

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

www.ct.gov/csc

August 20, 2009

TO: Council Members

FROM: S. Derek Phelps, Executive Director 

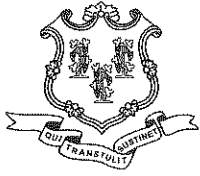
RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Enclosed please find a copy of the Council's notice of public hearing.

SDP/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)
Robert L. Marconi, Assistant Attorney General
Melanie A. Bachman, Staff Attorney
Parties and Intervenors
Application Service Recipients
Ginger Teubner, DPUC
Jeff Nelson, Director, Governor's Eastern Connecticut Office



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HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Wednesday, September 16, 2009, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Montville Town Hall Council Chamber, 310 Norwich-New London Turnpike, Uncasville, Connecticut, and thereafter as necessary. The hearing will be on a petition from Montville Power LLC for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

The purpose of the hearing is to hear evidence on the petitioner's contentions that no significant adverse environmental effects would result from the retrofit of an existing oil and gas-fired generator to wood biomass fuel to produce up to 40 MW of renewable energy. The retrofit would also enable the generator to use ultra-low sulfur distillate fuel to produce 82 MW of power.

The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The applicant will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Wednesday, September 16, 2009, beginning at 2:00 p.m.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Wednesday, September 2, 2009, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by September 9, 2009. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper,



primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before September 9, 2009.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Office of the Montville Town Hall and the Ledyard Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by September 9, 2009.

The applicant of this facility is represented by the following:

Petitioner

Its Representative

Montville Power LLC

Andrew W. Lord, Esq.
Murtha Cullina LLP
CityPlace I, 29th Floor
185 Asylum Street
Hartford, CT 06103

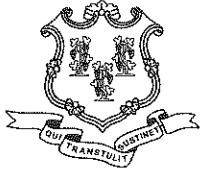
A copy of the petition is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this petition docket no. 907.

August 20, 2009

Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p align="center">Applicant</p>	<input checked="" type="checkbox"/> U.S. Mail	<p align="center">Montville Power LLC</p>	<p>Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29th Floor 185 Asylum Street Hartford, CT 06103 (860) 240-6180 (860) 240-6150 alord@murthalaw.com</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Julie L. Friedberg, Esq. Senior Counsel NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-5232 (609) 524-4941</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Judith Lagano Director – Asset Management NRG Energy, Inc. c/o Montville Power LLC 74 Lathrop Road Uncasville, CT 06382 (203) 854-3625 (203) 854-3658</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Jonathan Baylor Senior Analyst, Development & Asset Management NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-4958 (609) 524-4941</p>
	<input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail		



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August 20, 2009

The Honorable Fred B. Allyn, Jr.
Mayor
Ledyard Town Hall
741 Col. Ledyard Highway
Ledyard, CT 06339

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Dear Mayor Allyn:

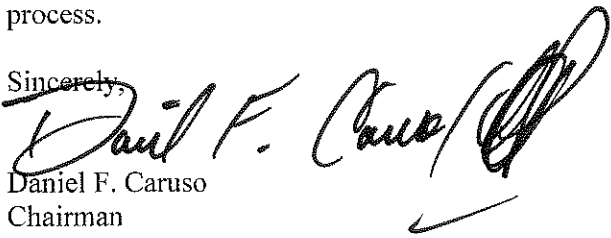
The Connecticut Siting Council (Council) scheduled a public hearing in Montville on September 16, 2009 in connection with the above-referenced petition. Connecticut General Statute § 16-501(b)(1) requires that municipalities having a boundary not more than 2,500 feet from such facility be provided with notice of the proposed project. The Town of Ledyard is within 2,500 feet of the facility. Based on the nature of this filing, the Council has concluded that a public hearing is appropriate. I am writing to invite you to participate in this hearing.

Please be advised that the Council's processes enable municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. If you have questions, please contact Executive Director S. Derek Phelps (860 827-2935). In the event you have legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951) or our Assistant Attorney General Robert Marconi (860 827-2682).

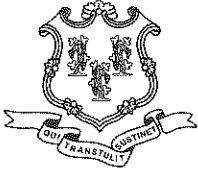
The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,


Daniel F. Caruso
Chairman

DFC/SDP/laf

c: Brian Palaia, Town Planner, Town of Ledyard



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August 21, 2009

The Honorable Joseph W. Jaskiewicz
Mayor
Montville Town Hall
310 Norwich New London Turnpike
Uncasville, CT 06382

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Dear Mayor Jaskiewicz:

The Connecticut Siting Council (Council) scheduled a public hearing in your town in connection with the above-referenced proceeding scheduled on Wednesday, September 16, 2009. Based on the nature of this filing, the Council has concluded that a public hearing is appropriate. I am writing to invite you to participate in this hearing.

Please be advised that the Council's processes enable municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. If you have questions, please contact Executive Director S. Derek Phelps (860 827-2935). In the event you have legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951) or our Assistant Attorney General Robert Marconi (860 827-2682).

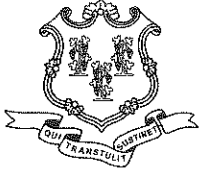
The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,


Daniel F. Caruso
Chairman

DFC/SDP/laf

c: Marcia Vlaun, Town Planner, Town of Montville



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August 20, 2009

TO: Acting Commissioner Amey Marrella
Department of Environmental Protection

Commissioner F. Philip Prelli
Department of Agriculture

Commissioner J. Robert Galvin
Department of Public Health

Karl Wagener, Executive Director
Council on Environmental Quality

Commissioner Kevin M. DelGobbo, Chairman
Department of Public Utility Control

Robert Genuario, Secretary
Office of Policy and Management

Commissioner Joan McDonald
Department of Economic and Community Development

Thomas A. Harley, P.E., Chief Engineer
Bureau of Engineering and Construction
Department of Transportation

FROM: S. Derek Phelps, Executive Director

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

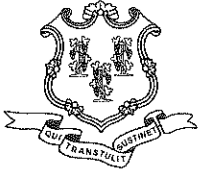
Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before September 9, 2009, will be appreciated.

A copy of this petition is attached for your review and information.

SDP/RDM/laf

Enclosure: (Petition Application)

c: Parties & Intervenors
Council Members



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Electric Generation
Screening Checklist
Connecticut Department of Public Health
Potential Public Health Impacts
Connecticut Siting Council Petition # 907

Location:

**40 MW Biomass-Fueled Generation Unit at the Montville Station in
Uncasville**

1) Does the project involve the combustion of coal, waste oil, tires, recycled materials, wood products, hazardous wastes or any other non-traditional fuel source that may contain toxics?

Yes – Wood

2) Will the project be sited within a short distance (500 feet) of schools, day care facilities, hospitals, or residential neighborhoods?

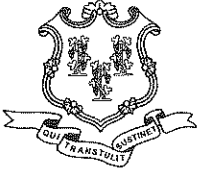
Yes – Wood receiving area adjacent to residences

3) Are there other major air releases (smoke stacks, bus garages, etc) in the area that could combine with the proposed application to create air quality issues?

Yes – The existing Montville Power plant generates 500 MW of power.

4) Does the project involve major transmission line or substation installation within 300 feet of schools, day care facilities, hospitals or residential neighborhoods?

No



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August 20, 2009

Ruth Girolomo
Post Reporting Service, Inc.
2015 Dixwell Avenue
Hamden, CT 06514

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject petition on:

Wednesday, September 16, 2009
3:00 – 5:00 p.m./7:00 p.m. to conclusion
Montville Town Hall Council Chamber
310 Norwich-New London Turnpike, Uncasville, Connecticut

The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the petition filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lisa A. Fontaine".

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure (2)



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August 20, 2009

Joseph Reese
Tech Theatrical Services, LLC
98 Knight Street
Watertown, CT 06795

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject petition on:

Wednesday, September 16, 2009
3:00 – 5:00 p.m./7:00 p.m. to conclusion
Montville Town Hall Council Chamber
310 Norwich-New London Turnpike, Uncasville, Connecticut

I am enclosing a copy of our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure



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August 20, 2009

TO: Classified/Legal Supervisor
907090916
New London Day
47 Eugene O'Neill Drive, P. O, Box 1231
New London, CT 06320-1231

Classified/Legal Supervisor
907090916
Norwich Bulletin
66 Franklin Street
Norwich, CT 06360

FROM: Lisa A. Fontaine,  Fiscal Administrative Officer

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

laf

Enclosure (1)



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August 20, 2009

Cathy Cubilla, Administrative Assistant
Montville Town Hall
310 Norwich-New London Turnpike
Uncasville, CT 06382

RE: **PETITION NO. 907** – Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Uncasville, Connecticut.

Dear Ms. Cubilla:

Confirming our telephone conversation of August 5, 2009, I appreciate the reservation of the Council Chamber at the Montville Town Hall for a public hearing on Wednesday, September 16, 2009, from 1:30 p.m. to 10:00 p.m. (The hearing will actually begin at 3:00 p.m.)

If any other information is needed, please contact me at my office. Thank you for your assistance.

Very truly yours,

Lisa A. Fontaine
Administrative Assistant

laf

Enclosure (1)