impact on wildlife and vegetation, including rare and endangered species, critical habitats, and species of special concern

As described above, the entire site has been previously developed, and contained minimal vegetation (*e.g.*, grassed landscape islands).. The site, consisting mainly of pavement and disturbed areas, supports minimal wildlife; wildlife species occurring on the site are mostly common, urban and suburban species passing through the site to adjacent areas which contain food sources and cover.

Based on a review of the DEP Natural Diversity Data Base map, no mapped locations of Federal or State listed species or natural communities occur on or in the immediate vicinity of the proposed site. Further, no listed species were observed on the site. As noted above, the site was vacant and largely unvegetated prior to initial Project installation. No water bodies or wetland areas are located on the Project site and the site is surrounded on all sides by existing industrial, commercial, utility, transportation or residential development. As such, it is not likely to provide habitat for any but occasional transient individuals from species which have adapted to living in urban environments. Therefore, the Project will have no significant adverse impact on protected species or habitats.

12. The Project will not have a substantial adverse environmental impact on public water supply watershed and aquifer areas

Groundwater in the site vicinity will not be impacted by the permanent installation and operation of the Project. Because the units are operated on a tractor-trailer system, no major excavation of soils was required for installation of the units. No wastewaters will be discharged on site. Sanitary wastes for the small number of personnel required for Project operation will be handled by temporary portable sanitary facilities. These facilities are maintained under contract with a local, licensed septage hauler. Any limited quantities of wastewater generated during unit

operations or maintenance activities will be containerized and trucked off-site for disposal at an appropriate facility. Any chemicals or other hazardous materials (such as liquid fuel) necessary for facility operation will be contained to prevent release to the environment. Based on the above, there will be no significant adverse effects on water resources or wetlands from the temporary operation of the Project.

The Project utilizes air cooling for the turbine generator units. In addition, because the Project is a simple-cycle design, no water is required for cooling a steam cycle. Consequently, Project water demand is minimal. The water is available from an existing eight-inch service line which was reactivated for this Project. Water demand for each Unit is limited with on-site storage to provide sufficient water for eight hours of continuous operation of the facility (approximately 40,000 gallons).

No permits or approvals were required for this water use, and adequate supply and infrastructure exist to supply the Project. Therefore, no substantial adverse environmental effect will occur from the Project's water use.

13. The Project will not have a substantial adverse environmental impact on archaeological and historic resources

A Phase IA cultural resource survey was conducted for the Project site and presented in the record of Petition 617E. Because the site has been used for industrial purposes and has previously been disturbed by construction and demolition, the site is considered to have a low sensitivity for cultural resources. No evidence of cultural resources was found during the Phase IA site walkover.

No existing historic structures are located on the site or in its immediate vicinity. Due to the limited size/height of the Project units, the Project will not impact the potentially historic structures in the broader Waterside and South End sections of Stamford. Because the soil has

been disturbed by prior construction, it is highly unlikely that any archaeological resources exist at the site and none were found during installation. Further, because the areas surrounding the site are fully developed, it is also highly unlikely that any archaeological resources exist in the immediate site vicinity. Therefore, the Project will have no substantial adverse environmental effect on cultural or historic resources.

V. MITIGATION MEASURES FURTHER MINIMIZE POTENTIAL ENVIRONMENTAL IMPACTS.

In addition to designing the Project to ensure that there are no substantial adverse environmental effects, Waterside has implemented various improvement measures over the term of its temporary operations including the installation of erosion and sediment controls and equipment as well as placing berms and vegetation for noise attenuation and is including additional silencing protection in this Petition.

These measures have included the installation of a residential style fence and expanded the berm under the 115 kV line on the site for further noise and visual impact mitigation. Moreover, at the request of the local community, Waterside funded the installation of speed bumps on local residential streets to address long-standing traffic concerns of the Project's neighbors. A landscaping and lighting plan was developed in conjunction with ABBDS. Waterside also relocated the entrance of the Project so that the Project traffic avoids the residential community and instead, traverses through an industrial area. These measures will be maintained during permanent operations. Additional mitigation measure included in this Petition related to permanent operations are the installation of further noise mitigation measures to continue to preserve and limit the noise impact of operations on the residential neighborhood nearby.

VI. CONCLUSION

Accordingly, for the reasons stated herein, Waterside respectfully requests that the Council rule that the Waterside Project would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes, Section 16-50*k*, would not require a Certificate of Environmental Compatibility and Public Need.

Respectfully submitted,
On behalf of WATERSIDE POWER, LLC

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Dated: April 9, 2008