

DOCKET NO. 110 - AN APPLICATION OF RILEY ENERGY SYSTEMS OF LISBON CORPORATION, REGIONAL DISPOSAL SYSTEMS OF LISBON, INC., AND PHILIP C. ARMETTA FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE LISBON RESOURCE RECOVERY FACILITY, WHICH WOULD GENERATE ELECTRICITY BY MASS BURNING MUNICIPAL SOLID WASTE IN THE TOWN OF LISBON, CONNECTICUT.

: Connecticut Siting
:
: Council
: February 5, 1990

ORIGINAL

D E C I S I O N A N D O R D E R

Pursuant to Section 16-50p of the Connecticut General Statutes (CGS), the application submitted by Riley Energy Systems of Lisbon Corporation (RESOL), Regional Disposal Systems of Lisbon, Inc. (RDSL), and Philip C. Armetta to construct and operate a municipal solid waste (MSW) 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 report 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. Conditions

- 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 328.3 feet above grade.
- c. Fuel supply deliveries shall be limited to between 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to noon on Saturday. No fuel deliveries shall occur on Sundays or holidays.
- d. The Certificate holder shall encourage efficient cogeneration through recovery of the waste heat energy from the facility. The Certificate holder or its successor shall permit public or private entities to install waste heat recovery equipment and other cogeneration equipment on the 340-acre site for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such use.

- e. Prior to the commercial operation of the facility, the Certificate holder shall confirm permission to use a legally permitted disposal site for by-pass waste, and a contract for the local disposal or use of ash from facility operation for a period of five years from the time of initial commercial operation of the facility.
- f. The facility shall not accept hazardous wastes as defined by Section 22a-115 of the CGS, as amended.
- g. The Certificate holder shall submit confirmation of executed contracts for acquisition of MSW totalling 425 tons per day with participating communities that have been identified as having submitted letters of intent or letters of interest to the applicant through the course of the proceeding. Communities that are members of the Northeastern Connecticut Regional Resource Recovery Authority (NECRRRA) shall be given first consideration to execute contracts with the applicant.
- h. The applicant shall attempt to find a suitable fire suppression substitute for Halon 1301, a halocarbon.
- i. Before construction, the applicant shall reconfirm that populations of Federally Endangered and Threatened Species or Connecticut Species of Special Concern are not on the proposed site, according to the DEP natural diversity database.
- j. 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.

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, especially the buffer between the facility and the Shetucket River, and shall minimize impacts on any regulated wetland. A minimum of a 75-foot setback from all regulated wetlands, except the wetlands which the access and landfill roads shall cross, shall be established, and a minimum of a 100-foot setback from the Shetucket River shall be established. The final site plan shall also include provisions for public access to the Shetucket River, and an on-site bicycle path.
- 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. The landscaping element shall also include a provision for screening and isolating the public accessway to the Shetucket River and the bicycle route on the site.
- c. An erosion and sedimentation element, to include provisions to minimize sedimentation in the Shetucket River and to protect the inland wetlands on the site. The erosion and sedimentation element shall comply with the Connecticut Guidelines for Soil Erosion and Sediment Control, and be subject to inspection by the Town of Lisbon.
- 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 and site runoff.

- f. Contingency plans to cool the facility by on-site wells and/or a dry cooling process.
- g. 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 submitted to the Council with copies to all parties and intervenors for written comments to the Council within 20 days upon receipt. 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 operation.
- b. Continuing quarterly reports describing and documenting:
 - (1) participating municipalities, sources of all MSW, and quantities of MSW burned;
 - (2) instances in which standards established as part of the D&M plan were exceeded, and actions taken in response;
 - (3) tests for all ash disposed of from the facility;
 - (4) number of days MSW and ash have been stored on site; and
 - (5) the costs and effectiveness of the on-site recycling center.
- c. A first year operating report, to be submitted to the Council within three months after the conclusion of the first year of operation to include:
 - (1) sources of MSW fuel, and quantities of MSW burned;
 - (2) percentages, quantities, and number of days when propane was used;
 - (3) overall and daily average of electricity output;
 - (4) overall condition and reliability of the facility;
 - (5) the final cost of the facility, tip-fees for participating municipalities, and other information relevant to the cost and operation of the facility; and
 - (6) the costs and effectiveness of the recycling program.

5. Permits and Plans

The Certificate holder shall provide the Council, and all requesting parties and intervenors, when available:

- a. the final approved DEP determination of need as required by Public Act 89-386, as a component of the DEP solid waste permit;
- b. the final approved DEP solid waste permit;
- c. the final approved DEP air emissions permits;
- d. the final approved DEP wastewater discharge permits;
- e. the final approved DPUC electric purchase agreement; and
- f. the DOT highway curb cut permit, DOT road opening permit to construct, and Federal Highway Administration permission to cross under Interstate 395.

The Council hereby directs that a copy of the Findings of Fact, 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 Norwich Bulletin, The Hartford Courant, and The New London Day.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with section 16-50j-17 of the Regulations of State Agencies.

The parties or intervenors to this proceeding are:

Riley Energy Systems of (Applicant)
Lisbon Corporation (RESOL)
5 Neponset Street
Worcester, MA 01606
ATTN: John Foti, President

Regional Disposal Systems of (Applicant)
Lisbon, Inc.
90 Industrial Park Road
Middletown, CT 06457
ATTN: Philip C. Armetta

Philip C. Armetta (Applicant)
67 Hammock Road
Clinton, CT 06416

Richard G. Adams, Esq. (Their Representative)
Adams & Harding
163 College Street
Middletown, CT 06457

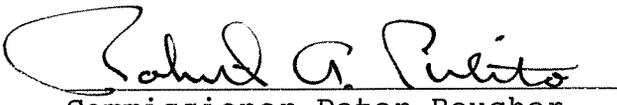
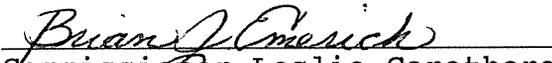
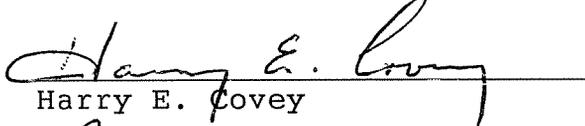
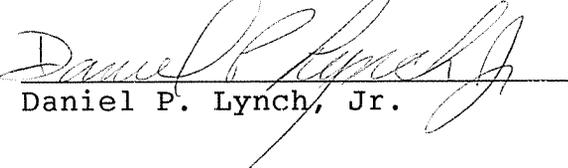
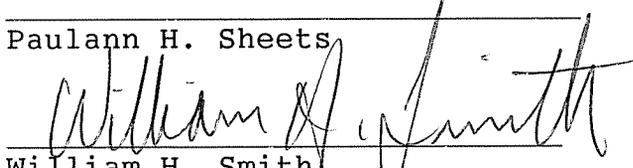
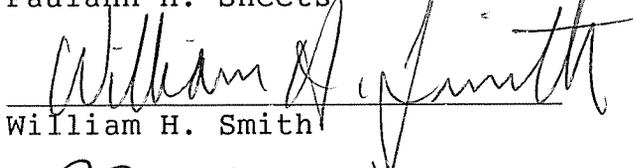
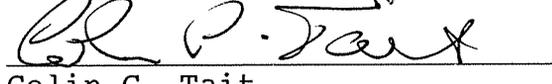
Concerned Citizens of Lisbon	(Party)
John D. Boland Boland, St. Onge & Brouillard 211 Kennedy Drive P.O. Box 550 Putnam, CT 06260	(Its Representative)
Connecticut Resources Recovery Authority	(Intervenor)
Robert E. Wright Executive Vice President Connecticut Resources Recovery Authority 179 Allyn Street Hartford, CT 06103	(Its Representative)
Town of Lisbon	(Party)
First Selectman Town of Lisbon Town Hall - RFD #2 Lisbon, CT 06351	(Its Representative)
City of Middletown	(Intervenor)
Mayor of Middletown City of Middletown City Hall 245 DeKoven Drive P.O. Box 1300 Middletown, CT 06457	(Its Representative)

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CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket No. 110 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 5th day of February, 1990.

<u>Council Members</u>	<u>Vote Cast</u>
 Gloria Dibble Pond Chairperson	Yes
 Commissioner Peter Boucher Designee: Robert A. Pulito	Yes
 Commissioner Leslie Carothers Designee: Brian Emerick	Yes
 Harry E. Covey	Yes
 Mortimer A. Gelston	Yes
 Daniel P. Lynch, Jr.	Yes
 Paulann H. Sheets	Absent
 William H. Smith	Yes
 Colin C. Tait	Yes