



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1184

Thursday, November 5, 2015

3:00 p.m.

Beacon Falls Fire House

35 North Main Street, Beacon Falls, Connecticut

I. Opening by Council

- A. Statement read by Chair.
- B. Comments by Public Official(s) (if any)
- C. Motions (if any)
- D. Administrative Notice taken by Council

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, (June 2002), available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf#search=EMF,%20electric%20power
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC70/7460-1K*, February 2007, available at http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC%2070%207460-1K.pdf
4. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FED. REG. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <http://www.nps.gov/history/nr/research/index.htm>
7. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>

8. NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, Critical Infrastructure Protection, CIP-014-1, Physical Security Standards, May 1, 2014, available at <http://www.nerc.com/pa/Stand/Reliability%20Standards/CIP-014-1.pdf>

REGIONAL

9. ISO-NEW ENGLAND, INC., Power Generation and Fuel Diversity in New England, August 25, 2005, available at http://www.iso-ne.com/pubs/whtpprs/iso_ne_paper.pdf
10. ISO-NEW ENGLAND, INC., *Electricity Costs White Paper*, June 1, 2006, available at http://www.iso-ne.com/pubs/whtpprs/elec_costs_wht_ppr.pdf
11. ISO NEW ENGLAND, *2014 Regional System Plan*, November 6, 2014, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
12. ISO-NEW ENGLAND, INC., *2015-2024 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2015, available at http://www.iso-ne.com/static-assets/documents/2015/05/2015_celt_report.pdf
13. ISO-NEW ENGLAND, *Infrastructure Needs: Electricity-Natural Gas Interdependencies*, April 21, 2014, available at http://www.iso-ne.com/pubs/pubcomm/pres_spchs/2014/van_welie_interdependencies_4-21-14.p

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14. CONNECTICUT SITING COUNCIL, *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised February 20, 2014), available at <http://www.ct.gov/csc/emf-bmp>
15. CONNECTICUT SITING COUNCIL, *2012/2013 Forecast of Electric Loads and Resources*, December 12, 2013, available at http://www.ct.gov/csc/lib/csc/pendingproceeds/forecast_2012_2013/f2012_13_finalreport_20131212.pdf
16. CONNECTICUT SITING COUNCIL, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at http://www.ct.gov/csc/lib/csc/docket_346/whiteppr_final.pdf
17. CONNECTICUT SITING COUNCIL, *Investigation into the Life Cycle Costs of Electric Transmission Lines*, November 15, 2012, available at http://www.ct.gov/csc/lib/csc/lifecycle2011/life_cycle_final_report.pdf
18. **PETITION NO. 785** – Bridgeport Fuel Cell Park petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 14.4 MW Fuel Cell Electric Project located on Hancock Street, Bridgeport, Connecticut. Record, Final Decision.

19. **PETITION NO. 957** – Bridgeport Fuel Cell Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a fuel cell generating facility located at Hancock Street, Bridgeport, Connecticut. Record, Final Decision.

Department of Energy and Environmental Protection

20. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised September 2007, available at http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
21. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual, 2004, and appendices*, available at http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
22. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Amphibians and Reptiles in Connecticut*, DEP Bulletin 32, Michael W. Klemens, 2000, available at <http://www.ctdeepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm?categoryId=1>
23. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Surface Water Quality Standards Effective February 25, 2011 and Ground Water Quality Standards Effective April 12, 1996, available at http://www.ct.gov/deep/lib/deep/water/water_quality_standards/wqs_final_adopted_2_25_11.pdf
24. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION *Connecticut Air Quality Standards*, Effective April 15, 2014, Regs. Conn. State Agencies §§ 22a-174-24, et seq., available at <http://www.ct.gov/deep/lib/deep/air/regulations/mainregs/sec24.pdf>
25. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regs. Conn. State Agencies §§22a-69-1, et seq., available at <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-69-1through7.pdf>
26. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2013 Comprehensive Energy Strategy for Connecticut*, February 19, 2013, available at http://www.ct.gov/deep/lib/deep/energy/cep/2013_ces_final.pdf
27. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2014 Integrated Resource Plan for Connecticut*, March 17, 2015, available at <http://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/8e95d81c37c7237085257e0b004770b2?OpenDocument>
28. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Taking Action on Climate Change, 2014 Progress Report*, June 6, 2014, available at http://www.ct.gov/deep/lib/deep/climatechange/ct_progress_report_2014.pdf

Department of Public Health

29. STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH, *Electric and Magnetic Fields (EMF): Health Concerns Fact Sheet*, April 2008, available at http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/emf_fact_sheet_-_2008.pdf

Department of Transportation

30. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *ConnDOT Drainage Manual*, 2000, last revised December 2003, available at <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
31. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Utility Accommodation Manual*, February 2009, available at <http://www.ct.gov/dot/lib/dot/documents/dutilities/ACCOMODATION.pdf>
32. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, BUREAU OF ENGINEERING AND HIGHWAY OPERATIONS, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <http://www.ct.gov/dot/lib/dot/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

33. STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2013-2018*, June 5, 2013, available at http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf
34. STATE OF CONNECTICUT, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, STATE HISTORIC PRESERVATION OFFICE, *Investment in Connecticut: State Historic Preservation Plan 2011-2016*, July 2011, available at http://www.ct.gov/cct/lib/cct/state_historic_preservation_plan_ic.pdf
35. Final Report of the Two Storm Panel, January 9, 2012, available at http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf
36. STATE OF CONNECTICUT, CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY, *Comprehensive Plan, Fiscal Year 2013 through Fiscal Year 2015*, available at <http://www.ctcleanenergy.com/Portals/0/FY13%20Comprehensive%20Plan.pdf>
37. STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, *State of Connecticut State Response Framework, Version 2.0*, August 2011, available at http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf

38. STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, *State of Connecticut State Response Framework, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex*, July 2012, available at http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all-hazards_energy_and_utilities_annex_final_draft_july_2012.pdf
39. STATE OF CONNECTICUT, GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, *Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities*, 2011, available at http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf
40. STATE OF CONNECTICUT, PUBLIC UTILITIES REGULATORY AUTHORITY, *Cybersecurity and Connecticut's Public Utilities*, April 14, 2014, available at http://www.ct.gov/pura/lib/pura/electric/cyber_report_041414.pdf

TOWN OF BEACON FALLS

41. Town of Beacon Falls Zoning Regulations, effective September 6, 2013, updated November 17, 2014 http://www.beaconfalls-ct.org/Pages/BeaconFallsCT_Bcomm/Plan/BeaconFallsZoningRegs.pdf
42. Town of Beacon Falls Draft Plan of Conservation and Development, April 11, 2013 http://www.beaconfalls-ct.org/Pages/BeaconFallsCT_Bcomm/Plan/2013%2005%2009%20POCD%20DRAFT.pdf
43. Town of Beacon Falls Inland Wetlands and Watercourses Regulations, adopted January 11, 2012, effective date, January 18, 2012 http://www.beaconfalls-ct.org/Pages/BeaconFallsCT_Bcomm/Wetlands/2012%2003%2001%20IWWC%20Regulations.pdf

TECHNICAL

44. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *IEEE Standard Procedures for Measurement of Power Frequency Electric and Magnetic Fields From AC Power Lines*, IEEE Std 644-1994, Reaffirmed 2008, available at <http://standards.ieee.org/findstds/standard/644-1994.html>
45. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *IEEE Guide for the Design, Construction, and Operation of Safe and Reliable Substations for Environmental Acceptance*, IEEE Std 1127-1998, Reaffirmed 2009, available at <http://standards.ieee.org/findstds/standard/1127-1998.html>
46. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *National Electric Safety Code*, American National Standards Institute, ANSI C2-2012, August 1, 2011.
47. EXPONENT, INC., *EMF and Health: Review and Update of the Scientific Research*, January 28, 2009, available at <http://transmission.bchydro.com/NR/rdonlyres/DEF09171-908A-48DF-A9DA-F28676D239FD/0/Exponent2009EMFUpdate0209.pdf>

48. EXPONENT, INC., *Current Status of Research on Extremely Low Frequency Electric and Magnetic Fields and Health: Interstate Reliability Project*, January 10, 2011, available at http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_424/424_application/v1interstate_csc_application_v1.pdf (Appendix D EMF Health Report)

ENVIRONMENTAL

49. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, *New England Wildlife: Habitat, Natural History, and Distribution*, University of Massachusetts Press 1983, available at <http://www.treesearch.fs.fed.us/pubs/4148>
50. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, *Best Development Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States*, MCA Technical Paper No. 5, Metropolitan Conservation Alliance 2002, available at <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20-%20Conserving%20Pool-breeding%20Amph.pdf>
51. ARAM J.K. CALHOUN, ET. AL., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, *Wetlands Ecology and Management*, July 9, 2004 at 291, available at <http://www.environmental-expert.com/Files/0/articles/9373/Conservingpool-breeding.pdf>

MAPS

52. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Beacon Falls*, available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
53. CONNECTICUT FOREST & PARK ASSOCIATION, *Connecticut Walk Book West*, Ann T. Colson, ed., 19th ed. 2006, available at <http://www.ctwoodlands.org/taxonomy/term/15>
54. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
55. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, last updated June 25, 2010, available at <http://ct.audubon.org/important-bird-areas-11>
56. Mail-A-Map Street Map, Beacon Falls, available at http://mailamap.com/street_maps
57. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection 1984, Naugatuck, available at http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. State of Connecticut Department of Transportation (no comment), dated October 19, 2015
2. State of Connecticut Department of Energy and Environmental Protection, dated November 4, 2015

F. Municipal comments

1. Richard Minnick, Land Use Steward, Land Use Committee, November 1, 2015
2. Michael Krenesky, Treasurer, Town Selectman-elect, Beacon Falls, November 4, 2015

II. Appearance by Petitioner

Petitioner: Beacon Falls Energy Park, LLC

Representative: Lee D. Hoffman, Esq. with Pullman & Comley, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition 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 AC fuel cell facility located on Lopus Road, Beacon Falls, Connecticut, received August 31, 2015, and attachments
2. Beacon Falls Energy Project, LLC Response to Council's Incomplete Letter, dated September 11, 2015
3. Beacon Falls Energy Project, LLC Responses to Council Interrogatories, dated October 16, 2015
4. Beacon Falls Energy Project, LLC Field Habitat Assessment Report, dated August 5, 2015
5. Field Review Handout, dated November 5, 2015
6. Beacon Falls Energy Project, LLC Sign Posting Affidavit, dated November 9, 2015 (post-hearing submission)

C. Swear Witnesses

1. Anthony Agresti, TRC, potential noise issues and abatement
2. Michael Anderson, TRC, air emissions
3. Kirk Arneson, FuelCell Energy, fuel cell information and product specifications
4. Richard Audette, O&G Industries, engineering and project construction
5. Scott Bristol, Milone & MacBroom, water resources and general environmental
6. William Corvo, Petitioner, project development and general information
7. Stephen Dietzko, Milone & MacBroom, water resources and general environmental
8. Louis Ernst, FuelCell Energy, fuel cell information and product specifications
9. Matthew Tobin, O&G Industries, engineering and project construction
10. Ben Toby, FuelCell Energy, fuel cell information and product specifications
11. Matt Sanford, Milone & MacBroom, Inc., Professional Wetland Scientist/Lead Environmental Scientist

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.