

DOCKET NO. 74

An application of the Connecticut Resources Recovery Authority, Southeastern Connecticut Regional Resources Recovery Authority, and American REF-FUEL Company for a Certificate of Environmental Compatibility and Public Need for the Southeastern Connecticut Regional Resources Recovery Facility, which would generate electricity by mass-burning municipal solid waste in the Town of Preston, Connecticut. : Connecticut Siting Council : October 6, 1987

OPINION

The Southeastern Connecticut Regional Resources Recovery Authority (SCRRA), the Connecticut Resources Recovery Authority (CRRRA), and the American REF-FUEL Company (REF-FUEL) have applied to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need for a regional resource recovery facility in Preston, Connecticut. Steam produced from the combustion of municipal solid waste (MSW) would drive electric power generators with a nominal capacity of 12.9 megawatts. The proposed plant would not use any industrial, commercial, or manufacturing process that would use or produce exhaust steam, waste steam, heat, or resultant energy that could be defined as cogeneration technology. The applicants would sell power generated at the facility to Northeast Utilities.

Under Section 16-50p of the General Statutes of Connecticut (CGS), in deciding this application, the Council must consider the need for the facility and the nature of its probable environmental impact, "including a specification of

every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning, the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife . . ." The Council may not grant a Certificate unless it finds that these adverse effects or conflicts with state policies are not sufficient to deny the application. The Findings of Fact contains the Council's findings and determinations regarding the need for the facility, its adverse impacts, and its consistency with relevant state policies. For the reasons stated in this Opinion, the Council has concluded that a Certificate of Environmental Compatibility and Public Need should be issued.

Potential adverse environmental impacts of the facility are limited in magnitude, susceptible to control, and subject to regulation by state agencies. The Department of Environmental Protection would regulate air pollutants by the application of emission and ambient air quality standards of the Connecticut Regulations for the Abatement of Air Pollution, the Connecticut State Implementation Plan for Air Quality, and proposed regulations governing dioxins and furans. DEP would also regulate water pollution through the issuance of a National Pollution Discharge Elimination System storm water permit and a wastewater discharge permit. The Connecticut

Department of Transportation would regulate traffic safety improvements at the facility's access driveway. The design of the facility, as modified during the pendency of the application, would avoid or reduce to acceptable levels other environmental impacts, including the visual and aesthetic impacts from the Thames River and Route 12, ecological impacts, and impacts to wetland habitat. The facility would not adversely impact rare and endangered species, and surveys indicate the site has low potential for cultural or archaeological resources. Conditions contained in the Council's Decision and Order would further reduce unavoidable impacts.

The Council believes that the facility is consistent with state coastal management policies. State policy gives "high priority and preference" to water-dependent uses within designated coastal areas. While the site is within a designated coastal area and the facility is not a water-dependent use, no alternative, high-priority water-dependent use is proposed at present or likely in the future. Moreover, site characteristics, including the elevation difference and steep slope to the shoreline and the railroad between the site the shoreline, make it ill-suited to water-dependent uses.

The facility would help meet state electric power needs. It would contribute to forecasted generating capacity requirements, help reduce dependence on imported energy resources, diversify the state's energy supply mix, and enhance supply system reliability. The advantageous electric rate used to reduce the payments by municipalities has been specified by act of the Legislature in CGS 16-243e. In these ways, the facility is consistent with state energy policy.

As a resource recovery facility, the proposed project would help meet the critical solid waste management needs of Southeastern Connecticut, and implement the Southeastern Connecticut element of the State's Solid Waste Management Plan. As such, it is consistent with state-wide solid waste management policy, which rests in part on the undesirable environmental and land use impacts of landfills and the inability of recycling and composting, however valuable, to dispose entirely of municipal solid waste. State statute enunciates support for regional resource recovery plants as a key element of the state's solid waste management strategy. The Connecticut Solid Waste Management Plan calls for a resource recovery facility to meet the solid waste disposal needs of Southeastern Connecticut.

The Council acknowledges the opposition to the facility by the Town of Preston, yet cannot overlook that the proposed facility is consistent with the Town's industrial zoning of the

site, and that the Town's own plans call for using it as a solid waste landfill. The Council also acknowledges the interest in building a resource recovery facility in the Town of Lisbon. The Council would accord greater weight to the existence of a possible alternative site in Lisbon if it had serious reservations about the suitability of the site proposed in this application. But, the Council does not have such reservations about the site, even though it recognizes that no site, including the proposed site, would be ideal. The Council believes that a resource recovery facility would encounter opposition from some local residents regardless of the host town selected, notwithstanding the broad consensus in Southeastern Connecticut that such a facility is needed. SCRRRA's site ranking studies demonstrate a reasonable effort to select a site. In the light of all other considerations, the Council has found no feature of the Preston site which, alone or in combination with others, warrants rejecting it.

The General Assembly has given the Council exclusive jurisdiction over the location and type of facilities defined in CGS Section 16-50i, and has accorded the Council with statutory responsibility to balance the issues of public need and environmental compatibility on a state-wide basis. Furthermore, the Council is vested with broad remedial powers upon review of an appeal from any town, city, or borough zoning

commission or inland wetland agency. Therefore, it is necessary that the Council review the Preston Planning and Zoning Commission's zoning and coastal site plan decisions de novo and apply state-wide concerns. For the same reasons that it has decided to grant a Certificate of Environmental Compatibility and Public Need, the Council has concluded that it is necessary to revoke the Town of Preston's denial of zoning approval and of a coastal area management permit for the facility.

While the Council has decided to grant a Certificate for the facility for the reasons stated above, the Council is concerned about the absence of arrangements for the disposition of ash residues from facility operation. Therefore, the Council has included in its Decision and Order a requirement addressing this concern.