



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

VIA ELECTRONIC AND REGULAR MAIL

November 2, 2018

Bruce L. McDermott, Esq.
Murtha Cullina LLP
265 Church Street
New Haven, CT 06510

RE: **EM-EMERA-015-180416e** - Emera notice of intent to modify an existing energy facility located at 10 Atlantic Avenue, Bridgeport, Connecticut.

Dear Attorney McDermott:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated November 1, 2018 with regard to the above-referenced exempt modification to add a fuel gas compressor at the existing natural gas-fired combined-cycle electric generating facility owned by Bridgeport Energy, LLC (BE) that was approved by the Council on May 7, 2018.

Your correspondence references that during installation of the fuel gas compressor, the City of Bridgeport Deputy Building Official issued a stop work order and informed BE that it must “apply for and receive a building permit for work before work can begin.”

Please be advised that the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of electric generating facilities in the state. Under Connecticut General Statutes (CGS) §16-50i (a)(3), the Council has jurisdiction over “*any electric generating facility... using any fuel..., including associated equipment for furnishing electricity...*” (Emphasis added). The above-referenced natural gas-fired combined-cycle electric generating facility is an electric generating facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve any facility modifications.

Additionally, CGS §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... *the council shall have exclusive jurisdiction over the location and type of facilities and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section... Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies...*” (Emphasis added).

Requests for exempt facility modifications are governed by Regulations of Connecticut State Agencies (RCSA) §16-50j-57: “... any modification to a facility that the Council,... has determined satisfies the criteria of this section shall be deemed not to have a substantial adverse environmental effect and shall not require a certificate... modifications to facilities, including, but not limited to, installation or change-out of circuit breakers, disconnects, transformers, buses and *appurtenant equipment*, upon Council acknowledgment... may qualify for such exemption.” (Emphasis added). The Council acknowledged this request for an exempt facility modification on May 7, 2018.

Furthermore, pursuant to RCSA §16-50j-57(b), requests for exempt facility modifications must meet the following criteria:

“Changes on an existing site that do not:

- (A) Extend the boundaries of the site beyond the existing fenced compound;
- (B) Increase the height of existing associated equipment;
- (C) Increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;
- (D) Manage electric and magnetic field levels at the site boundary in a manner that is inconsistent with the Council’s Best Management Practices for Electric and Magnetic Fields at the site boundary;
- (E) Cause a significant adverse change or alteration in the physical or environmental characteristics of the site; or
- (F) Impair the structural integrity of the facility, as determined in a certification provided by a professional engineer licensed in Connecticut, where applicable.”

The above-referenced request for exempt modification was properly submitted to the Council on April 12, 2018 indicating that on or about April 12, 2018, written notice of the request for an exempt modification was provided to the chief elected official of the City of Bridgeport (City). This is compliant with the notice requirements for a request for an exempt modification under RCSA §16-50j-56. On April 17, 2018, the Council sent correspondence to the Mayor and City representatives notifying them that the request for exempt modification had been filed with the Council and requesting any comments on the request for exempt modification to be filed by May 1, 2018. A copy of the Council’s April 18, 2018 correspondence is attached for your convenience. The Council did not receive any comments or concerns about the requested facility modification from the City. The requested facility modification met the criteria for an exempt facility modification under RCSA §16-50j-57(b) and it was therefore approved by the Council on May 7, 2018.

According to the statutory and regulatory authority cited above, the Council has exclusive jurisdiction over the existing BE electric generating facility and the Council’s review and approval of an exempt modification of a jurisdictional project, such as the subject BE electric generating facility, “shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies.”

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman
Executive Director

Encl: April 17, 2018 Council correspondence to City of Bridgeport



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April 17, 2018

The Honorable Joseph P. Ganim
Mayor
City of Bridgeport
Margaret E. Morton Government Center
999 Broad Street
Bridgeport, CT 06604

RE: **EM-EMERA-015-180416e** - Emera notice of intent to modify an existing energy facility located at 10 Atlantic Avenue, Bridgeport, Connecticut.

Dear Mayor Ganim:

Pursuant to the Regulations of Connecticut State Agencies Section 16-50j-57, the Connecticut Siting Council (Council) is in receipt of a request to modify an existing energy facility located in the City of Bridgeport, Connecticut.

In accordance with Section 16-50j-58 of the Regulations of Connecticut State Agencies, on April 12, 2018, written notice of the intent to modify the existing energy facility was provided to the Council, the property owner of record and the chief elected official of the municipality in which the existing energy facility is located.

Should you have any questions or comments regarding the above-referenced request, please feel free to call me at 860-827-2951 or submit written comments to the Council by May 1, 2018.

Thank you for your consideration.

Sincerely,

Melanie Bachman
Executive Director

MB/FOC/cg

c: Kimberly G. Staley, Chief Administrative Officer, City of Bridgeport
Thomas F. Gill, Director of Planning & Economic Development, City of Bridgeport

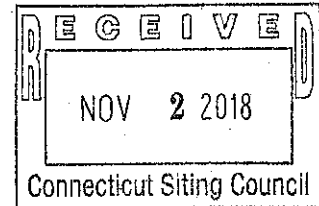


BRUCE L. MCDERMOTT
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November 1, 2018

VIA EMAIL

Melanie A. Bachman
Executive Director
The Connecticut Siting Council
10 Franklin Square
New Britain, CT 6051



Re: EM-EMERA-015-180416e – EMERA Notice of Intent to Modify an Existing Energy Facility Located at 10 Atlantic Street, Bridgeport, Connecticut

Dear Attorney Bachman:

I write to seek clarification from the Connecticut Siting Council (the "Council") regarding its jurisdiction over certain facilities and the concurrent jurisdiction of municipal building officials, if any.

As you will recall, on April 12, 2018, Emera Energy, on behalf of its subsidiary, Bridgeport Energy LLC ("BE"), filed a notification with the Council of its intent to undertake an exempt modification at the Bridgeport generating facility – the installation of a fuel gas compressor, an associated electrical module and the extension of an existing noise barrier (the "Project"). No building is being constructed as part of the Project. The Council issued its approval of the Project on May 7, 2018 finding that the "decision is under the exclusive jurisdiction of the Council". Copy attached.

Notwithstanding the Council's determination concerning the Project and disregarding Conn. Gen. Stat. Section 16-50x,¹ during construction of the Project the Bridgeport Deputy Building Official, Arben Kica, issued a stop work order and informed BE that it must "apply for and receive a Building permit for work before work can begin. The property is located in a flood zone and the equipment is required to be built above the Flood elevation." BE has discussed this matter with Mr. Kica and explained BE's understanding of the Council's exclusive jurisdiction over the Project. However, Mr.

¹ See also, Docket No. 95-08-34, *DPUC Investigation of the Process of and Jurisdiction over Siting Certain Utility Company Facilities and Plant in Connecticut*, Final Decision at 16-17. Copy attached.

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Melanie A. Bachman
November 1, 2018
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Kica has not changed his position regarding the need for building permits and other local permits (electrical and plumbing).

In light of positional differences between BE and Mr. Kica, I write to request your opinion concerning this matter and specifically whether BE needs to obtain a building permit from the City of Bridgeport for installation of the fuel gas compressor and associated equipment as approved by the Council earlier this year. Please let me know if you would like additional information concerning this matter.

Thank you in advance for your assistance on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce L. McDermott', with a horizontal line extending to the right.

Bruce L. McDermott

cc: Will Szubielski, Emera Energy
John Gravel, Emera Energy Project Manager
Ronald J. Pacacha, Office of the City Attorney
Thomas F. Gill, Director, Office of Planning and Economic Development
Arben Kica, Deputy Building Official
Av Harris, Director of Legislative Affairs/Public Policy,,