STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1184
Petition From Beacon Falls Energy Park, LLC, for a Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need is Required for the Proposed Construction, Maintenance, and Operation of a 63.3 Megawatt Fuel Cell Facility Located at Lopus Road, Beacon Falls, Connecticut

Siting Council Meeting held at the Beacon Falls Firehouse, 35 North Main Street, Beacon Falls, Connecticut, Thursday, November 6, 2015, beginning at 3:00 p.m.

H e l d B e f o r e:
ROBIN STEIN, Chairman

A p p e a r a n c e s:

Council Members:

JAMES J. MURPHY, JR.,
Vice Chairperson

ROBERT HANNON,
DEEP Designee

LARRY LEVESQUE, ESQ.
PURA Designee

PHILIP T. ASHTON
DANIEL P. LYNCH, JR.

Council Staff:

MELANIE BACHMAN, ESQ.,
Executive Director and
Staff Attorney

ROBERT MERCIER
Siting Analyst

A p p e a r a n c e s:(cont'd)

For BEACON FALLS ENERGY PARK, LLC:
PULLMAN & COMLEY, LLC.
90 State House Square
Hartford, Connecticut 06103-3702
By: LEE D. HOFFMAN, ESQ.

THE CHAIRMAN: Good afternoon, ladies and gentlemen. I'd like to call to order this meeting of the Connecticut Siting Council, today Thursday, November 5th, approximately 3 p.m.

My name is Robin Stein. I'm Chairman of the Siting Council. Other members of the Council present are Senator Murphy, Vice Chairman; Mr. Hannon, designee from the Department of Energy and Environmental Protection; Mr. Levesque, designee from the Public Utilities Regulatory Authority; Mr. Ashton; Mr. Lynch. And also present is Melanie Bachman, our Executive Director, Staff Attorney.

This hearing is held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act, upon a petition from Beacon Falls Energy Park, LLC, for a declaratory ruling that no certificate of environmental compatibility and public need is required for the proposed construction, operation and maintenance of a 63.3-megawatt fuel-cell facility located on

Lopus Road in Beacon Falls, Connecticut. This petition was received by the Council on August 31st, 2015.

As a reminder to all, off-the-record communication with a member or the Council or staff upon the merits of the petition is prohibited by law.

We have the petitioner, Beacon Falls Energy Park, LLC, represented by Attorney Lee Hoffman. We'll proceed in accordance with the prepared agenda, copies of which are available at the podium. Also available are copies of the Council's Citizen Guide to Siting Council Procedures.

And at the end of this afternoon's session we will recess and resume again at 7 p.m. The 7 p.m. hearing will be reserved for the public to make brief oral statements into the record.

I wish to note for those who are here and for the benefit of your friends and neighbors who are unable to join us for the public comment session, that you or they may send written statements to the Council within 30 days of the date hereof and such

written statements will be given the same weight as if spoken at the hearing.

A verbatim transcript will be made of this hearing and deposited with the town clerk's office in Beacon Falls for the convenience of the public.

I don't know if there's any public official who wishes to speak at this time, or at both?

CHRISTOPHER BIELIK: Good afternoon. My name is Chris Bielik. I'm the First selectman of Beacon Falls and I'm very happy to welcome the Siting Council and the members of the Beacon Falls Energy Park, LLC here to this public hearing today, as well as all of the members of the community that have taken some time out to come and listen.

And hopefully we'll be reconvening again back here at seven o'clock so that we can hear from some of the people in town as to what they would like to say.

We're very excited to have you all here today considering this. We think that it's a tremendous opportunity for the Town of Beacon Falls and we're looking

forward to completing a good understanding of what this project is all about, hoping that all the questions that anybody has are going to be answered appropriately. And that if we discover that this is a project that's worth moving forward, that we're very excited to be the host of it.

But thank you very much.

THE CHAIRMAN: Thank you very much.

I wish to call attention to those items shown on the hearing program marked as Roman Numeral 1D, items 1 through 57.

Does the petitioner have any objection to these items being noticed?

MR. HOFFMAN: No, sir we do not.

THE CHAIRMAN: Okay. Accordingly, the Council hereby administratively notices these existing documents, statements and comments.

Attorney Hoffman, will you present your witness panel -- oh, okay. Just hold a minute. Mr. Lynch would like to make

a comment.

MR. LYNCH: Excuse me, Mr. Hoffman. I'd like to make a statement before the opening of the hearing, and for an open and honest record I have to make a couple of things -- acknowledge a couple of things for the record.

One, I've known Mr. Corvo for a number of years. I consider him a friend. Anyone that hasn't read his father's book on World War II and the OSS should read it. Also he is represented by Doyle & Balducci. Both of them are very good friends of mine, and I just want to get that on the record. And that takes care of that part of it.

As far as O&G is concerned, in the past they have contributed to my boss, Congressman John Larson's, not the -- individual members of the corporation have contributed to his campaign. I'm on the congressional side, not on the campaign side, but I wanted that on the record also.

And I also, for years, worked with John Rossi who is the son in law of the CEO of O&G and I wanted to get that on the

record.

Also the last thing is the Torrington facility is in our congressional district. I talked to the Congressman before I came here about it and he said, have we received any complaints from anyone in Torrington?

And I said, no, we have not.

He said, we'll, I'll leave that up to you.

I'm going to refer back to Attorney Hoffman. I know he's a good attorney, fine attorney. If he feels in any way my being on the panel today will encumber his case now or in the future I would recuse myself.

MR. HOFFMAN: We have no objection to your continuing on this case.

MR. LYNCH: Thank you very much. I'm all set, Mr. Chairman. Thank you for allowing me to make a statement.

THE CHAIRMAN: Thank you, Mr. Lynch.

And thank you, Attorney Hoffman. And can you present your witness

panel?

MR. HOFFMAN: Okay. The witnesses are all listed in exhibit -- in part 2C of the program. Unfortunately, they're alphabetized and we've gone away from alphabetization.

So starting as far away from me be possible I will introduce the witness panel. Michael Anderson and Anthony Agresti, both from TRC. Next to them writing fiercely on the yellow pad is Matthew Tobin of O&G Industries. Next to him is William Corvo of Beacon Falls Energy Park, LLC. Next to him is Richard Audette, who you met at the site walk through from O&G industries.

Next to them are three individuals from Milone & MacBroom, Steven Dietzko, Scott Bristol and Matthew Sanford. And finally we have from FuelCell Energy, Kirk Arneson, Ben Toby and -- I apologize -- Louis Ernst. I forgot the name. Apologies.

These are our witnesses. They are available to be sworn in at Director Bachman's convenience.

THE CHAIRMAN: Which I think

we will do right now. So if you would please rise to take the oath?
A N T H O N Y A G R E S T I,
M I C H A E L A N D E R S O N,
K I R K A R N E S O N,
R I C H A R D A U D E T T E,
S C O T T B R I S T O L,
W I L L I A M C O R V O,
S T E P H E N D I E T Z K O,
L O U I S E R N S T,
M A T T H E W T O B I N,
B E N T O B Y,
M A T T S A N F O R D,
called as witnesses, being first duly sworn by the Executive Director, were examined and testified on their oaths as follows:

THE CHAIRMAN: And again to follow up, Attorney Hoffman, will you go through the exhibits and make the request for the exhibits to be administratively noticed and verifying the exhibits by your panel?

MR. HOFFMAN: Yes, Mr. Chairman.

But first I would like to

administratively notice the petition itself, which as you know, was filed on August 31, 2015.

And in addition there was a response to a notice of incomplete information dated September 11, 2015. And the response was filed with the Siting Council. The project also filed responses to the Council's interrogatories on October 16, 2015.

I want you to know that it was the first time in my several appearances before the Siting Council where we got the interrogatory responses in before the stated deadline, so I would like the record reflect that.

In addition, there was a field habitat assessment report that was dated August 5, 2015. It was filed with the Siting Council yesterday. In addition to that, earlier today we provided the members of the Siting Council on the site walk-through with copies of, paper copies of the three boards that you see with you.

And I would ask that those

three documents also be admitted as exhibits. You all have copies of them and they are also -- the Siting Council is free to take those boards with them as well at the conclusion of today's hearing. So I would ask that those five things be administratively noticed.

THE CHAIRMAN: Thank you. We'll just go through the verification.

MR. HOFFMAN: Well, as long as they have been administratively noticed, I guess. Fortunately we'll only need two witnesses to do the verifications.

Mr. Corvo and Mr. Audette, with respect to the five exhibits that were just listed, we'll start with Mr. Corvo.

Mr. Corvo, did you prepare or cause to be prepared the documents that we just listed?

THE WITNESS (Corvo): I did.

MR. HOFFMAN: And are they true and accurate to the best of your knowledge?

THE WITNESS (Corvo): They are.

MR. HOFFMAN: And do you adopt them in this proceeding today?
THE WITNESS (Corvo): I do.
MR. HOFFMAN: Mr. Audette, did you prepare or cause to be prepared the five documents that we just administratively noticed?
THE WITNESS (Audette): I did.
MR. HOFFMAN: And are they true and accurate to the best of your knowledge?
THE WITNESS (Audette): They are.
MR. HOFFMAN: And do you adopt them here today as a sworn statements?
THE WITNESS (Audette): I do.
MR. HOFFMAN: In that case, I admit them as full exhibits -- or seek to make them as full exhibits.
THE CHAIRMAN: And they will be admitted. Thank you.
Okay. We'll now proceed with cross-examination.
MR. HOFFMAN: Mr. Chairman, if I may? Just, I think Mr. Corvo just has a

very brief two-minute opening statement to kind of set the stage before we begin cross-examination, if that's acceptable to you? It's entirely your --

THE CHAIRMAN: If you keep it to two minutes it's acceptable.

THE WITNESS (Corvo): Thank you, Mr. Chairman. I'll be brief.

Basically I wanted to provide the members here today -- and I want to thank you for coming today -- with a brief explanation about what this is, what the Beacon Falls Energy Park concept is all about. It's a 63.3-megawatt energy generation facility which will be using fuel-cell equipment to be provided by FuelCell Energy of Danbury, Connecticut. And it will be located on property that we have under option in the town of Beacon Falls.

The property, as you're probably aware, is a former sand and gravel mine, which hasn't been used for quite some time, and except for an occasional motorcycle or off-road vehicle trespassing on the property.

It's bordered by Metro-North Railroad, which we saw earlier today, on one side, and has a limited number of residential neighbors on the eastern border of the property, and it is zoned industrial. Our company selected this location following a review of other potential sites at various locations around Connecticut.

At the end of the day this property was selected for the following reasons. One, site control. The property is owned by O&G Industries, which is the parent company of Beacon Falls Energy Park, LLC. The property attributes, the combination of zoning, terrain, limited residential impacts and it's proximity to electrical interconnection, nearby Cold Springs Road Substation, were important positive elements.

And finally, the town of Beacon Falls itself, a review that we did of the town and the strong favorable impact which a class one renewable energy project using this technology would have in the community had a major impact on our decision.

As far as the technology

selection, we didn't start off assuming that we would use fuel-cell technology. We were looking for a renewable energy play, so we took a look at a variety of technologies. The first that we did is we examined the use of solar energy on this property.

The property is actually too small. It's an industrially zoned piece of property that's valuable to us and to the community and it's too small for the quantity of electricity that would be produced by that type of a system.

And then we looked at wind energy. And the wind energy is problematic for whole a variety of reasons that you're more familiar with than I am. I don't have to go into the detail of what 300-foot propellers look like and what impact they have on our neighbors.

Finally, we did an examination of fuel-cell technology and we found that it's extremely clean. It -- it has very low noise issues. It has relatively negative impacts on pollution factors. And because of the design of the land it's a very low

visible impact.

Plus we can -- we can put in a fair amount of fuel cells. This would be the big -- make it the largest in the world. We can put a fair amount of electrical generation there with real value to ourselves and to the community. So that's why we decided to opt for the fuel-cell technology.

Once we finished our preliminary analysis then we decided to have some discussions with the Town of Beacon Falls and we made arrangements with Selectman Bielik to see if he could put together a public meeting with the other members of the board of the selectmen so that we could put a preliminary concept out for public consumption, which we did in March of this year.

At the same time we had already begun engineering work with the various engineering disciplines that you see before you today, and that we filed documents with ISO New England, which is a preliminary step to get a place in the queue.

On July 7, Beacon Falls Energy

Park provided the Beacon Falls Land Use Commission in the Town, and its people with a formal presentation of the conceptual approach of the project. And we discussed the various impacts that the 63.3-megawatt fuel cell would have on the neighborhood and the town.

And a couple of the items that we discussed in detail at that meeting -- our side of the conversation went two and half hours. We discussed air quality assessment, project noise levels, confirmation of planning and zoning, storm water discharge, wastewater discharge, inland wetland impacts, the conservation and development plan, consistency with natural resources and traffic impacts, and finally the economic and other benefits for Beacon Falls, and also for the State of Connecticut.

Representatives from FuelCell provided at that meeting a detailed discussion of the technology and the equipment that would be used, and they also discussed operations, maintenance and project safety. Following our presentation we took

questions from the public. There were 83 people present from the town of Beacon Falls, and that went about an hour and a half.

To summarize, as a developer of this important class one renewable project we feel confident that we have been working hard to be able to provide the Town of Beacon Falls and those charged with the responsibility of reviewing our project with all the technical and engineering information and data required to obtain project approvals for development.

Our philosophy of development has always been to bring forth a first-class project while attempting to minimize, to the best of our ability, any potential negative impacts of the development and future operation of the project on the community. You will be hearing from our various advisors and consultants and engineers about those details which are critical to achieving that result in the Beacon Falls Energy Park development.

At the end of our day our goal is to build the largest fuel-cell technology

project in the world in Beacon Falls, Connecticut, and do so in a manner that will minimize any negative impacts to the best of our ability. The economic impacts on the Town and the State of Connecticut will be considerable and positive.

Thank you for your listening to that.

THE CHAIRMAN: Thank you. So we'll now start our cross-examination by staff.

Attorney Bachman?

MS. BACHMAN: Thank you, Mr. Chairman.

Did the petitioner post a sign at the site?

THE WITNESS (Audette): Yes, we did.

MS. BACHMAN: And in what location?

THE WITNESS (Audette): On Lopus Road.

MS. BACHMAN: And when was the sign posted?

THE WITNESS (Audette):

Approximately October 22nd.
MS. BACHMAN: Thank you.
Referring to the correspondence that was submitted by Selectman Elect Mr. Ferneski yesterday regarding the access grounds, does everyone have a copy of that letter?
THE WITNESS (Audette): Yes, we do.
MS. BACHMAN: How would the petitioner address the concern regarding the insufficient driveway apron at Locus Road?
THE WITNESS (Audette): This is Mr. Audette speaking, Richard.
We've looked at that and had a number of design -- design alternatives in the last couple of months. And I will say that we feel the current access is the best location for the access.
I will also state for the record that the Council should note that the design to date is only approximately 75 to 80 percent completed. So as we move onto the other 25 or 30 percent of the design things like this will be taken into consideration.

To expand upon what we've looked at, I'd like to have Mr. Dietzko from Milone & MacBroom explain some of our alternative designs to that access road.

THE WITNESS (Dietzko): For the record, Steve Dietzko from Milone & MacBroom.

We have looked at the access point and studied it in detail. I think as is noted in the application, this really is the only feasible access point from the property on Lopus Road. Then it comes to a point of selecting the means of connection there.

Where it's depicted on the site plan behind you is that an optimum location both for grade, and as you go into the site, as well as considering factors for the offsite roadway, Lopus Road.

And Mr. Audette alluded to as we continually refine the design we anticipate that there will be some enhancements to Lopus Road made that will include expanding on the guardrail there. There's currently a cable guide rail. That

can be enhanced, and then obtaining sight distance from the driveway in both directions.

Now the site distance looking to the north or downhill, so to speak, is -- is more than adequate. The site distance looking west currently does not meet the desired standards for the posted speed limit. And we would propose to conduct some excavation on the roadway embankment across the street.

Luckily, this is also on property that is owned by O&G. And so that should be feasible and achievable, enhanced signage to denote the upcoming curve and the presence of the curve, installation of lighting at the driveway. All of these secondary standards will enhance the safety we have there.

MS. BACHMAN: Regarding the sightline issues, would tree clearing be involved?

THE WITNESS (Dietzko): There would be a small amount of tree clearing, yes. There's some pine trees on the

embankment. I don't think we went to that part of the site, but as you come up Lopus Road on the -- on the north side of that road is an embankment that's probably about 12 feet high that leads to a plateau. And on the embankment there are several small pine trees, and those, those will be removed.

MS. BACHMAN: Thank you.

Referring to the revised site plans that were submitted with the interrogatory, this was the site plan LA-1. It shows the access drive extending from Lopus Road across the steep hillside into the site.

Do you know what the grade of the proposed access drive will be?

THE WITNESS (Dietzko): Yes. And again, for the record Steve Dietzko.

The grade is 8 percent.

MS. BACHMAN: Thank you. And what materials would you use to stabilize the access roadside slopes?

THE WITNESS (Dietzko): The side slopes will be graded earth. And they are constructed -- they are proposed to be

constructed at a two-to-one slope, two horizontal to one vertical. So the subsoil will be covered with four to six inches of topsoil and seeded there.

MS. BACHMAN: Thank you.

Is it possible to use another access point further west on Lopus Road to avoid the expense of tree clearing and side slope stabilization associated with the current access road?

THE WITNESS (Dietzko): Again, Steve Dietzko.

We looked at the access road further west, but the existing grade of Lopus Road in that area leading from the west downhill to the east is approximately 15 percent. So as every -- every inch that we move the proposed driveway to the -- to the left or to the west, there was additional climb that would make our access driveway steeper than the desired 8 percent, which is what we designed it at.

MS. BACHMAN: Thank you.

Is it at all possible perhaps to use the access road that we used to go to

the field review this afternoon?
THE WITNESS (Audette): Let me respond to that. This is Richard Audette speaking.
Unfortunately the access road is an easement, a joint venture easement between ourselves and the DOT, State of Connecticut. And that can be used for emergency access only. And currently we will be discussing that emergency access with the Town of Beacon Falls as a secondary emergency access only for the facility, and potentially for construction purposes during the construction of the facility, but not as a primary access.
MS. BACHMAN: Thank you.
The same with the site plans attached to the interrogatories referring to site plan LA-2. There are detention basins south of the fuel-cell compound area. Do these basins need periodic inspections and maintenance?
THE WITNESS (Dietzko): Yes. Again for the record, Steve Dietzko.
We will develop a long-term

operation and maintenance plan for the storm water and the process water basins that lays out a periodic inspection and criteria for cleaning or renovation to be scheduled. That would be typical for -- for those storm water and process water management ventures.

MS. BACHMAN: And how often would that be inspected?

THE WITNESS (Dietzko): Probably an inspection of twice per year would be adequate to determine if anything has changed. We want to keep significant woody vegetation out of there and make sure that the embankments are stable, that there's been no change in the -- in the area due to animals or anything, as is the typical thing that we would look for. We would look for signs of clogging and whether or not the soil needed to be scarified.

MS. BACHMAN: Who would perform the inspection?

THE WITNESS (Audette): Richard Audette speaking. Those inspections would be performed by the company that would be operating/maintaining

the facility. And for the record right now, that's in negotiations in -- with FuelCell Energy.

MS. BACHMAN: Thank you.

How would the basins be accessed? Because it seems as if the compound fence and the storm water detention basins along the railroad prevent vehicle access to the other basins on the south side of the site.

THE WITNESS (Dietzko): Steve Dietzko, for the record.

The -- the basins would be accessed by -- a rubber tire backhoe would be the intent of the type of access to traverse the area for maintenance.

MS. BACHMAN: Thank you. In the response to interrogatory number eight, a water tank was added to the south end of the compound area. Does this tank hold wastewater or incoming water to be used for the fuel cells?

THE WITNESS (Audette):

Richard Audette, for the record.

That storage tank is an approximately 250,000-gallon tank to be utilized for processed water serving the facility.

MS. BACHMAN: Thank you.

In section 2.2 of the petition for the fuel-cell operation what is the lifespan of the fuel-cell stacks?

THE WITNESS (Audette): Richard Audette speaking.

The facility is being designed for a design life of 30 years.

MS. BACHMAN: Does the output of the fuel-cell stack diminish as the fuel-cell unit ages?

THE WITNESS (Tobin): Ben Toby, FuelCell Energy.

Yes, the output of the fuel-cell stack diminishes by 10 percent over the lifetime of the fuel-cell stack module. The fuel-cell stack modules that our company is currently shipping to customers at a five-year half-life can be sufficient within two years from today, that that will be extended to seven years.

MS. BACHMAN: Thank you.
For stack replacement would the fuel cells shut down on an as-needed basis? Or is expected to do stack replacement for most or all of the fuel cells at once?
THE WITNESS (Toby): Ben Toby, FuelCell Energy. The individual plants which we designate as DFC3000 and HEFC plants are shut down in order to affect the removal and replacement of the stack modules. The other plants for which the stack replacement is not, you know, taking place, continue operating.
MS. BACHMAN: Thank you.
And if the facility is approved would the petitioner submit a decommissioning plan for the facility?
THE WITNESS (Audette):
Richard Audette speaking.
The decommissioning plan would be submitted as part of our development management plan.
MR. LYNCH: Does that also have to be submitted to the ISO? Does the

decommissioning plan also have to be submitted to the ISO?

THE WITNESS (Audette): Richard Audette speaking. The decommissioning plan at the current time is not regulated or under any regulations, or coincident with any requirements by ISO New England to be submitted to it.

MR. LYNCH: Thank you.

MS. BACHMAN: Could you please describe how the facility will be connected to the power distribution network in the area?

THE WITNESS (Audette): Richard Audette speaking. Currently the electrical distribution from the switchyard, which is on the site, the routing is being reviewed by ISO New England and Eversource. There are currently three options that are available that they are reviewing from an engineering standpoint of view and those options are overhead, overhead and underground. And the third option is completely underground.

MS. BACHMAN: Thank you.
Does the power go straight to the substation, or is it used in the Beacon Falls area?
THE WITNESS (Audette):
Richard Audette speaking. All the electrical power generated by the facility goes directly into the substation and distributed into the 115-kV distribution lines.
MS. BACHMAN: Are there existing distribution lines along the area roads to get to the substation? Or would new poles and lines need to be installed?
THE WITNESS (Audette):
Depending upon the option that Eversource and ISO New England determine there, there could be towers over the parcel that O&G currently owns. That is their determination, not ours.
MS. BACHMAN: Thank you.
I understand that two types of fuel cells will be used at the site, 16 DFC3000 units and 5 HEFC units. Why was this configuration proposed rather than just using

the larger 3.7-megawatt units for the project?

THE WITNESS (Toby): Ben Toby, FuelCell Energy.

The project will initially consist of several phases of DFC3000 units. And the final stage of the project will consist of several -- several HEFC units.

Having to do primarily with timing, FuelCell Energy is intending to introduce the HEFC units in about a year and a half from now. So it -- they simply -- those units were not available at the early part of the project when it was envisioned that this was going to be, you know, built initially. There were -- they will become available towards the end of the construction period.

MS. BACHMAN: Thank you.

The water main involves two new extensions. Are those locations identified as of yet?

THE WITNESS (Audette): Richard Audette speaking.

I believe the -- could you

repeat the question, please?
MS. BACHMAN: The water main involves two new extensions. Do you have the locations of where those would be located at this point?
THE WITNESS (Audette): The current plans that's in your Siting Council package show that we are going to interconnect water for the facility on Railroad Avenue on an existing eight-inch main.
MS. BACHMAN: Thank you.
The petition also indicates that it require rights of entry across the railroad right-of-way from Metro-North and DOT -- would be required? Do you have any update on these negotiations?
THE WITNESS (Dietzko): Yeah. Steve Dietzko. We have reached out to Metro-North and the DOT and had meetings and begin the application process for the encroachment.
MS. BACHMAN: Thank you.
Has an ISO interconnection study been completed for the project to tie

into the Beacon Falls substation?
THE WITNESS (Audette):
Richard Audette speaking.
The feasibility study for ISO New England has been completed. The short-circuit study is -- will be underway in the next 10 to 15 days.
MS. BACHMAN: Thank you.
How is the facility monitored for proper operation?
THE WITNESS (Toby): Ben Toby speaking.
In our facility in Danbury, the facility that's headquartered at the facility in Danbury, we maintain 24 hours a day, 7 days a week, 365 per year remote monitoring functions which will keep an eye on -- on the plant, data flowing, and so forth.
So we'll have -- we'll have data, you know, flowing to our facility in Danbury 24 by 7. And from that facility we'll be in a position to establish whatever care and attention is needed to the facility, as we do with the other 180 megawatts worth

of facilities that we've got operating around the world.

MS. BACHMAN: Thank you.

In section four the petition's emergency shut down of project lists manual shutdown operations. Is there a remote emergency shutdown system?

THE WITNESS (Arneson): Yeah, I can certainly answer that. Kirk Arneson for the record.

Yes, we can shut down the equipment remotely. Also the onboard equipment and instrumentation will shut down each individual plant as necessary on its own as well.

MS. BACHMAN: Thank you.

Section 4.09 of the petition references a customized emergency response plan for the project. If the project is approved can this emergency response plan be submitted to the Siting Council?

THE WITNESS (Audette):

Richard Audette speaking.

An emergency response plan and a fire protection plan will be submitted, and

also will be submitted to the local fire departments and the DEEP. And for review, also with that plan will include all kinds of -- will include training necessary for the facility.

MR. HOFFMAN: Director Bachman, we should evaluate exactly how much of that plan should be filed under seal for grid security purposes and those things. But we have no problem with submitting it to the Council.

MS. BACHMAN: Understood. Thank you, Attorney Hoffman.

MR. LYNCH: Attorney Hoffman, Would that also include a submission to Homeland Security under the statement you just made?

MR. HOFFMAN: This facility would -- I don't believe needs to have that, that level submitted to Homeland Security. And certainly the fire response plan would be submitted to the local fire officials as well.

MR. LYNCH: Thank you.

MS. BACHMAN: Would the

facility comply with National Fire Protection Association codes and standards during construction?

THE WITNESS (Audette): Richard Audette speaking. Yes, it will.

MS. BACHMAN: Thank you. From the materials it appears that nitrogen will be used as the medium for pipe cleaning. If the project is approved, would the petitioner submit these pipe cleaning procedures?

THE WITNESS (Audette): Richard Audette speaking. Yes, we will. There is nitrogen on site, 6 -- approximately 6,000 gallons of nitrogen is on site.

MS. BACHMAN: Thank you. What type of emergency response training will be required for the local emergency responders?

THE WITNESS (Arneson): In the past in another project what we have done is we have escorted all the different companies of firefighters around the site to identify

the emergency stop buttons. The localized manual gas valves, even though all the gas will be isolated from the site for their own security, we show them how to isolate the gas from -- from the distribution system.

MS. BACHMAN: Thank you.

If there were a fire or explosion would the emergency response plan have built-in notification to Metro-North?

THE WITNESS (Audette): Richard Audette speaking.

That, that will be reviewed, yes.

MS. BACHMAN: Thank you.

How many fire hydrants are proposed on the site?

THE WITNESS (Dietzko): Steve Dietzko.

There's one fire hydrant proposed on that site.

MS. BACHMAN: And where would that fire hydrant be located?

THE WITNESS (Dietzko): Again, Steve Dietzko.

The fire hydrant is located

right outside the gate at the primary access road. And for the record, we have met with the local fire official to discuss the location of that hydrant.

MS. BACHMAN: Are there additional fire hundreds on either Lopus Road or Railroad Avenue?

THE WITNESS (Dietzko): Steve Dietzko again. There are fire hydrants on Railroad Avenue, at least two, if not three. And there is no water service on Lopus Road so therefore no hydrants.

MS. BACHMAN: Thank you.

The lighting proposed for the site is specified as dark sky type fixtures. Is the lighting oriented in any way so as not to affect the abutters on Gruber Road?

THE WITNESS (Audette):

Richard Audette speaking.

There are approximately 28 fixtures on poles approximately 25 feet tall in height. Those fixtures will be in a downward position in accordance with dark skies requirements and for locations.

They are an LED type of

lighting, illuminating the facility. And there again, it's in accordance with dark sky technology requirements.

MS. BACHMAN: Thank you.

Would the sound wall block any or most of the lighting from Gruber Road?

THE WITNESS (Audette): Could you repeat the question, please?

MS. BACHMAN: Would the sound wall that's proposed to be constructed block any light from reaching Gruber Road?

THE WITNESS (Audette):

Richard Audette speaking for the record.

Currently the sound wall which is approximately 12 feet high and 900 linear feet in length is going to be between rows of existing pine, and trees and atop the ridgeline.

There is a possibility from different visuals that have been looked at, that some of the lighting could be blocked or not seen because of the sound well, yes.

MS. BACHMAN: Thank you.

Is this site a brownfield?

THE WITNESS (Audette):
Richard Audette speaking.
No, this site is not a brownfield site.
MS. BACHMAN: Does the petitioner intend to follow the recommendations of the phase one site assessment that called for the excavation of the dump area on the site? The reference is on page 23 of the attachment F of the environmental assessment.
MR. HOFFMAN: I'm not quite sure how I got called upon to testify, but okay.
Which section is it?
MS. BACHMAN: It's in the attachment F, the environmental assessment.
MR. HOFFMAN: Right.
MS. BACHMAN: It's tough to -- the pagination is a little off.
MR. HOFFMAN: If you could just give me the section number?
MS. BACHMAN: It's on page 23. It refers to the discovery of one drum in that particular area.

MR. HOFFMAN: Well, my page 23 is a map. So --
MS. BACHMAN: All right. You can pass that question for now.
MR. HOFFMAN: Thank you.
MS. BACHMAN: Sure. Referring to the DEEP letter dated June 22nd, DEEP requested a more detailed review of the site. Has the petitioner submitted any subsequent field data to DEEP for further review?
THE WITNESS (Sanford): For the record, the is Matthew Sanford with Milone & MacBroom.
We have completed the field habitat assessment. It's dated August 5, 2015. It's part of the record. That information will be passed onto Connecticut DEEP for the review regarding the natural diversity database comments and issues.
MS. BACHMAN: Thank you.
It's Exhibit J. Attorney Hoffman, I apologize. Page 23.
MR. HOFFMAN: Okay. Now that I have the correct page, can I have the question again?

MS. BACHMAN: Does the petitioner intend to follow the recommendations in the site assessment that called for the excavation of that dump area?
MR. HOFFMAN: Well, it calls for the investigation, and the answer is yes.
MS. BACHMAN: Thank you.
Has the petitioner had a discussion with the DEEP air program concerning an air permit for the project?
THE WITNESS (Anderson): Mike Anderson with TRC. And yes, we did receive that information. I spoke to Jen St. Claire about it, so we're working.
MS. BACHMAN: Well, what is the status of the discussions?
THE WITNESS (Anderson): We're working on the application.
MS. BACHMAN: Thank you.
For construction does the petitioner intend to work seven days a week?
THE WITNESS (Audette):
Richard Audette for the record.
Construction of this facility,

during construction, will only be five days a week. That will extend to seven days a week for units that get into start up in the commissioning after construction has been completed.

MS. BACHMAN: Was the Town able to comment on the construction schedule?

THE WITNESS (Audette): Not to my knowledge.

MS. BACHMAN: Would it be possible to not work on Sundays specified by the Town in section 5.4.1 of the petition?

THE WITNESS (Audette): For construction, yes.

MS. BACHMAN: Thank you.

Behind tab F of the environmental assessment on page ES-3, under the heading, transmission of public utilities, it states that the affect of the project upon the water pressure and the main located along the Railroad Avenue extension is still being evaluated with the assistance of Aquarion Water Company.

Are there any updates on these discussions?

THE WITNESS (Audette): For the record, Richard Audette.

Currently we've have a number of meetings with Aquarion on this issue and there are a number of different options that they are looking at. And one of the options is an upgrade of the water line on Railroad Avenue. The other option is to bring -- bring in another extension approximately 3600 linear feet from Pine Ridge Road.

And the third option is what we've taken the initiative, for the record, and gone ahead with is to put our own storage tank facility on the site so as not to affect the pressure reduction and flow of the existing system.

MS. BACHMAN: Thank you.

Section 5.2.2 of the petition, and behind tab F of the environmental assessment on page 19, the last paragraph under surface water quality states, the Naugatuck River can presently support recreational use, fish and wildlife habitat and agricultural industrial supply, including navigation, but does support use as a

drinking water supply.
Should this read that the river does not support use as a drinking water supply?
THE WITNESS (Bristol): Yes.
Scott Bristol of Milone and MacBroom.
MS. BACHMAN: Thank you.
Also behind tab F of the environmental assessment, on page 18, it states, in fact, no snakes of any kind were observed on the site. In the habitat assessment that was submitted yesterday it appears the multi-day field studies were conducted exclusively in July.
Is that correct?
THE WITNESS (Sanford):
Correct.
MS. BACHMAN: Are you aware that the eastern hog-nosed snake is a bimodal species, so it is active in the spring and fall?
THE WITNESS (Sanford): I'm sorry. Can you repeat the question?
MS. BACHMAN: Are you aware

that the eastern hog-nosed snake is a bimodal species that is active in the spring and fall?

THE WITNESS (Sanford): Yes.

MS. BACHMAN: Are you conducting any additional field study during those times?

THE WITNESS (Sanford): We are not planning to conduct any additional studies at the time. We have identified as part of our -- our plan that the habitat for the eastern hog-nosed snake does exist on this particular site.

We have -- our investigations have not found the eastern hog-nosed snake and we have taken the measures recommended by Connecticut DEEP, measures that are based in terms of protecting the species if it was found during construction. So we are acknowledging that the habitat is on this particular site and that we haven't found any in July. And we are taking the recommended approaches to protect that species during construction.

MS. BACHMAN: Thank you.

In the DEEP comments dated November 4th it's noted that the protocol for protecting the hog-nosed snake should include language that any snake found must be moved or allowed to move to a safe area off the project site. DEEP also makes a recommendation that a trained biologist be employed.

Would the petitioner be willing to engage and train biologists for implementation with the recommended protocol?

THE WITNESS (Audette): For the record, Richard Audette speaking.

And the answer is yes.

MS. BACHMAN: Thank you.

Would the petitioner be willing to use 100 percent natural fiber biodegradable erosion and sedimentation mats?

THE WITNESS (Audette):

Richard Audette speaking for the record.

And the answer is yes.

MS. BACHMAN: I understand that one brown thrasher was identified on the site during a survey. What is the preferred

vegetation type for brown thrasher nesting?
THE WITNESS (Sanford): Yes, one brown thrasher was found on the site. The preferred nesting habitat for the brown thrasher is the shrubby habitat that is currently found on the site.
MS. BACHMAN: Would a restriction on tree clearing during the nesting season be beneficial to prevent impacts to brown thrashers that may be nesting there?
THE WITNESS (Sanford): The brown thrashers utilize the distinct shrub -- shrub habitat on this particular site. Most of the clearing activity associated with this project occurred down at the lower bowl of the site.
The active brown thrasher, as part of your field habitat assessment, was found on the slopes that are -- are to be untouched during the clearing operation of this particular project. And so tree clearing is really limited where the active brown thrasher was found for the site.
MS. BACHMAN: Thank you.

That's all I have, Mr. Chairman.

THE CHAIRMAN: Thank you. We'll now continue with questions from the Council starting with Senator Murphy.

SEN. MURPHY: Thank you, Mr. Chairman. Just a few things.

Mr. Corvo, you kind of answered part of what I was going to be asking about the public hearing and the input had indicated there were 83 members of the public at the meeting July?

THE WITNESS (Corvo): That's correct, sir.

SEN. MURPHY: And you indicated that the question portion of it lasted quite some period of time. What was the general tenor of the public inquiry made at the presentation? I know we'll hear something, but I'm kind of curious what it was then and what there was.

THE WITNESS (Corvo): Well, overall I think I could characterize the general concern of the public. They wanted

to see what this was all about and there were some specific questions relative to water issues. There were some specific questions relative to project financing and the potential economic impacts of the town.

Other than that I know there were a number of the questions that were redundant in that regard. So there's a question from one side of the room that bounced around a little bit. And there were some questions relative to the fuel-cell technology which were responded to by Ben Tobin from FuelCell. And that's pretty much it.

But it was generally an interest by the public. They were interested in seeing the impact of the project, and that's pretty much it.

SEN. MURPHY: Thank you.

The remaining acreage of this 25-acre tract, are there any plans for this if this petition is approved and the project comes into effect?

THE WITNESS (Corvo): At this time what we're concentrating on is the

presentation, the project that we've presented to you. Right now there's no specific other developmental activity that we contemplate for that 25-acre parcel.

SEN. MURPHY: Okay. And as far as you know, there's no intention to sell off the remaining acreage either?

THE WITNESS (Corvo): No, not right now. There's no -- we have no -- we're not selling anything.

Let me be clear on that. The option that we have is for Beacon Falls Energy. The petitioner has the option for the 25 acres. The other property is -- remains with O&G. So they -- there was, I want to say, 18.

SEN. MURPHY: Well, okay. I assume that when you mentioned the option, which kind of surprised me in a way, because as is I understand it, the LLC is a wholly-owned subsidy of O&G. So they're kind of one and the same. But it's the whole 25 acres that would become part of the LLC's property?

THE WITNESS (Corvo): That's

correct.

SEN. MURPHY: Not just -- I assume it would be the 13 acres. Well, I appreciate your setting that up.

And the other thing is kind of a question out of curiosity. The question about interruption if the grid goes out and the explanation, and I think it's 15, about the standalone and what have you. I'm curious as to what period of time and what loss and how long it takes to synchronize on the standalone when the grid goes out, and how long it takes to come back onto the grid once the grid is available?

THE WITNESS (Tobin): Ben Tobin, FuelCell Energy.

Currently this project does not contain the capability to operate independent of the grid in a standalone manner. So in responding to your question, when there is a grid interruption or excursion involved in the frequency on the grid line it makes us disconnect from the grid. That separation happens instantaneously. We drop load and open

breakers and go into a standby condition with an open breaker. It's not syncing into the grid virtually instantaneously.

As of the return and -- and reconnection to the grid, all this is automatic and built into our inverter technology. When a normal condition resumes on the grid we're able to reconnect and -- and resume exporting power out the grid.

Should that period of time be five minutes or less the recovery time is -- pardon me, five seconds or less, the recovery time is on the order of minutes, between five and ten minutes on a typical unit.

If the grid interruption is longer than the a five-second period we do need to go into a cooldown mode which -- which requires us to more and more gradually ramp up over a period of about ten hours. That's the basic design of the power plant.

SEN. MURPHY: So if the ten-hour period where you were to revert from the grid, assuming the grid is out for ten hours on your standalone operation. Is that my understanding of it?

THE WITNESS (Tobin): To -- to repeat, the system is not intended -- will not have the components necessary. We have additional optional equipment, for example, that allows a fuel-cell to operate and continue to provide power to a critical host, for example, in the event of the grid being down.

That capability is not intended to be built into this plan. So -- so we wouldn't have that standalone capability on this plan.

SEN. MURPHY: That's not really my understanding of the answer. It says the fuel-cell plants will not shut down.

THE WITNESS (Arneson): That that is correct. The plants will not shut down. They will continue to operate in a high standby mode powering their own parasitic load.

So it will be available and ready to re-sync with the grid immediately when the grid comes back. Once the grid comes back, if we've been down for an extended duration we have to ramp back up to

full load in a controlled fashion, which is why it takes the eight to ten hours that Ben was talking about to get to full load. But we will continue to operate even through the grid outage. We just will not be exporting power.

SEN. MURPHY: Okay. So you're just operating within yourself? You're not adding anything else?

THE WITNESS (Arneson): Yes, sir.

SEN. MURPHY: I have nothing else, Mr. Chairman, right now.

THE CHAIRMAN: Thank you.

Mr. Ashton?

MR. ASHTON: If I could just continue on this theme with the ramp up. What is the slope of the ramp up for an outage after you've be down, for say, an hour or two hours --

THE WITNESS (Arneson): It's linear.

MR. ASHTON: -- the outages.

THE WITNESS (Arneson): I apologize. Could you repeat that?

MR. ASHTON: I'm sorry?
THE WITNESS (Arneson): Could you repeat that?
THE WITNESS (Agresti): What is the ramp-up rate for a fuel cell, the 63-megawatt total plant after you have been down for a couple of hours?
THE WITNESS (Arneson): It will be linear, you know.
MR. ASHTON: I know it's linear, but over what period of time?
THE WITNESS (Toby): Yeah, it's 0.5 kilowatts per minute.
MR. ASHTON: 0.5 kilowatts per minute.
THE WITNESS (Toby): Yes, that's correct.
MR. ASHTON: That's for the whole thing?
THE WITNESS (Toby): For an individual plant, right.
MR. ASHTON: So how many individuals do we have?
THE WITNESS (Toby): Twenty-one.

MR. ASHTON: So you're talking 0.5 times 21 is roughly a kilowatt per minute for your ramp up. Is that correct?

THE WITNESS (Audette): It's twenty-one, 21 units, it's at half a kilowatt -- or .05 kilowatts -- 21 times .05 rounded is 1 kilowatt.

THE WITNESS (Toby): So maybe a more accurate way for me to answer that is that it's -- it's a ten-hour ramp-up period from the hot standby condition.

MR. ASHTON: And that's more or less a straight line ramp-up?

THE WITNESS (Toby): Yes, that's correct.

THE WITNESS (Arneson): So it will be about 6.3 what? Megawatts per hour.

MR. ASHTON: Okay. Well, that compares with minutes for fossil fuel, not hours.

I'm just jumping around a little bit. What would be the impact of a 100-year storm on this facility?

THE WITNESS (Dietzko): Steve Dietzko from Milone & MacBroom.

The hundred-year storm, you would look at it, and we looked at it from two perspectives, the Naugatuck River and its associated floodplain. Neither the 100-year base flood, nor the 500-year floodplain encroached upon the site. So it is not subject to marine flooding.

And then when it comes to a matter of designing the infrastructure for the site we made sure that our storm water facilities can handle any increases in runoff occasioned by the development made in the changing of the land cover to the 100-year storm event. So none of the infrastructure will be subject to any impact from a hundred-year rainfall or a river in flood.

MR. ASHTON: That's fine. I want to pursue this a little more, because when I look at the site plan when we talked about it out in the field and I was told -- at least I thought I was told -- that the substation would have a crushed stone surface and the balance of the yard would be paved. Is that correct?

THE WITNESS (Dietzko): That

is correct.
MR. ASHTON: Why are we paving the whole yard?
THE WITNESS (Audette): Richard Audette for the record.
There was this between crushed stone and pavement -- the reason for the paving was for simply because of maintenance and snow removal. And talking with people that maintain the -- the Bridgeport facility, they said that they've had struggles in the past with the amount of snow that's accumulated and trying to remove the snow.
Also, also with potential drainage, the design of the drainage -- and Mr. Dietzko could attune to that -- was easier to control with asphalt, and the flow.
MR. ASHTON: Let's talk about it. You said the site is very pervious. So water would soak into the site, so there should be an ease in your runoff. Is that true?
THE WITNESS (Dietzko): That's correct, it's highly permeable.

MR. ASHTON: Okay. Let's get past that. For snow removal you don't remove all the snow within the fenced yard. Do you?

THE WITNESS (Audette): You have to remove all the snow between the aisles of the --

MR. ASHTON: That's a different story. That's not the whole station. You remove some snow to get access to the module, but why on earth are you paving a whole yard when you don't need it? And you're going though expense and I don't understand why.

I understand snow removal. I understand access, but I think you're throwing a bundle of money away on paving. And you're also not doing as good a job on drainage as you would if it was a pervious surface?

THE WITNESS (Audette): We could take that under consideration, Mr. Ashton. O&G isn't in the asphalt business.

MR. ASHTON: Okay. That's fine. Now when these things are built do you bring in the whole module on a skid type of

thing, or does it come in, in pieces and you assemble the whole thing on site?
THE WITNESS (Arneson): The modules come in on their own separate trucks.
MR. ASHTON: But that doesn't answer my question. Do they come in as an entire module?
THE WITNESS (Arneson): Yes, sir.
MR. ASHTON: Or do they come in pieces?
THE WITNESS (Arneson): One piece.
MR. ASHTON: One piece. So each of the fuel-cell type comes in its own skid and you just drop it on the slab. Is that fair to say?
THE WITNESS (Arneson): Yes, sir. Uh-huh.
MR. ASHTON: How long does it take to do this project?
THE WITNESS (Arneson): One day.
MR. ASHTON: One day. The manufacturer has got to be critical to the

construction?
THE WITNESS (Arneson): That's correct.
MR. ASHTON: Can you take a module out of service and leave the balance of the plant operating?
THE WITNESS (Arneson): We can take down any one of the DFC3000s with all the other equipment operating at full power.
MR. ASHTON: Okay. So you can do maintenance on one unit?
THE WITNESS (Arneson): Yes, sir.
MR. ASHTON: Or the lightbulb goes bad and you can turn it off and fix it?
THE WITNESS (Arneson): Yes, sir.
MR. ASHTON: Some people in this room might know that I have a little interest in fences. And I'd like you to tell me what kind of a fence you're going to put around this thing.
THE WITNESS (Audette): For the record, Richard Audette speaking.
Currently, as I stated before,

the design is 70 percent complete. The exterior and the fencing has not been completed, as -- as is security.

Currently with the design, it shows an eight-foot fence.

MR. ASHTON: What kind of mesh?

THE WITNESS (Audette): We have not determined what type of mesh. We have not determined exactly where that fencing supposedly should be, or if it should have concertina wire on it.

MR. ASHTON: Can I suggest you look at a mesh that's much smaller than two inches so you can't climb it. A two-inch mesh you can climb up. And it also helps you cut down on noise transmission if you go to a smaller mesh. You might not need that 900-foot Great Wall of China.

THE WITNESS (Audette): Unfortunately I think we still need a 900-foot Wall of China because of noise.

MR. ASHTON: Try it. Don't say yes.

THE WITNESS (Audette): We wanted to keep the mesh in the existing and the -- the option was available to put concertina wire on the top, very similar to concertina wire.

MR. ASHTON: I'm not concerned about concertina wire. I'm concerned about people climbing a cyclone fence -- on a two-inch mesh is climbable. I can do it and I'm no spring chicken.

It is -- and that's what I'm trying to get across to the applicants, is that if you go to an inch-and-a-half mesh or a one-inch mesh, or even a half-inch mesh, there some advantages of it, too.

Besides not being able to climb it, you can cut down on visibility and it probably will cut down on sound transmission.

THE WITNESS (Audette): I will take that under advisement.

MR. ASHTON: Thank you. In looking at the lovely artist rendering that you've prepared in the book, the one thing that struck me was that there's a hell of a

lot of open area there. And I wonder why you can't tighten up the site and save yourself some money?

THE WITNESS (Audette): Richard Audette for the record.

Well, in actuality that rendering needs to be -- it shows it in the rendering, but if you look at the general site plan C, C-300, you will find that basically when we put the gas metering station and the power distribution control building in that area there is not much area left.

MR. ASHTON: There's a fair amount. If you were told to cut it back, would you do it?

THE WITNESS (Audette): We looked at the easement. And when you talked about emergency response plans, we do have a gas metering station inside the fence.

MR. ASHTON: I hear you. I see it. I'm well aware of the gas meters.

THE WITNESS (Audette): Where we have that gas metering station is inside

the fence. In fact, that is still being redesigned because of Eversource's input. That gas metering station may expand. We're hoping it won't.

MR. ASHTON: And can't, in fact, the metering station be outside the fence in its own enclosure?

THE WITNESS (Audette): Not with the existing design, no.

MR. ASHTON: That's not my question.

THE WITNESS (Audette): We'll take it under consideration, Councilor.

MR. ASHTON: Okay. My point is I think you can save yourself some money by -- I know it's not in the open. The metering station, I'm sure, could be put inside or outside. Eversource doesn't care. They want protection on the station. They could have it one way or another.

The electrical connection, I'm a little bit fuzzy on that. I heard an overhead and underground combination. I didn't hear what the voltage was going to be. Is it going to 115 kV from the station to the

Beacon Falls substation? Or is it 138?
THE WITNESS (Audette): For the record, Richard Audette speaking.
Currently the facility will generate 138 with two transformers into the switchyard, and we will transform up to 115 and transmit a transmission level of 115 over to the substation.
MR. ASHTON: All right. That's fine. So it's definitely a -- 63 megawatts is a fair amount of quantity in a shorter distance, and that's fine. I have no problem with that.
I think those are my questions, Mr. Chairman. Thank you very much.
THE CHAIRMAN: Thank you, Mr. Ashton.
Mr. Hannon?
MR. HANNON: Thank you, Mr. Chairman.
There are a couple spots in the application which I know have been somewhat referred to by the air permit requirements, but I just want to make sure

that we are on the same page. And I believe that this resource would be appropriate and the type required for a microgrid required site. Is that correct?

THE WITNESS (Anderson): Yes.

MS. BACHMAN: Thank you. So for example, part of the introductory was in 5.1.7, entitled, by burn -- says the project doesn't fall into that category so there are a couple statements in here that are no longer accurate, but you're working towards getting the permits taken care of?

THE WITNESS (Anderson): Yes.

MR. HANNON: One of the comments that, again was in sort of the opening section of the document. It's on page -- it's 5.2.5, water quality. It talks about some of the wastewater streams. And I'm wondering, what is the wastewater tank draining wastewater in, assuming a quantity of 50,000 gallons per year? What is that?

THE WITNESS (Bristol): Scott Bristol with Milone & MacBroom.

Each of the units has a smaller storage tank. So once the water is

purified through the filtration units it is temporarily stored at each unit that have a, basically a day-tank, essentially. So periodically.

If there has to be maintenance of those tanks they may need to be drained. 50,000 gallons is kind of an arbitrary number that we've -- we've selected based on those volumes. Just with the understanding that because of the permit, the general permit for that water treatment wastewater, it does in fact cover that drain. So we just want to quantify that.

MR. HANNON: No, I didn't have a clue as to what it was. Thank you.

At the site I had asked the question, and the reason it came up was because of the 5.10.2 sanitary sewer. And you were saying what form of buildings were being proposed. A sanitary sewer connection will not be needed. It's an unmanned facility.

But one of the things that was brought up is, has any consideration been given to possibly having some type of

classroom established at this site, which in that respect would probably require some resident facilities? But a project like this, which is rather unique, I think it may offer, whether it's engineering students or, you know, younger students an opportunity to see something that's really kind of fascinating from a technological perspective. I'm just wondering if something like that has been considered.

THE WITNESS (Audette): For the record, Richard Audette.

Presently we have not considered that. We would like to. We will take that under advisement. We think it's a great recommendation.

MR. HANNON: Thank you. I'm going a different direction than Mr. Ashton on this, but in looking at this scale that you have for this plant, I mean, I think Mr. Ashton was saying it looked like there was a lot of open space and you could tighten it up.

My issue is that it doesn't appear to identify any of the storm water

management issues. So in that respect, I think there's probably less reason than was shown here in this rendering. So I'm just wondering if any plans were being made to show sort of the full site and what it would look like as if it was developed?

THE WITNESS (Dietzko): Steve Dietzko from Milone & MacBroom.

The plans do reflect the inclusion of catchbasins and storm conduits on the site within the pads between the fuel cell units that -- that collect the storm water and lead into the storm water basins.

MR. HANNON: I'm just referring to that sort of highlight shot of, here is the facility.

THE WITNESS (Dietzko): Right.

MR. HANNON: And it does show the facility. And yes, I realize that there's details in the plans and things of that nature, but that sort of general PR shot that's shown to the public, that doesn't totally reflect everything that's been proposed on the site. And that, that's my only question.

So I'm just wondering if that can kind of get meshed in. And it may be a moot point at this point in time, but again, looking at this diagram it doesn't put any of the storm water basins, any of that material. It's strictly just the site itself with the fuel cells. So that's all.

Somebody can look at this. And I've said, well, it doesn't really incorporate everything that's been proposed at the site. This is probably getting into the reeds a little bit with some of the stuff that I look at in these applications, but I didn't find any engineering details on anything for the site.

So for example, there are infiltration basins, there's storm water basins. It looks as though there are some emergency spillways. I didn't see any details on that. There wasn't any detail in terms of what type of silt fence that was being used.

Based on a comment that was made a little bit earlier about the slope over by the driveway was a two-to-one slope,

talking about putting four to six inches of topsoil and seeding it. The doesn't meet the erosion sedimentation control guidelines because the slope is steeper than three to one. So that may be some type of a mesh.

So I'm not -- I'm just looking for a little more of the engineering details so that I have a better understanding of what I'm looking at on the site. There are no profiles of any of the detention basins -- or I'm sorry, the storm water basins and things of that nature. Just it helps get me a better understanding of what's being proposed on the site.

This is changing gears, but in tab G, appendix C, there's test pit data. Is there a map that shows where the test pits are located?

THE WITNESS (Dietzko): Again Steve Dietzko, for the record.

Yes, we have a correlating map that shows that. Whether it's part of the current application or not I don't know, but we --

MR. HANNON: That's why I'm

asking if there is one?
THE WITNESS (Dietzko): We can certainly provide one.
MR. HANNON: And can these be provided?
THE WITNESS (Dietzko): Yes, and on -- and the aforementioned details that you were looking for in the erosion control measures to supplement the slope, that as well. That as well.
MR. HANNON: And on the site, as I asked about the wetlands plan, and I believe that the statement was basically the wetland or the pond that's out here, that is the actual boundary of the wetlands. I didn't see any map that identified the wetlands.
But I just wanted to have somebody go on the record that's stating that the pond, the edge of the pond is in fact the extent of the wetlands on the site?
THE WITNESS (Sanford): Yeah. For the record, Matt Sanford with Milone & MacBroom.
The wetlands on this

particular site are restricted to the actual high water mark of the pond. There are no other wetlands and/or watercourses on the site.

MR. HANNON: Thank you. Just a general question. Why are there light posts 25 feet in height?

THE WITNESS (Audette): Currently that was the recommendation of the design engineer for the overall screening and lighting of the facility, especially for potential nighttime maintenance usage if that occurred.

MR. HANNON: Okay. I mean, it just seemed a little high to me, but that's fine.

Some of the dialogue that was brought up earlier talks about the location of the road. In looking at the field habitat assessment report that's dated August 5, 2015, I did not see previously in any of those documents something like this here in terms of topography on the site.

And there was some dialogue about the possibility or question of the

possibility of shifting the road, the driveway to the west. I'm almost thinking that can it be shifted to the east? Because part of the issue there is it looks like you've got a fairly long plateau in that area.

So you avoid a lot of the slopes that you currently have to worry about on the site. I'm not sure about what the sightline would be, but has anybody looked at that? Because it looks as though the grades may actually be a little mild there.

THE WITNESS (Dietzko): Yes, for the record, Steve Dietzko.

Then -- that's a good question and we did look at that. There were a couple of factors to consider in moving the road further to the east, closer to the railroad. In other words, there is an AT&T fiber conduit that traverses the property just below Lopus Road at the bottom of the embankment heading down to the railroad.

And moving the road further to the east and still making grade up at Lopus Road, although a little bit lower as you get

to the curve, would still require substantial filling back, that in this case as you move east -- would need to be held up with a retaining wall, which would be, you know, in proximity or on top of that conduit right next to the rail lines.

Secondly, kind of looking at the -- at the question that came in from the first -- not the first selectman. One of the selectmen in Beacon Falls here yesterday. The road being further over to the east would, in fact, make it appear to be a straight shot as you were coming from the north, whereas now you can't really see that as a straight shot. It wouldn't be confused as an extension of the road, and that's why we still have it a little bit to the west.

MR. HANNON: No, I'm glad you were able to respond.

The last question -- no, actually two questions left. One is based on the responses to the commission's interrogatories on the proceeding of October 19th. And Attorney Hoffman said one was dated October 16th.

Question one, you responded that the project area is approximately eight acres, but that if the area of storm water and infiltration basins and the sound wall was included, the total area is approximately ten acres.

Is it ten acres or more? Or is it less than ten acres? And I'm only asking because that has an impact in terms of the storm water construction general permit from the agency and what some of the requirements might be. So you need to be able to come up with a number as to what the total disturbed area is which would include everything.

THE WITNESS (Bristol): Scott Bristol of Milone & MacBroom.

At this point the expectation is that the construction is more and more, again at the ten-acre level. The exact acreage hasn't been nailed down. So we're aware of the other requirements that we'll need.

MR. HANNON: And the last question I have goes back to a comment that

was made by the applicant, and Attorney Bachman raised the question first.

In terms of accessing the centrally located storm water basins and the two infiltration basins and the southernmost storm water basins, I believe the response was in order to get equipment there it would be a rubber-tire vehicle that would have to be going outside the fenced area.

But in looking at the layout, the way in which the trees and/or the landscaping would be, that part of that track would actually be through the storm water basins. And I'm just wondering whether or not that might adversely impact the basins, the slopes. It looks like another area. It may be some of the swales, the vegetative swales.

So I'm just trying to figure out how you get equipment there without adversely impacting some of the storm water design?

THE WITNESS (Audette): For the record, Richard Audette.

We've looked at that issue and

one of the reasons for discussions for the secondary entrance to the facility, which is the entrance we took this morning to visit the site, is for maintenance access.

The other item, too, is when looking at the C-300 or any of your renderings you see a fence around the facility, but you don't see -- you only see one gate, not a back gate. And I will say for the record the facility is only 75 percent designed. And those are the issues that come up during the design stage.

MR. HANNON: Thank you.

I have no further questions.

THE CHAIRMAN: Thank you.

Mr. Levesque?

MR. LEVESQUE: I don't have any questions that were not already covered.

THE CHAIRMAN: Thank you.

Now, Mr. Lynch.

MR. LYNCH: I have a few questions Mr. chairman. But the luxury of going last is a lot of it has already been asked.

I just want to start with the

DOT letter that Mr. Reese sent in. But first off, I want to talk to his boss over here why he's out on Halloween doing a field review.

But on page 3 he talks about surveys that the DOT didn't have, and that they're looking to get in from the applicant. And I was just wondering if any of those surveys have been sent into DEEP.

MR. HOFFMAN: Mr. Lynch, you referred to the DOT letter. I think you mean the DEEP letter?

MR. LYNCH: Oh, DEP letter. Sorry, yes. I'm dyslexic.

THE WITNESS (Sanford): Yes.

MR. LYNCH: I know I got confused, Mr. Audette. The DEEP letter. The DEEP letter.

DOT had no comments, by the way.

THE WITNESS (Sanford): Yes, Matt Sanford for the record.

The comment referring to -- regarding the National Diversity Database, you may be looking for information regarding a list of species that had the potential to

be on the site.

The field habitat assessment report that's been submitted to your Council just yesterday, and the hardcopy this afternoon will be submitted to the National Diversity Database Program for review and comment.

MR. LYNCH: And it makes a later statement -- and I think I already know the answer to it, as to who owns the fiber-optic cable, AT&T or Frontier. And I'm just assuming now it's all Frontier?

THE WITNESS (Dietzko): For the record, Steve Dietzko.

AT&T has retained ownership of the fiber line which traverses the property, however the aerial facilities on Lopus Road that provide, you know, Internet and regular voice data have been acquired by Frontier.

MR. LYNCH: There's a reference a few times in the application and the interrogatories about dark lighting. And I've heard of dark lighting before and I'm a little bit aware of it.

And as Mr. Audette said

earlier, 25-foot poles, how does the dark lighting actually impact your site, or setting up dark lighting, I guess?

THE WITNESS (Audette): There is a -- Richard Audette. There's an International Dark Sky Association and we designed the dark sky friendly lighting, as they call it.

MR. LYNCH: I know. I'm aware of it.

THE WITNESS (Audette): That's the lighting I was referring to during my discussion. Our design which is basically not -- is in accordance to the dark sky lighting requirements, which are LED lighting at a certain -- only at a certain height, by the way. 25 feet is maximum for their requirements for this facility, for what I've been told.

And also we have to take into consideration the maintenance requirements that may occur at this facility, or emergency response requirements that may occur at this facility during the nighttime.

MR. LYNCH: And the other

question I have has to do with the sound barriers you're looking to put in through the tree line. And you referenced that it's similar to whatnot the DOT does use.

And driving on highways as much is I do I noticed that some of the vegetation actually can destroy some of these barriers. And you're going through a tree -- a forested area or a tree area. Is that a concern of yours?

THE WITNESS (Audette):

Richard Audette.

We've looked at that sound barrier, which is a DOD acceptable sound barrier as one of the first alternatives. We -- there is now in accordance to what DOT's specification is -- by the way because of this maintenance problem -- there is a requirement that that sound barrier be utilized with a certain kind of materials, not necessarily wooden materials, but a composite engineering type of materials which we will -- we are looking at as part of that installation.

MR. LYNCH: And if I could

just get a clarification. I might have heard this wrong out in the field, that you referenced the ISO New England reliability study. And that there might have been, you know, something that you were still looking for within the queue.

And then you mentioned earlier that the reliability study was -- I think during the hearing, the reliability study was complete. So is it completed? Or did I hear it wrong in the field?

THE WITNESS (Audette): For the record, Richard Audette.

ISO New England has two phases and two facets of their studies. One is the feasibility system study. The other is the system impact study. This, this facility is registered for the forward capacity market auction and to do that we have to complete a feasibility study to apply.

We have completed that and it has been submitted to us. And in that study it states that we have no transmission or circuit impacts. But the process that ISO New England requires is that we still have to

finish the system impact study. And that will not be finished until the coming months.

MR. LYNCH: So that's what I heard in the field then. Correct?

THE WITNESS (Audette): Correct.

MR. LYNCH: And of the 63-point whatever megawatts, is that all exported to the grid? Or do you keep it for internal usage?

THE WITNESS (Audette): Richard Audette speaking. The 63.3-megawatt is the interconnection application requirement. We cannot go above that. We can go below it. Right now we feel we have the capability of a net output of approximately 63 megawatts. We have about 300 kV of parasitic load which is in the switchyard area.

MR. LYNCH: And lastly, and this is probably a stupid question, but I'm going to ask it anyhow because I'm curious, and it's to the environmental people.

You're eastern hog-nosed snake that you searched for and, I guess, probably

didn't find -- and of course, I know very little about snakes so I looked it up on the Internet -- and they have a western hog-nosed snake. What's the difference between the two?

THE WITNESS (Sanford): Well, for the record, Matt Sanford.

There -- there's some point in evolution there was a split between the eastern hog-nosed snake and the western hog-nosed snake. So the eastern hog-nosed snake has a different color, metamorphism than the western hog-nosed snake. And the eastern hog-nosed snakes are only endemic to that part of the U.S.

So there, there's a lineage break in evolutionary history between those two species of hog-nosed snake. So what we have, or what we could potentially have in Connecticut is the eastern.

MR. LYNCH: Well, like I said, I had to find out the answer because Wikipedia totally confused me. Thank you very much.

No more questions,

Mr. Chairman.

THE CHAIRMAN: Thank you. A couple questions.

You stated that you're, I think, 75 percent designed for engineering. Also that you still have some processes with, for example, ISO New England to go through. So I'm just trying to get a sense of the schedule.

One is if -- and I always try to stress this if the this Council were to approve this -- when would you be submitting, for example, the D and M plan and then follow up on that? When would you start construction?

THE WITNESS (Audette): For the record, Richard Audette speaking.

Currently our schedules show that -- first of all, let's talk about commercial operation. The plant is intended to be fully in commercial operation by June 1, 2019. That is in our ISO New England application.

Working back from there, ultimately we are hoping if the permit

application is approved to start construction in the May/June timeframe of next year. And working back from there, our engineering will be complete by January of this year -- end of January, I might add.

And our D and M plan would be, of course, submitted prior to construction. Our air permit application is going to be submitted by the end of the year. And hopefully if it's approved, in a six-month timeframe that will coincide with our construction timeframe. Because as the Council knows, we cannot start construction without an air permit being approved.

THE CHAIRMAN: Just a side point. I think you stated that this will be the largest facility of this type in the world. Did I hear that right? Or in the U.S?

THE WITNESS (Corvo): No, in the world.

THE CHAIRMAN: Do you think that will still be the case in 2019?

THE WITNESS (Corvo): Probably not.

THE CHAIRMAN: Okay. One of my concerns is you stated that this will be connected to the grid and will not have any standalone capabilities. From a purely technological standpoint is it possible to have at least a portion of this as standalone?

THE WITNESS (Audette): This is Richard Audette for the record.

I don't believe so, because we do not have a host to put the power. We would have to have a load bank located within the facility to put the generated power to if the grid went down. I'll let FuelCell add to that.

THE WITNESS (Toby): Yeah, Ben Toby speaking.

I mean, technically you can do it, but you would have to run wires from the fuel-cell facility to somebody who needs power, you know, hard wires instead of just connecting to the grid. You're connecting somebody who needs electricity, and that's not currently part of the plan for this project.

THE CHAIRMAN: I bring that up because, you know, with our recent experiences with the two storms here and also Hurricane Sandy it seems to me -- I know this was the position of a lot people in both high and low places who want to be resilient.

In the situation with climate change, we would like to have that capability, and I'm sure somewhere in this area -- I mean, these ambulances must go somewhere, for example. So there must be, you know, emergency facilities.

So I just think it's sort of a shame that as that we build a new, the largest in the world, but also the best, and I would add, the most resilient, that we don't consider how to have these facilities if -- hopefully, it doesn't happen, but if the grid goes down for an extended period of time that this --

You know, I have small scale. I have solar on my roof. If the grid goes down, all I can do is look at it. It doesn't do any good. But on this, you know, I just think it's a shame that that's not being

considered or somehow planned for in the future?

THE WITNESS (Audette): For the record, Richard Audette.

That was looked at early on in the project design in discussions with ISO New England and Eversource. 138 local distribution versus a 115-transmission distribution. And because of the size of the facility Eversource directed us to the 115.

That was their -- that was a choice by the utility that we go into that substation directly at a 115 kv, not into a 138 because of the size of this facility. So under their direction that was the approach we took.

THE CHAIRMAN: I guess Eversource is still very much rate oriented.

Yes, Mr. Lynch?

MR. LYNCH: Going back to the field review this afternoon, and I think I heard somewhere in the discussion that steam was being produced that can be exported under the railroad tracks to a large, it looked like a warehouse on the other side.

So could you convert that to a co-gen facility?

THE WITNESS (Audette): Richard Audette for the record.

We have spare casings that we have designed into the facility that will be bilaterally drilled under Metro-North, which you just heard go by. And one of those casings we've earmarked potentially for excess heat that may be -- that is available, could be available from the facility to a potential industrial park that's on the other side of the facility. But as for heating purposes only. It's a low-grade temperature type of heating and not for additional generation of capacity.

MR. LYNCH: That's what I thought I heard. Thank you very much.

THE CHAIRMAN: Any other questions from members of the Council?

Staff?

(No response.)

THE CHAIRMAN: So we'll now adjourn this portion of the evidentiary

hearing and we'll commence the public comments session at 7 p.m. So we'll see you all then. Thank you.

(Whereupon, the witnesses were excused and the above proceedings were concluded at 4:39 p.m.)

CERTIFICATE

I hereby certify that the foregoing 97 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Siting Council Meeting in Re: PETITION NO. 1184, PETITION FROM BEACON FALLS ENERGY PARK, LLC, FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE PROPOSED CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 63.3 MEGAWATT FUEL CELL FACILITY LOCATED AT LOPUS ROAD, BEACON FALLS, CONNECTICUT, which was held before ROBIN STEIN, Chairman, at the Beacon Falls Firehouse, 35 North Main Street, Beacon Falls, Connecticut, on November 5, 2015.

_____

Robert G. Dixon, CVR-M 857
Notary Public
BCT Reporting, LLC
PO Box 1774
Bristol, Connecticut 06011

My Commission Expires: 6/30/2020

I N D E X

WITNESSES