



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 9, 2009

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 923** - Fuel Cell Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation and operation of a Fuel Cell test facility located at 539 Technology Park Drive, Torrington, Connecticut.

Dear Attorney Miranda:

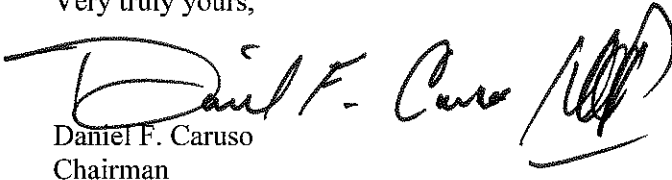
At a public meeting held on December 3, 2009, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need with the following condition:

- o In the event a fuel cell larger than 5 MW is to be tested at the site, the Council shall be notified in writing at least two weeks prior to operation.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated November 6, 2009.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,


Daniel F. Caruso
Chairman

DFC/MP/laf

Enclosure: Staff Report dated December 3, 2009

c: Kirk Arneson, FuelCell Energy, Inc.
The Honorable Ryan J. Bingham, Mayor, City of Torrington
Martin Connor, City Planner, City of Torrington

Petition No. 923
FuelCell Energy, Inc.
539 Technology Park Drive, Torrington
Staff Report
December 3, 2009

On November 6, 2009, the Connecticut Siting Council (Council) received a Petition (Petition) from FuelCell Energy, Inc. (FCE) for a Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need is required for the testing of newly manufactured fuel cells at 539 Technology Park Drive, Torrington.

Three different size fuel cells are manufactured by FCE: 300 kilowatt (kW); 1.4 megawatt (MW); and 2.8 MW. An installation would include the fuel modules, associated electrical equipment, main process skid, desulfurization skid, and water treatment skid. The project area is already surrounded by a six-foot height chain link fence. Natural gas would be the fuel source. Natural gas service exists at the site and is supplied by Yankee Gas.

The nearest residence is approximately 515 feet to south of the proposed test facility site. The visual and noise impacts are not expected to be significant given that existing industrial buildings and mature tree cover surrounding the area. The project is expected to meet all applicable noise standards at the property line.

There are no wetlands or water bodies in the vicinity of the proposed site. No new land would be cleared for the project. The largest unit, 2.8 MW, would consume just under 13,000 gallons of water per day via the municipal water system, and wastewater would be discharged via the existing sewer system. The relatively low air emissions associated with even the largest unit are low enough such that no registrations or applications are required from the Connecticut Department of Environmental Protection.

One thousand five-hundred liters of nitrogen would be stored at the site for use in the fuel cell process. Nitrogen is environmentally benign since air is approximately 78 percent nitrogen. It would be securely stored in a cylinder on its own concrete pad inside the fenced compound.

The project is already in place because past testing did not involve the sale of electricity to the grid. Since these larger units would result in an electrical surplus that could be sold to the grid, FCE seeks approval for ongoing testing. One system would be tested at time (for about 2 to 3 months) and then shipped to a customer. Testing would continue on an ongoing basis depending on sales to customers. The size of the units would vary, but is not expected to exceed 2.8 MW. As technology advances and output increases, staff recommends that FCE notify the Council in the event that any unit being tested has an output exceeding 3 MW.

Abutting property owners and the City of Torrington have been noticed. No objections have been received. This petition was field reviewed by Council Member Colin Tait and Michael Perrone of the Council Staff on December 2, 2009. Attorney Joey Lee Miranda, Robinson & Cole LLP, representing FCE also attended the field review along with two representatives from FCE: Kirk Arneson, Senior Project Manager; and Anthony J. Leo, Vice President – Applications and OEM Engineering.