



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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REGISTERED MAIL
RETURN RECEIPT REQUESTED

February 26, 2010

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

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 Montville, Connecticut.

Dear Attorney Lord:

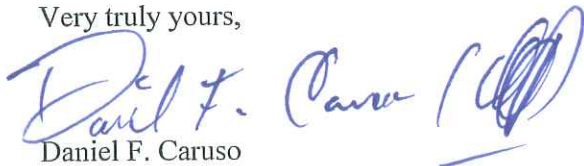
At a public meeting held on February 25, 2010, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

- a) Conducting a post construction noise survey to verify noise levels are within regulatory criteria during full operation of the site.
- b) Submission of final construction plans to the Council prior to the commencement of construction.

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

Enclosed for your information is a copy of the Findings of Fact and Declaratory Ruling prepared for this project.

Very truly yours,


Daniel F. Caruso
Chairman

Enclosure: Findings of Fact and Declaratory Ruling, dated February 25, 2010

c: The Honorable Joseph W. Jaskiewicz, Mayor, Town of Montville
Service List

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 Montville, Connecticut.	} } }	Connecticut Siting Council February 25, 2010
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Declaratory Ruling

On June 22, 2009, Montville Power LLC (MP), submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, maintenance, and operation of a 40 megawatt (MW) wood biomass fueled electric generating facility in the Town of Montville, Connecticut. The proposed project is in response to the State legislature’s renewable portfolio standards, which required that 20 percent of the energy sold in the state be produced by “Class I” renewable resources, as defined by CGS §16-245a. Pursuant to CGS §16-50k(a), the project is eligible to be approved by a declaratory ruling since it is proposed at a site where an electric generating facility has been in operation since July 1, 2004.

Project Description

The site is located at Montville Station in Montville, an existing electric generating facility that has been in operation since the 1950’s. The existing station, owned and operated by NRG Energy, Inc., is located on a 50-acre parcel abutting the Thames River to the east and Lathrop Road to the west. The generator building is set back from Lathrop Road and east of a railroad right-of-way that traverses the site. A CL&P substation, a maintenance building, three large oil tanks, a barge dock, and a wastewater treatment facility are also located on the parcel. An access drive extends from Lathrop Road along the south side of the property to the station.

MP would retrofit Unit 5, an oil and natural gas fueled steam electric generator currently used as a peaking unit, to add wood biomass as a fuel source. The refurbished generator would operate as a baseload unit, producing 40 MW of electricity using wood fuel and up to 82 MW using natural gas or ultra-low sulfur distillate fuel during high demand periods.

The project would require 350,000 to 400,000 tons of wood fuel per year that would be obtained from contracted suppliers within 100 miles of the station. The wood fuel would consist of untreated wood, clean urban wood, and forest residues that would be processed into two-inch chips. Wood that does not meet minimum size requirements would be chipped on site. MP would not accept painted, stained, or pressure-treated wood, or wood from construction or demolition activities. The suppliers would be responsible for ensuring the wood fuel meets size and quality criteria. MP would visually inspect the wood fuel during unloading and would perform random laboratory testing to ensure fuel quality.

The wood fuel receiving area would feature two self-unloading hoppers and a hydraulic truck dumper/hopper. Trucks would back into the self-unloading hoppers to dump the wood fuel. A dust control canopy would be installed on the wood chipper to control fugitive dust emissions. MP proposes to operate the unloading/receiving area 10 hours a day (8:00 a.m. to 6:00 p.m.), Monday through Saturday. MP expects 40 delivery trucks per day that would travel east on Depot Street from Route 32, then south on Lathrop Road to the station.

Municipal Consultation

The Council notes that MP has been responsive to the Town of Montville's request that the fuel receiving-unloading area be relocated away from Lathrop Road to an area adjacent to existing plant infrastructure. The original site next to Lathrop Road would have been a detriment to the neighborhood given the close proximity to area residences and the loss of a wooded area that currently acts as a visual buffer to the station. Trucks backing up to unload fuel into the receiving hoppers would have produced obtrusive noise in the neighborhood. The new location isolates the unloading area within the developed station boundaries and would not be objectionable to the area.

The Council also notes that MP met with town officials and the area neighborhood group to discuss concerns regarding the volume of trucks passing through the Lathrop Road neighborhood. As a result of these discussions, the town and MP reached a written agreement regarding this issue with the main points being a financial contribution from MP to assist the town in installing sidewalks along a portion of Lathrop Road and that no fuel deliveries would occur during scheduled school bus operations.

The Council finds the site suitable, given that the wood fuel unloading/receiving infrastructure has been relocated away from the residences on Lathrop Road to areas already developed adjacent to the station generator building. The Council also supports the agreement reached between the town and MP regarding truck deliveries to the plant.

Environmental Considerations

The project site is in a previously-developed area and construction would not directly impact wooded areas, wetlands or watercourses. The site is not within any designated area indicating the presence of state threatened or endangered species.

The project would require an air permit from the DEP, assuring that all air emissions would meet applicable state and federal requirements. The project would be designed to meet DEP noise regulations by using soundproofing within the wood chipping unit and covered, low-speed conveyors. It should be noted that the noise study was based on the placement of the unloading/receiving infrastructure adjacent to Lathrop Road. Although re-location of this infrastructure and the use of the aforementioned noise control measures would reduce noise levels to acceptable levels, the Council will order a post-construction noise survey to verify noise levels are within regulatory criteria during full operation of the site.

Based on the record in this proceeding we find that the effects associated with the construction, operation, and maintenance of an wood biomass electric generating facility at the proposed site, including effects on the natural environment; 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 with the conditions that a post-construction noise survey be conducted to ensure compliance with regulatory criteria and final site plans be submitted to the Council prior to construction.

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 Montville, Connecticut.

Connecticut

Siting

Council

February 25, 2010

FINDINGS OF FACT

Introduction

1. On June 22, 2009, Montville Power LLC (MP), pursuant to Connecticut General Statutes (CGS) §16-50k and §§16-50j-38 to 16-50j-40 of the Regulations of Connecticut State Agencies, submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction, maintenance, and operation of a 40 megawatt (MW) biomass generating facility in the Town of Montville, Connecticut. (MP 1, p. 1)
2. Pursuant to CGS §16-50k(a), the project is eligible to be approved by a declaratory ruling since it is proposed at a site where an electric generating facility has been in operation since July 1, 2004. (MP 1, p. 1)
3. The site is located at Montville Station in Montville, an existing electric generating facility that has been in operation since the 1950's (refer to Exhibit 1). (MP 1, pp. 1-2)
4. MP is a wholly owned subsidiary of NRG Energy, Inc. (NRG). NRG and its subsidiaries own and operate approximately 2,000 MW of generation capacity within Connecticut. (MP 1, p. 3)
5. The proposed project is in response to the State legislature's renewable portfolio standards that required 20 percent of the energy being sold in the state be produced by "Class I" renewable resources, as defined by CGS §16-245a. (MP 1, p. 10)
6. MP submitted a petition to the Department of Public Utility Control (DPUC) on March 25, 2009 for a determination that the project would be classified as a Class I energy source. The DPUC issued a ruling on September 9, 2009 that stated MP must apply for Class I registration once production data demonstrating compliance with statutory emission requirements is available. (MP 1, pp. 10-11; MP late file of November 30, 2009)
7. The parties in this proceeding are the petitioner and The Connecticut Light and Power Company (CL&P). (Transcript 1 – 09/16/09, 3:00 p.m., [Tr. 1], pp. 4-5)
8. Notice of the petition was provided to all abutting property owners by certified mail. (MP 2, Q. 2)
9. 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 September 16, 2009, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Montville Town Hall, 310 Norwich-New London Turnpike, Montville, Connecticut. (Tr. 1, p. 3; Transcript 2 – 09/16/09, 7:00 p.m., [Tr. 2], p. 3)
10. Public notice of the petition and Council hearing was published in The New London Day and the Norwich Bulletin on August 24, 2009. (Record)

11. The Council and its staff inspected the proposed site on September 16, 2006. (Council's Hearing Notice of August 20, 2009)
12. MP installed a sign at the entrance to the station on Lathrop Road that presented information regarding the petition and the Council hearing. (MP 5)

State Agency Comment

13. Pursuant to CGS § 16-50j (h), on August 20, and December 23, 2009, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), DPUC, Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), Department of Agriculture (DOAg) and the Department of Transportation (DOT). (Record)
14. The DPH and DOT responded with a no comment letter. The DEP commented on October 8, 2009 stating that the project meets the state's goal of reducing solid waste by using it as a resource. The DEP further commented on the requirements and applicability of various permits MP would have to obtain for the project. (Record; DEP comments of October 8, 2009)
15. The following agencies did not respond with written correspondence: CEQ, DPUC, OPM, DOAg and the DECD. (Record)

Municipal Consultation

16. MP initiated discussion of the project with the Town of Montville on September 11, 2008 by meeting with the Mayor, Joseph Jaskiewicz. Additional meetings with town officials occurred on April 1, 2009 and June 5, 2009. (MP 1, Q. 1)
17. At the request of the town, MP made a presentation at a regularly scheduled town meeting on September 14, 2009. (MP 2, Q. 1; Tr. 1, p. 13)
18. MP held a public open house at Montville Station on September 15, 2009. MP mailed invitations to all property owners abutting the site and residents along Lathrop Road. Approximately 20 to 30 area residents attended the open house. (MP 5; Tr. 1, pp. 13, 63-64)
19. Mayor Jaskiewicz and Howard Beetham of the Montville Town Council made limited appearance statements into the record at the September 16, 2009 public hearing in favor of the project but with concern over truck traffic in the Lathrop Road neighborhood. Mayor Jaskiewicz proposed a meeting with MP and area residents for further discussion. (Tr. 2, pp. 6-9, 12-16)
20. At the direction of the Council, MP and the town agreed to meet to discuss neighborhood concerns and file a report with the Council detailing the results of the discussion. MP and the town submitted a joint letter to the Council on October 16, 2009 outlining town concerns and subsequent agreements to improve traffic safety in the neighborhood (refer to Exhibit 2). The town further requested MP to examine the feasibility of relocating the wood fuel receiving area away from Lathrop Road. (Tr. 2, pp. 52-55, 61-62; MP late file of September 16, 2009; MP late file of October 30, 2009)

21. MP amended the petition by submitting a revised site plan on December 7, 2009. The revision included a new location for the wood fuel receiving area that was adjacent to Unit 5 and included a third wood fuel receiving hopper (refer to Exhibit 3). (MP late file of December 7, 2009)
22. The town submitted correspondence to the Council on December 11, 2009 indicating support for the relocated fuel receiving area and the proposed project in general. (Town correspondence of December 11, 2009)

Project Description

23. The proposed site is located at the existing Montville Station electric generating facility at 74 Lathrop Road in Montville. (MP 1, pp. 1-2, Tab C)
24. The existing station is located on a 50-acre parcel abutting the Thames River to the east and Lathrop Road to the west. The developed portion of the site is set back from Lathrop Road and east of the New London Northern Railroad corridor that traverses the site in a north-south direction. (MP 1, p. 3, Tab A; MP 2, Q. 3)
25. The main generator building is approximately 170 feet in height. The tallest exhaust stack at the site extends to a height of approximately 258 feet. The developed portion of the site also contains a CL&P substation, a maintenance building, three large oil tanks, a barge dock, and a wastewater treatment facility. An access drive extends from Lathrop Road along the south side of the property to a security checkpoint and access gate for the station. (MP 2, Q. 3; Tr. 1, pp. 58, 60)
26. The site is located in an industrial zone. (Tr. 1, pp. 36-37)
27. The station consists of two operating steam-electric generating units (Units 5 and 6) that operate on either oil or natural gas, and two diesel-fired internal combustion turbines, Units 10 and 11. The total generating capacity of the station is approximately 500 MW. (MP 1, p. 3, Tab C)
28. Unit 5 is rated at 82 MW and operates as a peaking unit using No. 6 fuel oil or natural gas. The unit currently operates less than 10% of the time. (MP 1, p. 2; Tr. 1, pp. 15, 82-83)
29. MP proposes to retrofit Unit 5 to operate as a baseload resource using biomass (wood fuel) to produce up to 40 MW of electricity. As a baseload unit, the generator would operate 24-hours per day. (MP 1, p. 2; Tr. 1, pp. 82-83)
30. The retrofit would also allow the unit to operate using ultra-low sulfur distillate fuel (ULSD) or natural gas to produce up to 82 MW of electricity, if necessary during peak demand periods. (MP 1, pp. 4-5)
31. The retrofit of Unit 5 would include the removal of the lower furnace bottom and installation of a new stoker grate firing system, installation of new ash handling systems, construction of new electrical distribution systems, and the installation of emission control systems. (MP 1, p. 10)
32. The proposed project would use a stoker hydro grate combustion process that is more efficient than a fluid bed or a gasification process. The project would require a Solid Waste Facility Permit from the DEP. (DEP comments of October 8, 2009; Tr. 1, pp. 65-66)

33. The wood fuel receiving and storage facilities would be constructed east of the railroad bed within the secured area of the station. A two-hopper receiving area was originally proposed in the wooded northwest corner of the property, adjacent to Lathrop Road. A conveyor would have transferred the wood fuel eastward, crossing under CL&P transmission lines and over the railroad to the wood storage barn located adjacent to the railroad bed. To address neighborhood and town concerns, MP relocated the receiving area adjacent to the existing station (refer to Exhibit 4). The wood storage barn would be in the same location. (MP 1, Tab B; MP 2, Q. 4; MP late file of October 16, 2009; MP late file of December 7, 2009)
34. A maintenance building and wastewater treatment facility would be demolished to accommodate the wood fuel receiving area and storage barn. (MP 1, p. 9; MP late file of December 7, 2009)
35. Other improvements at the site include a new wastewater pump house, a new maintenance building, and a new ash silo to replace an existing ash silo adjacent to Unit 5. (MP 1, p. 9; Tr. 1, p. 70)
36. Ash from the plant would be trucked to an out-of-state landfill. MP anticipates one or two trucks per day for ash removal. MP is investigating whether the ash could be used for agricultural use. (Tr. 1, pp. 70-73)
37. The efficiency rating of the combustion process would be in the low 70% range, which would vary depending on the moisture content of the wood. The efficiency rating of the generator operating on natural gas would range from 82-85%. (Tr. 1, pp. 74-75)
38. The generator would be connected electrically to the substation on the property through existing plant station interconnections. (MP 1, p. 7)
39. Natural gas would be obtained from an existing connection to the Algonquin Gas Transmission pipeline on the site. (MP 1, p. 4)
40. MP would retrofit an existing oil tank to accommodate 50,000 gallons ULSD fuel, sufficient for an eight-hour supply if the generator was running at full capacity. (MP 1, p. 7)

Wood Fuel Supply

41. The wood fuel would consist of untreated wood, clean urban wood, and forest residues. MP would not accept painted, stained, or pressure-treated wood, or wood from construction or demolition activities. (MP 1, pp. 2, 6; MP late file of November 30, Q. 1)
42. The proposed facility would require 350,000 to 400,000 tons of wood per year. (Tr. 1, p. 39)
43. Fuel would be obtained within a 100-mile radius of the plant, with a majority being obtained within 50 miles. (Tr. 1, pp. 39, 87, 92)
44. The wood fuel would be obtained from contracted suppliers to ensure fuel quality. (Tr. 1, pp. 19, 96-97)
45. The suppliers would be responsible for ensuring the wood fuel meets size and quality criteria. MP would perform visual inspections of the wood fuel at the station prior to unloading. Wood fuel that does not meet quality criteria would be set aside for removal. MP would also occasionally obtain a sample of the wood fuel for laboratory testing to ensure quality. (Tr. 1, pp. 43-45)

46. The suppliers would be responsible for processing the wood fuel into two-inch chips prior to delivery to the station. (MP 1, p. 6)
47. Wood fuel that does not meet minimum size requirements would be sent to an on-site wood chipper. Once chipped to size, the wood fuel would be returned via conveyor to the wood storage barn. (Tr. 1, pp. 44-45)
48. The wood chipper would be contained within a 20-foot by 30-foot by 45-foot tall structure that would operate during wood fuel receiving hours. The wood chipper can process up to 83 tons of fuel per hour. (MP 2, Q. 7; Tr. 1, p. 46)
49. The wood chipper may qualify as a volume reduction facility under DEP criteria and would require either an individual permit or registration under a general permit. MP would meet with the DEP to determine what permits, if any, are required for the wood chipper. (DEP comments of October 8, 2009; MP late file of October 15, 2009)
50. The wood fuel receiving area would feature two self-unloading hoppers and a hydraulic truck dumper/hopper. The unloading hoppers are approximately 90 feet in length. Trucks would back into the self-unloading hoppers to dump the wood fuel. A dust control canopy would be installed on the hopper to control fugitive dust emissions. (MP late file of December 7, 2009; Tr. 1, pp. 103, 106)
51. MP proposes to operate the unloading/receiving area 10 hours a day (8:00 a.m. to 6:00 p.m.), Monday through Saturday. (MP 2, Q. 6)
52. A 48-inch wide, covered conveyor would transfer the wood fuel from the receiving area, through the chipper screening area, to the wood storage barn. The conveyor would reach a height of 110 feet at the top of the wood storage barn. (MP 2, Q. 5; MP late file of December 7, 2009; Tr. 1, pp. 57-58)
53. The wood storage barn would be approximately 140 feet by 350 feet with a roof height of 98 feet, sufficient to hold a 7-day supply of wood fuel at a 50 tons per hour feed rate. (MP 2, Q. 9; MP late file of December 7, 2009)
54. A fire sprinkler system would be incorporated into the building design. (MP 2, Q. 9, Q. 10)
55. The wood storage barn would feature an automatic stacking and reclaiming system to cycle wood through the barn. (MP 2, Q. 9)
56. A 30-inch wide, 470-foot long covered conveyor would transfer the wood fuel from the storage barn to Unit 5 at a rate of 50 tons per hour. The system would have the capability of feeding up to 75 tons per hour. (MP 2, Q. 5; MP late file of December 7, 2009; Tr. 1, pp. 57, 77, 90-91)
57. Operational staff would be in the plant's control room monitoring wood fuel loading and generator operations. (Tr. 1, p. 91)

Wood Fuel Delivery

58. Wood fuel would be delivered by 70-foot long tractor-trailers. (MP 1, Tab D; Tr. 1, p. 18; Tr. 2, p. 50)

59. MP expects 40 delivery trucks per day during receiving hours. (Tr. 1, p. 23)
60. MP expects four trucks per hour. It would take a truck 10-12 minutes to unload and leave the unloading area. Three unloading hoppers could handle 375 tons of wood fuel per hour. MP requires 100 tons per hour to meet operational needs. (Tr. 1, pp. 98-102)
61. If the wood fuel receiving area were limited to five days, Monday through Friday, MP would need to increase truck deliveries to 50 loads per day. Three hoppers could accommodate nine trucks per hour. (Tr. 1, p. 35)
62. Trucks delivering fuel would travel east on Depot Street from Route 32, then south on Lathrop Road to the station. Trucks leaving the facility would return using the same route. (MP 1, Tab D; MP 2, Q. 15)
63. There are 55 residences along the delivery route. Truck traffic already uses Depot Road to access industrial facilities (AES and Smurfit Stone). No facilities on Lathrop Road other than the station require regular truck traffic. (Tr. 1, pp. 37-38)
64. The wood fuel receiving area is approximately 1,000 feet east of Lathrop Road. (MP late file of December 7, 2009)
65. MP would not consider developing an alternative truck delivery route within CL&P right-of-ways north and west of the site due to safety and maintenance issues associated with roads under high voltage lines. (MP late file of November 30, 2009, Q. 6, Q. 7)
66. MP cannot develop an alternative truck delivery route using the existing railroad right-of-way north of the site due to limited space within the right-of-way. (MP late file of November 30, 2009, Q. 6)
67. Shipping wood fuel to the station by rail would not be economically and logistically practical since a spur line would have to be constructed off the existing railway to serve the plant. Site constraints would limit options for a spur line. Additionally, train dumpers require a gravity feed system and would need a height of 30-35 feet to unload wood fuel. The station is at an elevation of 14 feet above mean sea level and significant modifications would be required to meet an acceptable unloading height. Shipment by rail would cost approximately 160% more than shipment by truck. (MP late file of November 30, 2009, Q. 2)
68. Barge delivery of wood fuel would not be economically and logistically practical since major modifications would be needed at the station's barge dock and a port area would be needed elsewhere to receive the truck shipments of wood fuel to load onto the barge. Barge delivery may be economically viable for wood fuel sources coming from farther away than 100 miles, but receiving infrastructure at the MP barge dock would be required. MP does not intend to build any such infrastructure at the station as part of this petition. (MP late file of November 30, 2010, Q. 3, Q. 4)

Environmental Concerns

69. MP proposes to abandon the existing on-site wastewater treatment system since it currently handles low volumes that can be transferred to the Town's system. MP is in the process of obtaining necessary permits with the DEP. Currently, MP is permitted to discharge 288,000 gallons of wastewater per day into the Thames River. The operation of Unit 5 as a baseload generator would not increase discharge volumes above the permitted limit. (MP 1, p. 15; DEP comments of October 8, 2009; MP late file of October 15, 2009; Tr. 1, p. 79)
70. The retrofitted generator would be cooled using a continuous closed loop system, drawing 75 million gallons per day from the Thames River. The existing water diversion permit would allow this use: no change to the permit is required. The station already has infrastructure in place to allow for the diversion. (MP 1, p. 14; Tr. 1, p. 84; Tr. 2, pp. 57-58)
71. The site is not within any designated area indicating the presence of state threatened or endangered species. (MP 1, p. 12; DEP comments of October 8, 2009)
72. The station is located within the DEP designated Coastal Zone and MP would file the appropriate documentation with the DEP demonstrating that the project would not have an adverse impact on the Coastal Zone. (MP. 1, p. 13)
73. The project would alter the storm water discharge characteristics of the site and would necessitate modification of applicable permits. (MP 1, p. 15)
74. The project site is in a previously developed area and construction would not directly impact wooded areas, wetlands or watercourses. (MP late file of December 9, 2009)

Noise

75. The project would be designed to meet DEP noise regulations. (MP 1, p. 15)
76. The site parcel is zoned industrial and is surrounded on the west, north and south sides by residential zones. In accordance with DEP criteria, noise levels at residential property lines cannot exceed 61 dBA during the daytime or 51 dBA during the nighttime. (MP 1, Tab C)
77. Existing background noise levels around the site parcel range from 42-45 dBA. Noise levels with the existing Unit 5 and Unit 6 running together range from 47-51 dBA at residential property boundaries. These levels do not exceed DEP daytime or nighttime limits. (MP 1, Tab C)
78. Noise associated with the conversion of Unit 5 to a biomass unit would be associated with the generator, wood chipper and conveyors. MP intends to use low speed, covered conveyors, and insulation within the wood chipper unit to reduce noise. These improvements should reduce daytime noise to acceptable levels. Noise levels at night are expected to be within acceptable levels. (MP 1, pp. 15-16; Tab C; MP late file of December 7, 2009; Tr. 1, pp. 74-77)

Air Emissions

79. The project would require an air permit from the DEP. All air emissions would meet applicable state and federal requirements. Emissions from the station would be monitored in accordance with regulatory criteria. (MP 1, pp. 11-12; Tr. 1, pp. 95-96)
80. The project is required to meet Best Available Control Technology Standards for sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, and particulate matter. Nitrogen oxides would be controlled using Lowest Available Control Technology and Regenerative Selective Catalytic Reduction. Sulfur dioxides would be controlled using ULSD and natural gas when the unit operates in a peaking capacity. A catalytic oxidation system would control carbon monoxide and volatile organic compounds and an electrostatic precipitator would control particulate matter. (MP 1, pp. 11-12; DEP comments of November 8, 2009)
81. The DEP air permit would require MP to obtain 170 nitrogen oxide credits. (Tr. 1, p. 66)

EXHIBIT 1

Location of Site



395

163

32

Red Mill Pond

Gay Cemetery Pond

Horton Point

Proposed Site

Bartlett Cove

Google

41°26'03.00" N 72°06'22.45" W

elev 43 ft

Oct 2006

Eye alt 6574 ft

Image © 2010 DigitalGlobe
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EXHIBIT 2

Montville Power and Town of Montville letter of October 30, 2009

TOWN OF MONTVILLE

Office of the Mayor

310 Norwich-New London Turnpike
Uncasville, Connecticut 06382



October 16, 2009

RECEIVED
OCT 16 2009
CONNECTICUT
SITING COUNCIL

Honorable Daniel Caruso
Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition of Montville Power LLC for a Declaratory Ruling to Approve
the Retrofit and Operation of a 40MW Biomass Fueled Generation Unit
at Montville Station in Uncasville, Connecticut
Petition No. 907

Dear Chairman Caruso:

This letter is submitted to the Connecticut Siting Council (the "Council") jointly by Town of Montville (the "Town") and Montville Power LLC ("Montville Power") in response to the Council's directive issued during its September 16, 2009 public hearing in the above-referenced matter. Specifically, this letter updates the Council regarding the status of discussions between representatives of Montville Power and the Town, the concerns raised by Town residents and neighbors of Montville Station (the "Station") regarding the proposed biomass retrofit at the Station (the "Project"), and the plan jointly developed by the Town and Montville Power to address those concerns.

The parties note that the undersigned Mayor of the Town has received one phone call and have received some letters in opposition to this Project. Some residents have expressed support for the Project and its benefits to the community, including jobs and tax revenues. To date, representatives from Montville Power, residents of the Town, and elected and appointed officials from the Town have participated in several public meetings both before and after the Council's public hearing to raise and discuss concerns associated with the Project:

September 14, 2009	Briefing of Montville Town Council
September 15, 2009	Open House at Montville Station
September 16, 2009	Council's Site Visit and Public Hearing
September 22, 2009	Open Discussion at Montville Town Hall
October 6, 2009	Open discussion of mitigation options at Montville Town Hall

The same group of neighbors attended these meetings, and each of them noted that Montville Power has been a good neighbor since its acquisition of the Station in 1999. They did state, however, that their primary concern with the Project is the level of increased truck traffic associated with fuel transportation to the Project. Our discussions focused heavily on the issue of truck traffic and how it might be mitigated by Montville Power and the Town.

At these meetings, we also created the following comprehensive list of concerns expressed by neighbors:

- Truck emissions
- The safety of children playing in/near street
- Speeding on Lathrop Road
- Cars/trucks running the stop sign at Lathrop Road and Powerhouse Road
- Car traffic at changing of shifts at Montville Station
- Additional car traffic from construction workers
- Depreciation of home values in neighborhood due to additional truck traffic
- Mill rates (tax rates) going up without project
- Trucks idling – diesel fumes
- Noise from chipper on site
- Noise from trucks backing up
- Noise during the day – one neighbor sleeps during the day and works 3rd shift
- Noise from trucks stopping – air brakes
- No screening or noise barriers around neighbors' property
- Wear and tear on roads from truck traffic

Based on these concerns, the following list of mitigation options was suggested during the September 12, 2009 meeting:

- Install sidewalks
- Install noise buffers and screening around Montville Power property
- Off site parking for contractors during construction – bus them to the site
- Barge/train fuel to site
- Build alternative road to/from plant – route 32 to plant or power line right of way
- Road maintenance fund
- Move fuel handling area away from neighbors
- No truck Idling
- Use Montville Power trucks from off-site fuel handling area to MV Station to 1) control emissions and 2) control speed
- Post 20 MPH speed limit on Lathrop Road
- Sound barrier – not hedges
- Sound barrier around whole plant
- Turn off truck back up beepers
- Block view and sound around plant
- Build a kids playground and skate park nearby

- “Buck a truck” toll – money into fund to be allocated by neighbors
- Jobs to local people/contractors first
- No fuel deliveries during school bus hours
- No fuel deliveries on bad air days
- Sidewalks on Depot and Lathrop roads
- Cross walks at Route 163/Depot Road; Depot/Lathrop Road; Lathrop/Powerhouse Road; Lathrop/Dock Road; and at school bus stops.
- Cross walk lights at each cross walk so children can push a button to have traffic stop while they cross the road
- Crossing guards at bus stops during pick up and drop off of elementary and Jr. High students
- Fences and/or hedges in every yard for safety and sound barrier
- Build playground, skateboard park, basketball court, ½ mile jogging bike track and dog walking area
- Buy neighbors’ homes at 50% premium over FMV.

During the October 6, 2009 meeting, the undersigned Mayor led a discussion between the neighbors and Montville Power to prioritize the various concerns and mitigation options. Montville Power provided a suggested preliminary list of mitigation options, which was conveyed to the group of attendees. The Town discussed these options with Montville Power for over two and a half hours, at the end of which we had developed a more concise list of appropriate mitigation options. Accordingly, the Town respectfully requests that the Council include the following list of mitigation options (in order of priority to the Town) in its ultimate approval of the Project:

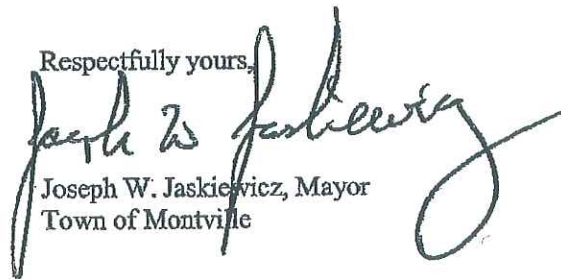
1. Montville Power must make an up front contribution to the Town in the amount of \$100,000 to install sidewalks on the truck route to the project on Lathrop Road between Dock Road and Powerhouse Road, to address the chief safety concerns of the neighborhood residents.
2. Montville Power will curtail fuel deliveries (no trucks) on school days during two periods per day: during the morning and afternoon school bus pick-up and drop-off period. A bus schedule for the neighborhood along the truck route has been provided to Montville Power.
3. Montville Power will pursue the suggestion by neighbors to move the current planned location of the fuel receiving area, to provide a greater distance between the facility and the closest neighbor’s house. Relocating this portion of the Project will go a long way to addressing noise and property value concerns of the neighbors. We recognize that Montville Power must first complete an engineering study of the revised location to determine whether this option is doable from engineering and economic perspectives.

4. For the duration of Montville Power's operation of the Project (i.e., from commissioning until retirement), Montville Power will contribute \$12,000 annually into a neighborhood fund to be established by the Town. This fund will be used to pay for projects in the neighborhood as prioritized by the neighbors with the Town. Note that this annual payment would be in addition to the property taxes paid by Montville Power.
5. Montville Power will install vegetative screening on Montville Power property to mitigate noise from the Project and to visually screen the project to the neighborhood.
6. Montville Power will adopt a policy that any fuel delivery driver cited for exceeding the speed limit within the neighborhood will be prohibited from making further deliveries to the Project.
7. Montville Power will encourage the general contractor for the Project to use local labor.
8. Montville Power will continue to evaluate alternative delivery routes in cooperation with the Town.

Finally, please note that several neighbors still have concerns about the potential impact of increased truck traffic and their property values. The undersigned Mayor has explained that the Town has a process in place for all taxpayers to raise concerns about declining property values through an appeal process with the Board of Assessment. Additionally, the undersigned Mayor has been working with the local police to address traffic violation issues (including speeding on Lathrop Road) raised by neighborhood residents.

Thank you for your time and diligence on this matter. Please contact the undersigned representatives if you have any questions regarding the issues addressed in this letter.

Respectfully yours,



Joseph W. Jaskiewicz, Mayor
Town of Montville

On behalf of Montville Power,



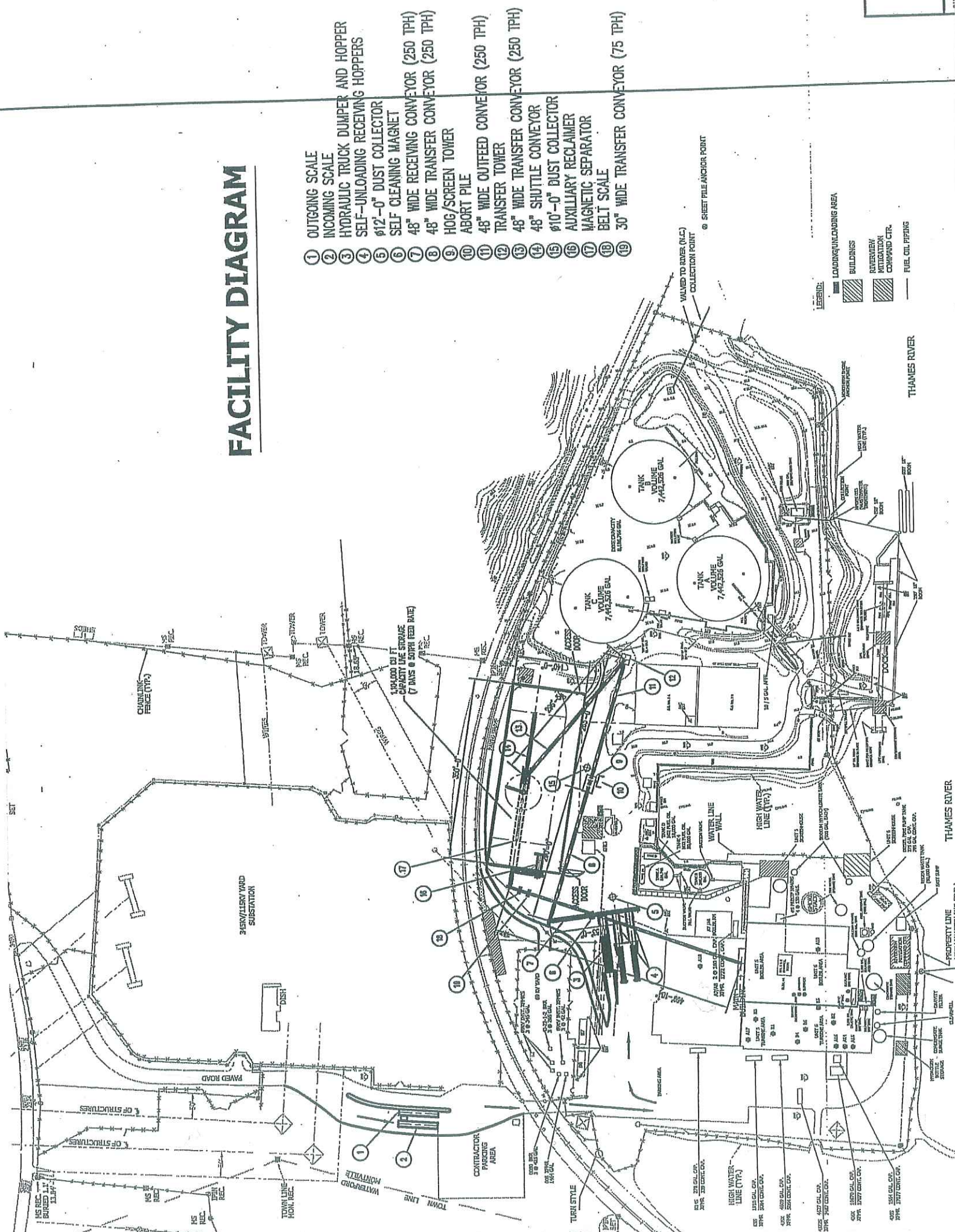
Jonathan Baylor
Project Manager

EXHIBIT 3

Site Plan

FACILITY DIAGRAM

- ① OUTGOING SCALE
- ② INCOMING SCALE
- ③ HYDRAULIC TRUCK DUMPER AND HOPPER
- ④ SELF-UNLOADING RECEIVING HOPPERS
- ⑤ #12"-0" DUST COLLECTOR
- ⑥ SELF CLEANING MAGNET
- ⑦ 48" WIDE RECEIVING CONVEYOR (250 TPH)
- ⑧ 48" WIDE TRANSFER CONVEYOR (250 TPH)
- ⑨ HOG/SCREEN TOWER
- ⑩ ABORT PILE
- ⑪ 48" WIDE OUTFEED CONVEYOR (250 TPH)
- ⑫ TRANSFER TOWER
- ⑬ 48" WIDE TRANSFER CONVEYOR (250 TPH)
- ⑭ 48" SHUTTLE CONVEYOR
- ⑮ #10"-0" DUST COLLECTOR
- ⑯ AUXILIARY RECLAIMER
- ⑰ MAGNETIC SEPARATOR
- ⑱ BELT SCALE
- ⑳ 30" WIDE TRANSFER CONVEYOR (75 TPH)



LEGEND:

- [Hatched Box] BUILDINGS
- [Hatched Box] RIVERBANK MITIGATION COMMAND CTR.
- [Hatched Box] FUEL OIL PIPING
- [Line with Circle] SHEET PILE ANCHOR POINT

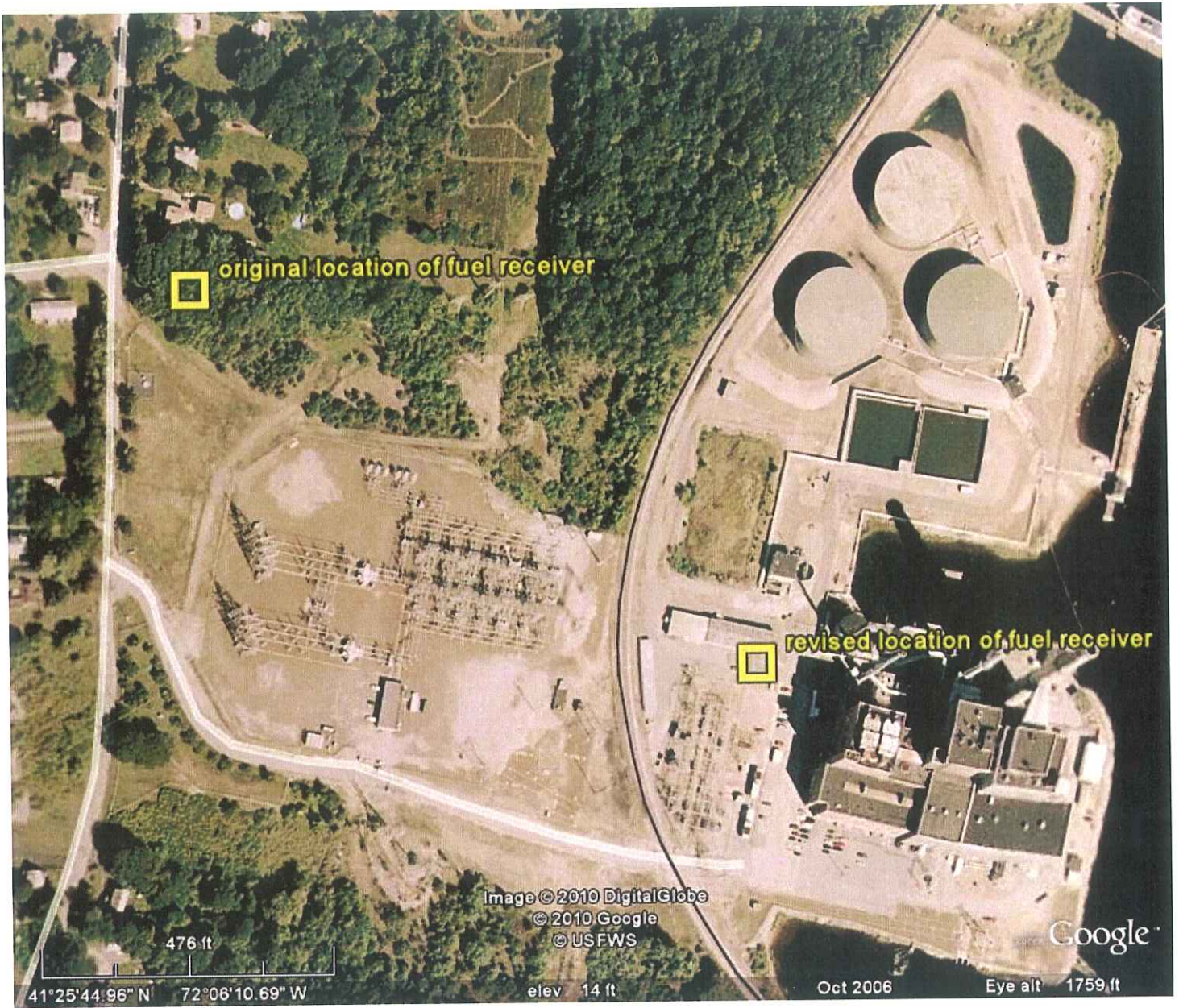
THAMES RIVER

THAMES RIVER

PROPERTY LINE
HIGH WATER LINE (C.V.P.)

EXHIBIT 4

Revised Location of Wood Receiving Area



original location of fuel receiver

revised location of fuel receiver

Image © 2010 DigitalGlobe
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© USFWS

Google

476 ft

41°25'44.96" N 72°06'10.69" W

elev 14 ft

Oct 2006

Eye alt 1759 ft

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	Montville Power LLC	Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29 th Floor 185 Asylum Street Hartford, CT 06103 (860) 240-6180 (860) 240-6150 alord@murthalaw.com
	<input checked="" type="checkbox"/> U.S. Mail		Julie L. Friedberg, Esq. Senior Counsel NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-5232 (609) 524-4941
	<input checked="" type="checkbox"/> U.S. Mail		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
	<input checked="" type="checkbox"/> U.S. Mail		(609) 524-4958 (609) 524-4941
Party (granted on 9/16/09)	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light and Power Company	John R. Morissette Manager – Transmission Siting & Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 morisjr@nu.com

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party (granted on 9/16/09)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p>The Connecticut Light and Power Company continued....</p>	<p>Jeffery D. Cochran, Esq. Senior Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3548 (860) 665-5504 fax cochrjd@nu.com</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Robert S. Golden, Jr., Esq. Carmody & Torrance LLP P.O. Box 1110 50 Leavenworth Street Waterbury, CT 06721-1110 (203) 573-1200 (203) 575-2600 rgolden@carmodylaw.com</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Anthony M. Fitzgerald, Esq. Carmody & Torrance LLP P.O. Box 1950 195 Church St., 18th Floor New Haven, CT 06509-1950 (203) 777-5501 afitzgerald@carmodylaw.com</p>