

AN APPLICATION OF THE CONNECTICUT RESOURCES : CONNECTICUT SITING  
RECOVERY AUTHORITY, MIDSTATE REGIONAL :  
RESOURCE RECOVERY AUTHORITY, AND AMERICAN : COUNCIL  
REF-FUEL COMPANY FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC  
NEED FOR THE MIDSTATE REGIONAL RESOURCE  
RECOVERY FACILITY, WHICH WOULD GENERATE  
ELECTRICITY BY MASS-BURNING MUNICIPAL  
SOLID WASTE IN THE CITY OF MIDDLETOWN,  
CONNECTICUT. : March 11, 1987

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

The application submitted by the Midstate Regional Resource Recovery Authority (MRRRA), the Connecticut Resources Recovery Authority (CRRA), and the American REF-FUEL Company (REF-FUEL), to construct and operate a resource recovery facility is hereby approved. A Certificate of Environmental Compatibility and Public Need, as required by section 16-50k of the Connecticut General Statutes, shall be issued, subject to the following conditions and report requirements.

1. Conditions

- a) The facility shall be constructed as proposed in the application, as amended and as detailed in the Council's record.
- b) The construction and operation of the facility shall be in accordance with all applicable federal, state, and municipal laws, regulations, and ordinances.
- c) The exhaust stack is to be the lowest height technically possible to facilitate adequate exhaust dispersion without downwash conditions, as determined by the Connecticut Department of Environmental Protection (DEP).
- d) The operation of the facility shall be coordinated with the operation of the package boilers proposed for the Connecticut Valley Hospital (CVH) to ensure compliance with ambient air pollution standards. The applicant shall submit to the

Council copies of DEP Air Compliance Construction Permits for the facility and the CVH package boilers at least 45 days before commencement of any construction. As a part of this submission, it must be confirmed by letter from the hospital administration that any conditions placed on the operation of the CVH package boilers are compatible with their intended use by the hospital.

- e) This Certificate will be void if all construction authorized herein is not completed by December 31, 1992.

2. Notifications

The Certificate holder shall notify the Council of the following:

- a) commencement of construction;
- b) commencement of testing;
- c) commencement of operation; and
- d) intent to terminate operations one year prior to such termination of operations.

3. Development and Management Plan

The Certificate holder shall submit a development and management (D&M) plan containing the following plan elements for Council approval, modification, or denial within 30 days of the Council's receipt of the plan. The Certificate holder may consult with Council staff in the preparation of the D&M plan.

- a) An erosion and sedimentation control plan element, to include provisions to minimize sedimentation in the Connecticut River and to protect the inland wetland on the site. The element shall identify the placement, use, and removal of all control measures.

- b) A landscaping/screening plan element showing the location, types, and heights of trees to be planted. The element is to include architectural and vegetative buffer components to screen the facility and blend it with the CVH grounds and adjacent cemetery.
- c) A traffic control plan element to prevent the excessive use of residential roads in the vicinity of the facility, including Tyron Street. The element shall include traffic volume standards and contingency measures to maintain facility traffic at or below the standards.
- d) A plan element addressing steam plumes, odor, litter, vibration, and noise associated with the facility. The element shall include:
  - 1) performance standards;
  - 2) a measurement and monitoring plan, with a schedule and a description of how monitoring data will be analyzed;
  - 3) contingency plans for mitigation when the performance standards are violated; and
  - 4) a reporting mechanism to alert the Council and other interested organizations or government agencies in the event that the performance standards are violated.

4. Reports

The Certificate holder shall provide the following reports to the Council and may consult with Council staff in the preparation thereof.

- a) Quarterly progress reports, starting with the commencement of construction and ending with the commencement of facility operation.
- b) Documentation of compliance with state and local noise regulations, due no later than six months after commencement of operation. Documentation is to be in the form of ambient day and nighttime testing conducted under normal operating conditions no sooner than one month after commencement of operations.
- 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) participating municipalities, sources of all MSW, and quantities of MSW burned;
  - 2) percentages, gallons, and number of days when fuel oil was used;
  - 3) overall and daily average of electricity output; and
  - 4) overall condition and reliability of the facility.
- d) An annual report describing and documenting:
  - 1) instances in which standards established as part of the development and management plan were exceeded; and
  - 2) actions taken in response.

5. Permits

The Certificate holder shall provide to the Council when available:

- a) the final approved DEP air emission permits; and
- b) the final approved DEP solid waste permits;

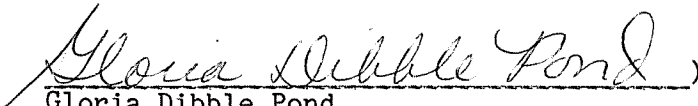
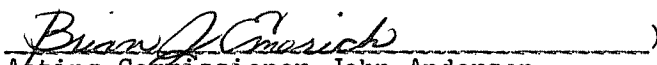


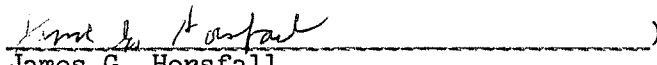
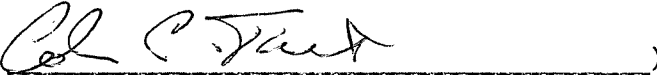
- c) the final approved electrical purchase agreement; and
- d) the lease agreement with the Middletown landfill for disposal of ash residue.

Pursuant to section 16-50p of the CGS, we hereby direct that a copy of the Opinion and Decision and Order shall be served on each person listed below and that a notice of the issuance shall be published in the Hartford Courant and the Middletown Press.

C E R T I F I C A T I O N

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case or read the record thereof, and that we voted as follows:


Dated at New Britain, Connecticut, this 11th day of March, 1987.

<u>Council Members</u>	<u>Vote Cast</u>
 _____) Gloria Dibble Pond Chairperson	Yes
 _____) Commissioner John Downey Designee: Commissioner Peter G. Boucher	Absent
 _____) Acting Commissioner John Anderson Designee: Brian Emerick	Yes
 _____) Owen L. Clark	Yes Concurring Opinion
 _____) Fred J. Doocy	Abstain
 _____) Mortimer A. Gelston	Yes
 _____) James G. Horsfall	Yes
 _____) William Smith	Absent
 _____) Colin C. Tait	Yes

STATE OF CONNECTICUT            )  
                                          :  
COUNTY OF HARTFORD            )        ss.        New Britain, March 11, 1987

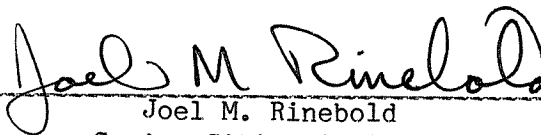
I hereby certify that the foregoing is a true and correct copy of the decision and order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:

  
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John C. Kelly  
Executive Director  
Connecticut Siting Council

I certify that a copy of the opinion and decision and order have been forwarded by mail to all parties of record on March 16, 1987.

ATTEST:

  
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Joel M. Rinebold  
Senior Siting Analyst  
Connecticut Siting Council