

<b>PETITION NO. 1218</b> – PSEG Power Connecticut LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a new 485 megawatt (MW) dual fuel combined-cycle electric generating facility at the existing Bridgeport Harbor Station located at 1 Atlantic Street, Bridgeport, Connecticut.	} Connecticut } Siting } Council
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July 21, 2016

### Decision and Order

Pursuant to Connecticut General Statutes § 16-50k(a) and Connecticut General Statutes §4-176 and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a 485 megawatt dual fuel combined-cycle electric generating facility in the City of Bridgeport would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Ambient Air Quality Standards and Water Quality Standards, and therefore, would not require a Certificate of Environmental Compatibility and Public Need.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and is subject to the following conditions:

1. The Petitioner shall prepare a Development and Management (D&M) Plan for the project in compliance with Sections 16-50j-60 through 16-50j-62 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the City of Bridgeport for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) A final site plan showing all roads, structures and other improvements on the site including but not limited to buildings, stacks, retaining walls;
  - b) Consideration of the use of waste heat from power plant operations to supply energy to a thermal loop or nearby industrial user;
  - c) Lighting plan for power plant and details to minimize impact on off-site properties;
  - d) Final details of fuel dock rehabilitation plan;
  - e) Water and sewer connection routes;
  - f) Update on status of site remediation in the existing fuel tank area and remaining remediation work. Indicate which areas of contamination would be rendered inaccessible by constructing on top of such soils. Also include a demarcation layer marking the location of any areas of contaminated soil;
  - g) Natural gas interconnection plan and gas compressor building design and location, if applicable;
  - h) Final Erosion and sedimentation control plans consistent with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* and taking into account protective measures for adjacent wetlands;
  - i) Final stormwater design consistent with the *2004 Connecticut Stormwater Quality Manual* and also taking into account protecting adjacent wetlands;

- j) Stormwater pollution protection plan outlining best management practices;
  - k) Flood Mitigation Plan consistent with the Department of Energy and Environmental Protection's (DEEP) comments regarding flooding resiliency measures in the surrounding neighborhood and evaluation of how that may impact the Petitioner's flood mitigation plans;
  - l) Final plans to demonstrate compliance with DEEP noise standards;
  - m) Fuel storage and handling plan including containment and other measures to protect against spillage when the ULSD tank is being refilled;
  - n) Containment measures for step-up transformer dielectric fluids and ULSD storage tank
  - o) Containment and/or protective measures for the safe delivery and storage of hydrogen and aqueous ammonia;
  - p) Backup generator design and containment measures for fuel, oil, and coolant;
  - q) Dewatering plan to address groundwater issues during construction, if applicable;
  - r) Detailed project schedules for all work activities and proposed typical construction days and hours;
  - s) Construction laydown area locations;
  - t) Site security measures;
  - u) Final Federal Aviation Administration (FAA) lighting design for the stack; and
  - v) Decommissioning Plan as a contingency plan in the event that Bridgeport Harbor Unit #5 (BHU #5) is permanently taken out of service. Include general BHU #5 plant infrastructure removal plans and site restoration plans.
2. The Petitioner shall submit any FAA determinations for temporary structures such as cranes, as applicable, prior to construction and a copy of the approved FAA extension of the No Hazard Determination or updated determination (as applicable) prior to construction;
  3. The Petitioner shall submit any applicable local permits relative to the discharge of wastewater prior to construction;
  4. The Petitioner shall submit any final DEEP air emissions and water discharge permits to the Council prior to construction.
  5. The use of natural gas as a fuel pipeline/system cleaning medium for construction or any future facility modification shall be prohibited.
  6. The Petitioner shall submit the following information to the Council 15 days prior to any fuel pipeline/system cleaning operations related to construction or any future facility modification:
    - i. Identification of the cleaning media to be used;
    - ii. Identification of any known hazards through use of the selected cleaning media;
    - iii. Description of how known hazards will be mitigated, including identification of any applicable state or federal regulations concerning hazard mitigation measures for such media;

- iv. Identification and description of accepted industry practices or relevant regulations concerning the proper use of such media;
  - v. Provide detailed specifications (narratives/drawings) indicating the location and procedures to be used during the pipe cleaning process, including any necessary worker safety exclusion zones;
  - vi. Identification of the contractor or personnel performing the work, including a description of past project experience and the level of training and qualifications necessary for performance of the work;
  - vii. Contact information for a special inspector hired by the Petitioner who is a Connecticut Registered Engineer with specific knowledge and experience regarding electric generating facilities or a National Board of Boiler and Pressure Vessel Inspector and written approval of such special inspector by the local fire marshal and building inspector; and
  - viii. Certification of notice regarding pipe cleaning operations to all state agencies listed in CGS § 16-50j(g), the Department of Consumer Protection, Department of Labor, Department of Emergency Services and Public Protection (DESPP), Department of Construction Services, Department of Emergency Management and Homeland Security, and the local Fire Marshal.
7. The Petitioner shall comply with the following codes and standards, as adopted and amended by the DESPP and/or the Authority Having Jurisdiction, for any fuel pipeline/system cleaning operations related to construction or any future facility modification, as applicable:
  - i. NFPA 37 (2010 edition);
  - ii. NFPA 54 (2009 edition);
  - iii. NFPA 54 Temporary Interim Amendment 09-3 (August 25, 2010);
  - iv. NFPA 850 (2010 edition);
  - v. NFPA 850 Temporary Interim Amendment 10-2 (November 9, 2010);
  - vi. ASME B31 (2007); and
  - vii. ASME B31.1 Appendices IV and V (2007).
8. Submit a copy of an Emergency Response/Safety Plan developed in cooperation with all local public safety officials, the DESPP, and other emergency response officials that identifies any revisions since the initial filing of the Development and Management Plan and that includes, but is not limited to the following:
  - i. A description of the results of any simulated emergency response activities with any state and/or local emergency response officials;
  - ii. Details of any facility site access system that accounts for all personnel entering and leaving the facility; and
  - iii. Establishment of an emergency responder/local community notification system for on-site emergencies and planned construction-related activities that could cause community alarm. The system shall include notification to the following: local emergency responders, city or town officials, state legislators, and local residents that wish to participate.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within five years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Within 45 days after completion of all construction, the Council shall be notified in writing that construction has been completed.

11. The Petitioner shall maintain the facility and associated equipment and related infrastructure in a reasonable physical and operational condition that is consistent with this Decision and Order and the approved D&M Plan for the project.
12. The Petitioner, or its successor, shall provide the Council with not less than 30 days written notice when the facility will cease operation.
13. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
14. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.
15. Any request for extension of the time period referred to in Condition 9 shall be filed with the Council not later than 60 days prior to the expiration date of said time period and shall be served on all parties and intervenors, as listed in the service list, and the City of Bridgeport. Any such request for extension shall state the reason(s) for which an extension is being sought.
16. This Declaratory Ruling may be transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
17. The Petitioner shall retain for the duration of construction a special inspector to assist the fire marshal in reviewing the construction plans and conducting inspections sufficient to ensure compliance with recommended standards pursuant to CGS §16-50ii and submit the contact information for the special inspector to the Council.
18. The Petitioner shall deposit a fee into the Code Training Fund to be used in the training of local fire marshals on the complex issues of electric generating facility construction in accordance with CGS §29-251c.

By this Decision, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding, as listed in the Service List dated April 21, 2016, in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.