

DOCKET NO. 103 - AN APPLICATION OF  
BIO-GEN TORRINGTON PARTNERSHIP FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE CONSTRUCTION OF A  
15.0 MW (GROSS) WOOD-BURNING ELECTRIC  
GENERATING FACILITY IN THE CITY OF  
TORRINGTON, CONNECTICUT

CONNECTICUT

SITING

COUNCIL

NOVEMBER 22, 1989

DECISION AND ORDER

ORIGINAL

Pursuant to Section 16-50p of the Connecticut General Statutes (CGS), the application submitted by Bio-Gen Torrington Partnership (Bio-Gen) to construct, operate, and maintain a wood burning electric generating facility is hereby approved. A Certificate of Environmental Compatibility and Public Need (Certificate), as required by CGS Section 16-50k, shall be issued, subject to the following conditions and requirements. Failure to comply with the following conditions may subject the applicant to temporary and permanent injunctive action, and/or civil penalties in an amount not less than one thousand dollars per day pursuant to CGS Section 16-50u.

1. a. The facility shall be constructed substantially as specified by the applicant in the application, as detailed and modified by the applicant in the record.
- b. The exhaust stack shall be no higher than necessary as determined by the DEP, and in no event higher than 180 feet above grade.
- c. The facility shall not accept pressure and creosote treated wood; plastics; salt; chlorides; heavy metals; carcinogens; asbestos; asphalt; hazardous wastes as defined by Section 22a-115 of the CGS, as amended; or wood treated with preservatives such as pentachlorophenol and copper naphthanate.
- d. A demolition/recycled wood testing procedure shall be developed by the applicant to provide for the sampling, testing, and rejection of pressure and creosote treated wood, plastics, hazardous waste as defined by Section 22a-115 of the CGS, and wood treated with preservatives, before combustion. Such procedures shall be subject to written comment by parties and intervenors, and approval by the Council before commercial operation of the facility.
- e. No silvicultural wood chips shall be received unless produced as a result of a forest management plan prepared by a registered or licensed forester.

- f. Fuel supply deliveries and ash removal operations shall be limited to between 7:00 A.M. and 7:00 P.M. Monday through Saturday.
- g. Prior to the commercial operation of the facility, the Certificate Holder shall confirm either the acquisition of a legally permitted disposal site, or a contract for the legal disposal or use of ash from facility operation for a period of five years from the time of initial commercial operation of the facility.
- h. Fly and bottom ash shall be separately tested to determine if either or both ashes can be used for land spreading. Tests shall be approved by the DEP and the applicant shall retain a record of the tests for a minimum of one year. Ash shall not be land spread until the DEP develops regulations governing this activity. Until the time when the DEP establishes regulations governing the land spreading of ash, no wood shall be burned that renders the ash toxic as determined by tests to detect unacceptable levels of metals, dioxins, furans, and other complex organic compounds. Thereafter, if bottom ash cannot be made safe for land spreading in accordance with DEP standards, the fly and bottom ash may be mixed, tested, and managed as directed by the DEP.
- i. Wood fuel and ash shall not be stored on site for more than 90 days. All wood supply and ash conveyors shall be enclosed to reduce dust and noise.
- j. The Still River, adjacent wetlands, and the site aquifer are not to be substantially affected by the operations of the facility.
- k. Dry cooling equipment shall be used.
- l. Air modeling and permitting shall be performed to the satisfaction of the DEP. The Certificate Holder shall inform the DEP that non-wood waste might include pressure treated wood, plastic, paint, glue, PCB's, herbicides, pesticides, preservatives such as pentachlorophenol and copper naphthanate, salt, chlorides, heavy metals, carcinogens, asbestos, asphalt, and other non-wood materials as unintended components of the fuel stream.
- m. Stack monitoring, fuel stream limitations, and additional air pollution control equipment, including acid gas scrubbers, shall be installed or implemented on the facility if, as determined by the DEP through their modeling and permitting process, such controls are necessary.

- n. A baghouse collection system shall be used. There shall be no bypass installed on the baghouse system.
- o. A NOx reducing system shall be used.
- p. During emissions testing of the facility as required by the DEP during start-up, the boiler shall be initially fired with a fuel stream of exclusively whole tree chips, and bulky waste wood from sawmills and land clearing operations. Only after initial emissions information is received shall demolition and recycled wood chips be fired in varying proportions until a maximum of 100 percent demolition wood is fired. The result of such emission testing and corresponding ash testing as required by item l-h of this Decision and Order shall be provided to the Council, the DEP, and any requesting party or intervenor. This incremental testing shall be done in addition to testing required by the DEP during initial emission testing and thereafter on an annual basis and randomly whenever the Council requires such testing. A sampling procedure for this requirement shall first be submitted to the Council for approval.
- q. Recycled wood, excluding demolition wood, shall not exceed 20 percent of the wood stream weight on an annual basis. Demolition wood shall not exceed 20 percent of the wood stream weight on an annual basis. At least 60 percent of the wood stream weight shall consist of wood which has not been treated or used for any other purposes. If demolition wood is not part of the wood stream, recycled wood shall not constitute more than 40 percent of the wood stream weight on an annual basis.
- r. Any demolition debris disposed of at this facility shall be limited to demolition debris generated within the State of Connecticut.
- s. If the City of Torrington develops a waste wood disposal program restricted to its residents, the facility shall accept deliveries of wood chips from that program on a mutually convenient schedule for fair consideration.
- t. The applicant shall attempt to find a suitable fire suppression substitute for Halon 1301, a halocarbon.
- u. The applicant shall conduct a Phase II clean-up of the site and report the results to the Council, including where the contaminated soil was disposed.
- v. This Certificate will be void if all construction authorized herein is not completed by January 1, 1995, or five years after all appeal processes have been concluded, whichever is later.

2. Notifications

- a. The Certificate Holder shall provide to the Council, and all parties and intervenors, two weeks in advance, notification of:
  - (1) commencement of construction;
  - (2) commencement of testing; and
  - (3) commencement of operation.
- b. The Certificate Holder shall notify the Council, and all parties and intervenors, when operations terminate.

3. Development and Management Plan

To ensure compliance with the Council's Decision and Order, the Certificate Holder shall not commence construction until they have secured Council approval of a development and management (D&M) plan which includes the following elements:

- a. A final site plan showing roads, structures, and other improvements. The final site plan shall, to the maximum extent possible, preserve the natural vegetation, and shall minimize impacts on any regulated wetland. The Council shall rely on the City of Torrington's minimum wetland setback of 40 feet. A minimum of a 100-foot setback from the Still River shall also be established.
- b. A landscaping element for the site. The landscaping element shall be of professional quality and, to the greatest extent possible, provide a vegetative screen around all structures of the facility that are visible from off-site areas. The landscaping element shall include a complete listing, description, and location of all proposed vegetative plantings, including plantings to screen and protect the wetlands along the Still River.
- c. A soil erosion and sedimentation element deemed acceptable by the Litchfield County Soil and Water Conservation District, to include provisions to minimize downstream flooding, prevent sedimentation in the Still River, and protect the inland wetlands on the site. This element shall comply with the Connecticut Guidelines for Soil Erosion and Sediment Control, and be subject to inspection by the City of Torrington.
- d. A landscape maintenance, litter, odor, traffic, and noise control element including:
  - (1) performance standards;
  - (2) provisions for monitoring;
  - (3) provisions for filing complaints; and
  - (4) measures to be taken to achieve the performance standards and to respond to complaints.

- e. An aquifer protection element, to include provisions to protect the aquifer from chemical spills, site runoff, and facility discharges. The design and construction of any on-site septic system shall be submitted to the Torrington Area Health District.
- f. A plan for truck access to town and State roads consistent with the proposed route as described by Connecticut Siting Council Findings of Fact Number 216, including restrictions and allowances for traffic to and from the facility. Traffic warning signs shall be posted to the north and south of the entrance to the facility on Route 800 in consultation with the State Traffic Commission.
- g. The applicant shall conduct noise monitoring studies prior to and subsequent to commencement of facility operations and take measures necessary to ensure compliance with State and local noise regulations.
- h. A final schedule for facility construction, testing, and start-up.

In preparing the D&M plan, the Certificate Holder may consult with Council staff. The proposed D&M plan shall be provided to parties and intervenors, if service is requested, who may submit comments to the Council within 20 days. The Council shall approve, modify, or disapprove the D&M plan within 60 days of the time a proposed plan is filed with the Council.

#### 4. Reports

The Certificate Holder shall provide the following reports to the Council, and all parties and intervenors if service is requested, and may consult with Council staff in the preparation thereof.

- a. Quarterly progress reports, starting with commencement of construction and ending with the commencement of facility operations.
- b. Continuing quarterly reports describing and documenting:
  - (1) Actions taken to maintain standards established as part of the D&M plan;
  - (2) Test results for all ash disposed of from the facility;
  - (3) Quantities, sources, and percentages of all wood chip fuel; and
  - (4) Number of days wood fuel and ash have been stored on site.
- c. An annual report summarizing the facility's annual water use and unscheduled shutdowns.

- d. A first year operating report, to be submitted to the Council within three months after the conclusion of the first year of operations to include:
  - (1) percentages, quantities, and number of days when kerosene was used as a supplemental fuel;
  - (2) number, extent, and resultant damage caused by fires during construction and operation;
  - (3) overall and daily average of electricity output;
  - (4) overall condition and reliability of the facility; and
  - (5) the final cost of the facility, prices paid for wood fuel, and other information relevant to the cost and operation of the facility.
- e. The location of a legally permitted wood chip storage site for bypass of wood chips to or from the facility shall be described and identified.

5. Permits and Plans

The Certificate Holder shall provide to the Council, when available:

- a. the final approved DEP air emission permits;
- b. the final approved DEP solid waste permits;
- c. the final approved DEP water discharge permits;
- d. the final FAA stack permit;
- e. the final FERC Certificate; and
- f. authorization and applicable regulatory approval for any water supply and sewer interconnections.

The Council hereby directs that a copy of the Opinion and Decision and Order shall be served to each party and intervenor to this proceeding. A notice of the issuance of this Decision and Order shall be published in the Torrington Register Citizen and the Waterbury American.

CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket No. 103 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 22nd day of November, 1989.

| <u>Council Members</u>   | <u>Vote Cast</u> |
|--|------------------|
| <u><i>Gloria Dibble Pond</i></u><br>Gloria Dibble Pond<br>Chairperson                      | YES              |
| <u><i>Peter A. Boucher</i></u><br>Commissioner Peter Boucher<br>Designee: Robert A. Pulito | YES              |
| <u><i>Leslie Carothers</i></u><br>Commissioner Leslie Carothers<br>Designee: Brian Emerick | YES              |
| <u><i>Harry E. Covey</i></u><br>Harry E. Covey   | YES              |
| <u><i>Mortimer A. Gelston</i></u><br>Mortimer A. Gelston                                   | YES              |
| <u><i>Daniel P. Lynch, Jr.</i></u><br>Daniel P. Lynch, Jr.                                 | NO               |
| <u><i>Paulann H. Sheets</i></u><br>Paulann H. Sheets                                       | NO               |
| <u><i>William H. Smith</i></u><br>William H. Smith   | YES              |
| <u><i>Colin C. Tait</i></u><br>Colin C. Tait   | YES              |

Pursuant to the provisions of Section 16-50x(d) of the Connecticut General Statutes, the undersigned members of the Connecticut Siting Council hereby vote as follows on appeals by the applicant, dated January 27, 1989, and March 8, 1989, to revoke orders issued by the Torrington Planning and Zoning Commission, dated December 30, 1988, and February 6, 1989, and to issue the Council's own Decision and Order of November 22, 1989, in substitution thereof.

Dated at New Britain, Connecticut the 22nd day of November 1989.

| <u>Council Members</u>  | <u>Vote Cast</u> |
|---|------------------|
| <u>Gloria Dibble Pond</u><br>Gloria Dibble Pond<br>Chairperson                      | YES              |
| <u>Robert A. Pulito</u><br>Commissioner Peter Boucher<br>Designee: Robert A. Pulito | YES              |
| <u>Brian Emerick</u><br>Commissioner Leslie Carothers<br>Designee: Brian Emerick    | YES              |
| <u>Harry E. Covey</u><br>Harry E. Covey   | YES              |
| <u>Mortimer A. Gelston</u><br>Mortimer A. Gelston                                   | YES              |
| <u>Daniel P. Lynch, Jr.</u><br>Daniel P. Lynch, Jr.                                 | NO               |
| <u>Paulann H. Sheets</u><br>Paulann H. Sheets                                       | NO               |
| <u>William H. Smith</u><br>William H. Smith   | YES              |
| <u>Colin C. Tait</u><br>Colin C. Tait   | YES              |