

September 2, 2026

Ms. Melanie A. Bachman, Esq.
Executive Director/Legal Counsel
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **PETITION NO. 1719** – SMART Technology Systems, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 45-megawatt trash-to-energy electric generating facility and associated equipment on six parcels (Parcel Nos. 007-053A-0045, 007-053A-0042, 007-053A-0043, 007-053A-0041, 008-053A-0147, and 008-053A-0134) owned by O&G Industries, Inc. located east of Black Hill Road (State Route 14) and west of the Providence and Worcester Railroad right-of-way, Plainfield, Connecticut, and associated electrical interconnection.

Via Courier

Dear Attorney Bachman:

On behalf of the Town of Plainfield (the “Town”), enclosed please find an original and fifteen (15) copies of the Town’s verified petition for party and/or intervenor status; together with a request to hold a public hearing, in the above-referenced petition.

This letter and enclosure have also been electronically filed and provided to the Service List.

Should the Siting Council have any questions regarding this filing, please do not hesitate to contact the undersigned.

Sincerely yours,



Ann M. Catino

AMC:cs
CC/Kevin Cunningham, Plainfield First Selectman

**STATE OF CONNECTICUT
SITING COUNCIL**

SMART Technology Systems, LLC petition for a declaratory	:	PETITION NO. 1719
ruling, pursuant to Connecticut General Statutes §4-176 and	:	
§16-50k, for the construction, maintenance and operation of a	:	
45-megawatt trash-to-energy electric generating facility and	:	
associated equipment on six parcels (Parcel Nos. 007-053A-	:	
0045, 007-053A-0042, 007-053A-0043, 007-053A-0041,	:	
008-053A-0147, and 008-053A-0134) owned by O&G	:	
Industries, Inc. located east of Black Hill Road (State Route	:	
14) and west of the Providence and Worcester Railroad right-	:	
of-way, Plainfield, Connecticut, and associated electrical	:	September 2, 2026
interconnection.	:	

**MOTION FOR PARTY OR INTERVENOR STATUS, REQUEST FOR A HEARING AND
ADDITIONAL REQUESTS**

Pursuant to Conn. Gen. Stat. § 16-50n; and RCSA § 16-50j-38 to 40, the Town of Plainfield (the “Town”) hereby requests party status in the above-captioned Petition; or in the alternative intervenor status, if the Connecticut Siting Council (the “Council”) determines that the Town does not qualify for party status. In addition, the Town seeks status under Conn. Gen. Stats. § 22a-19, the Connecticut Environmental Protection Act. The Town also requests, in the alternative, that the Council set a public hearing in this matter pursuant to RCSA §16-50j-40; and that the Council extend the deadline for comments in this proceeding for an additional period of at least 75 days.

Lastly, the Town also requests that the Council grant the Town the relief set forth in its *Requests to the Connecticut Siting Council to Conduct a Full Certificate Proceeding in this Matter and to Dismiss the Petition due to an Existing Jurisdictional Defect.*

In support of this Motion and requests, the Town states as follows:

1. The Town is a municipal corporation organized under the laws of the State of Connecticut with an address of 8 Community Avenue, Plainfield, CT 06374.

2. The Town requests that the appearance of the following attorneys be entered and placed on the Service List in this proceeding as counsel for the Town:

Ann M. Catino
Alan P. Curto
Richard P. Roberts
Halloran Sage LLP
225 Asylum Street
Hartford, CT 06103
Telephone No.: (860) 297-4697
Facsimile: (860) 548-0006
Email: catino@halloransage.com
curto@halloransage.com
roberts@halloransage.com

3. The Town would be the host municipality for the facility that is the subject of this proceeding (the "Facility").
4. The construction, maintenance and operation of the Facility will significantly and adversely impact the surrounding neighborhoods and other Town environs nearby.
5. More specifically, the Town has significant concerns regarding the potential environmental impacts of the Facility: including without limitation the following: noise; air and water; wildlife and traffic; all resulting from the Facility's construction and operations. These impacts, more specifically, include the following conduct identified by the Petitioner which has or is reasonably likely to have and/or cause unreasonable pollution to the air, water and other natural resources to the State:

- a. The State-Listed Species Report prepared by the Petitioner identifies state-listed protected species and critical habitats known to occur within or near the Property. Endangered and special concern species include: blue spotted salamander, fowler's toad, eastern hognose snake, eastern spadefoot toad, eastern box turtle, eastern ribbon snake, banded sunfish, sandplain agalins, arrowfeather, low frostweed, climbing fern, Alleghany

plum, shining rose, and whip nutrush. The area within and near the Property is also known to host nesting areas for bald eagles. Critical habitats include: acidic atlantic white cedar swamp, poor fen, and sand barren.

b. The Property also straddles three subregional watersheds, all of which discharge to the Long Island Sound via the Thames River. Groundwater is classified as GA, which supports existing private and potential public or private water supplies and is suitable for drinking without treatment.

c. Air emissions are expected in the form of odors and dust (particulate matter) from the process of the MSW to RDF, through the operation of the anaerobic digester to produce RNG and CO₂ from the separation of organics, and through the gasifiers that convert the RDF into syngas, which purportedly produces carbon fines, particulate matter (PM_{2.5}), PM₁₀, hazardous air pollutants, metals and carbon. The application also references the production of CO and VOCs, dioxins/furans, NO_x, ammonia, SO₂, mercury, and acid gases as well. The Petition identifies that some but not all parameters passed the significant impact level. Those that did not pass were identified as levels for 1-hour NO_x, 1-hour SO₂, 24-hour SO₂ and annual SO₂.

d. Stormwater will be managed through onsite retention storage for a 100 year storm. Wastewater discharges involve the generation of between 1850 and 3300 gallons per day (gpd) of reverse osmosis reject water per day, with a maximum discharge of 15,500 gpd, all of which will be discharged to the ground. Boiler blowdown, washdown water and other waters also proposed to be discharged to the Plainfield Water pollution control facility.

6. These activities which will be conducted by the Petitioner or its agents, affiliates, subsidiaries, successors, or assigns in connection with the use and development of the Property do, separately, together in combination, or cumulatively, involve activity or

activities which have the reasonable likelihood of unreasonably polluting the air, water or other natural resources of the State as follows:

- a) Interference and disruption of permanently preserved open space and areas known to be home to endangered and/or threatened species;
- b) Development and pollution adversely affecting diverse wildlife located on and around the Property, including endangered and/or threatened species;
- c) Interference with the Town's objectives to preserve its diverse and pristine wildlife areas, including those home to endangered species;
- d) Pollution to nearby and abutting protected environmental areas, including watershed areas and critical habitats;
- e) Interference with the Town's municipal zoning, plan of conservation and development, and environmental interests;
- f) Pollution of air and groundwater adversely affecting health outcomes of Town residents;
- g) The collection and combining of large quantities of solid waste from different areas of Connecticut (or out of state wastes);
- h) The emission of air pollutants, both from the facility and from the trucks or other vehicles transporting solid waste thereto;
- i) The emission of noise;
- j) The discharge of waste waters;
- k) Adverse effect on the natural and human environment.

7. Without limiting the foregoing, the activities associated with the construction, operation and use of the proposed facility will unreasonably pollute, impair or destroy the

public trust in the air, water, or other natural resources of the State, for reasons which include one, more than one, or all the following:

- a) There are one or more alternatives;
- b) There are one or more alternatives that would affect the environmental loss;
- c) There are more than one alternatives which are feasible;
- d) There are one or more alternatives which are prudent;
- e) The location of the facility bears little relation to the sources of the solid waste to reduce pollution;
- f) The location of the facility does not, but should bear a close relationship to the solid waste disposal needs and requirements of the region of Connecticut in which the facility will be constructed, operated and used, and in which it will cause and emit pollutants.

Without assuming the burden of proving that a feasible and prudent alternative exists, the alternatives referenced in this petition include but are not limited to:

- a) Not constructing, operating or using the facility;
- b) Incinerating, processing and otherwise disposing of the solid waste at currently existing, or proposed and permitted, facilities;
- c) Incinerating, processing and otherwise disposing of the solid waste at currently existing, or proposed and permitted, facilities that are closer to the origin of the solid waste;
- d) Constructing, operating and using the facility in another location causing less effect on the environment; and

e) Constructing, operating and using the facility in another location which bears a closer relationship to the origin points of the solid waste.

8. Based on the above facts, the Town meets the Council's criteria for party status under the Siting Council statute and regulations as it possesses a specific personal and legal interest in the subject matter of this Petition that could be specially and injuriously affected.

9. Alternatively, if the Council determines that the Town does not qualify for Party status, then the Town requests intervenor status on the basis that its participation shall furnish assistance to the Council in resolving the issues in the Petition, is in the interests of justice and will not impair the orderly conduct of the Petition.

10. Further, based upon the above statement of facts, the Town meets the requirements pursuant to Section 22a-19 of the Connecticut General Statutes to require consideration of its allegations of the reasonable likelihood of unreasonable pollution of the air, water , and natural resources and the effect of the activities proposed in the petition for declaratory ruling and on all related plans, maps, and drawings, and the activity described herein, upon all matters within its jurisdiction; and that the Council consider all alternatives to such activities, and that it take such action as is consistent with the allegations contained herein.

11. The Town intends to present evidence and testimony that will demonstrate the above adverse impacts.

12. The Town is seeking the right to participate in this proceeding; including the right to do any or all of the following: submit written comments and evidence, file interrogatories, receive information filed by other participants, conduct cross-examination, file briefs and present oral argument regarding and all issues presented in the subject Petition.

13. In addition, the Town also requests that the Council set a public hearing in this matter. The Town notes in this regard that the Petitioner in this proceeding, SMART Technology Systems,

LLC (the “Petitioner”), in a letter to the Council dated August 19, 2026, stated that it had no objection to a public hearing.

14. The Town also requests at least a 75-day extension of the written comment period in this proceeding, from the current deadline of September 6th, 2026. Given both the numerosity and the magnitude of the operational and environmental impacts of the proposed Facility, such an extension is necessary to properly analyze these impacts and prepare comments with respect thereto.

Lastly, for the reasons set forth in its *Requests to the Connecticut Siting Council to Conduct a Full Certificate Proceeding in this Matter and to Dismiss the Petition due to an Existing Jurisdictional Defect* of even date herewith, the Town requests that the Council direct the Petitioner to *seriatim*: (i) withdraw its Petition; (ii) comply with the environmental justice requirements of Conn. Gen. Stat. § 22a-20a; and (iii) file an application for a full Certificate of Environmental Compatibility and Public Need (a “Certificate”) for the subject facility. The Town notes with respect to these requests that if they are granted, then the Town would become a party upon filing a subsequent request for such status pursuant to Conn. Gen. Stat. §§ 16-50l and 16-50n(a); and that a public hearing would be required pursuant to Conn. Gen. Stat. § 16-50m.

WHEREFORE, the Town requests that: (i) it be designated a party or alternatively, an intervenor, in this Petition; (ii) the Council set a hearing on the Petition if the Council determines that the Petition process is appropriate (iii) grant the requested extension for comments; and (iv) grant the Town’s additional requested relief.

THE TOWN OF PLAINFIELD

By: _____

Ann M. Catino, Esq.
Alan P. Curto, Esq.
Richard P. Roberts
Halloran Sage LLP
225 Asylum Street
Hartford, CT 06103
Telephone No.: (860) 297-4697
Facsimile: (860) 548-0006
Email: catino@halloransage.com
Juris No.: 026105

CERTIFICATION

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on September 2, 2026

Lee D. Hoffman, Esq.
Katheryn E. Boucher, Esq.
Liana Feinn, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103
lhoffman@pullcom.com
keboucher@pullcom.com
lfeinn@pullcom.com
(860) 424-4300

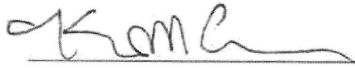
William J. Corvo, Manager
SMART Technology Systems, LLC
112 Wall Street
Torrington, CT 06790
860.833.7394
manager@smartmswprocessing.com

By: 
Alan P. Curto, Esq.

VERIFICATION

In verification of the foregoing MOTION FOR PARTY OR INTERVENOR STATUS, REQUEST FOR A HEARING AND ADDITIONAL REQUESTS in the aforementioned matter, and in accordance with Connecticut General Statutes § 22a-19, the undersigned, being duly sworn, does hereby depose and say the following:

1. I am over 18 years of age;
2. I am thoroughly familiar with the foregoing Pleading for Intervention and said is true to the best of my knowledge and belief,
3. The construction and operation of SMART Technology Systems, LLC's proposed 45-megawatt electric generation and municipal waste recycling management facility and associated interconnection located between Norwich and Black Hill Roads in Plainfield, Connecticut to be approved by the granting of a petition for declaratory ruling involves conduct which has, or is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State of Connecticut.


Kevin Cunningham, First Selectman

9-2-26

DATE

STATE OF CONNECTICUT
COUNTY OF WINDHAM

) Plainfield

September , 2026

Personally appeared, Kevin Cunningham, First Selectman of the Town of Plainfield, Signer of the foregoing instrument, and acknowledged the same to be his free act and deed.


Notary Public

DATE: 9-2-2026

Commission Expires: 12-31-2026

Dianne S. Talbot
Notary Public, State of Connecticut
My Commission Expires Dec. 31, 2026