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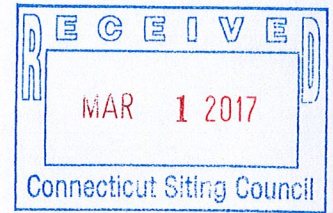
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February 28, 2017

VIA ELECTRONIC MAIL AND OVERNIGHT MAIL

Melanie A. Bachman
Acting Executive Director
State of Connecticut
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051



ORIGINAL

Re: **PETITION NO. 1218** - 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 Bridgeport Harbor Station Unit 5 – Bridgeport, Connecticut MONTHLY PROGRESS REPORT #2 – FEBRUARY 28, 2017

Dear Ms. Bachman:

This is the February 2017 monthly progress report submittal to the Connecticut Siting Council (CSC) for the new combined cycle generating facility designated by PSEG Power Connecticut LLC (PSEG) as the PSEG Bridgeport Harbor Station Unit 5 Combined Cycle Project (BH 5, the Project or the Facility). The monthly progress reports document compliance with all of the CSC's conditions as set forth in the CSC Decision and Order, as well as the two Development and Management Plan (D&MP) approvals. PSEG will continue to provide updates to design or construction plans via this monthly progress reporting process.

A complete CSC Condition Compliance Matrix is included in this report as **Exhibit 1** and will be included in future monthly progress reports to track the CSC's requirements.

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General Status Summary:

A Permit Status Summary is included as **Exhibit 2**. Significant regulatory approvals and actions since our previous filings include:

1. The Connecticut Department of Energy and Environmental Protection (CT DEEP) issued the General Permit Registration for Stormwater and Dewatering Wastewaters from Construction Activities (No. 201614764) on February 14, 2017. This is the last non-air authorization necessary to start construction of BH5.
2. As previously reported, CT DEEP is expected to hold a public informational meeting on the Notice of Tentative Determination for the New Source Review (NSR) permits on February 28, 2017. The public comment period closes on March 10, 2017.
3. PSEG filed a revised submittal to the Federal Aviation Administration (FAA) requesting a Determination for the remaining construction crane on February 22, 2017, which the FAA issued on February 23, 2017.
4. The initial City of Bridgeport building permit applications were filed.

Site readiness work for construction support facilities and other allowable pre-NSR permit site readiness scope is ongoing.

The first phase of remediation (prior to the NSR permit) has been conducted and impacted soils have been removed from the site for disposal. The final total quantity of contaminated material removed from the site was approximately 1700 to 1800 cubic yards (2640 tons). The quantity of material that will be placed on site under the permanent structures (water and fuel oil tanks) to remain inaccessible is estimated at approximately 4400 cubic yards. In addition, other buried materials discovered have been removed and disposed of off-site as appropriate.

As reported in January, upon receipt of the NSR Air Permits for the Project, the second phase of remediation will begin. Based on current site development schedule estimates, all remediation in the tank farm area is currently expected to be completed in the fall of 2017, assuming timely receipt of the NSR Air Permits.

As noted previously, PSEG has completed the construction of a new fuel oil storage tank with an associated fuel unloading facility. That was documented via a separate letter per the condition of the CSC's acknowledgment of Exempt Modification for that tank, filed January 31, 2017. CT DEEP closeout reporting continues for the three small existing underground light fuel oil storage tanks (UST) PSEG removed in December.

Design Summary:

Detailed design continues for the Project, and major construction and equipment supply contracting has continued on schedule.

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Construction Planning Summary:

Offsite Fabrication

PSEG has determined that construction efficiencies and traffic reductions (worker vehicles and equipment delivery trucks) may be realized with the offsite fabrication of the HRSG. Pending further design inputs, PSEG anticipates that the HRSG will be barged to the site (delivery in 2018). PSEG will provide an update to the Permit Status Summary after the completion of pre-application discussions with the CT DEEP, United States Army Corps of Engineers, United States Coast Guard, and the City of Bridgeport.

Rigid Inclusions and Piling

The rigid inclusion and steel pipe pile load and performance test installation began in February, and will continue into March, 2017.

Onsite and Offsite Construction Support Facilities

Onsite and offsite construction support facilities are being installed and/or constructed as necessary. These include temporary power, underground water / sewer, and trailers. PSEG is continuing to evaluate the specific uses for the adjacent former Remington Shaver property for parking and temporary trailer use. PSEG will provide updates if other properties are identified to support the Project.

Construction Schedule Update

No changes in the major schedule activities have occurred since the January 2017 Monthly Progress Report, except the completion of non-air permitting and submittal of the initial City of Bridgeport Building Permit applications. The remaining dates are repeated below for convenience.

- | | |
|--|----------------------|
| 1. Forward Capacity Auction No. 10 | February 10, 2016(A) |
| 2. Completion of City of Bridgeport Land Use Permitting | November 2016(A) |
| 3. Completion of Non-Air CT DEEP Permitting | February 2017(A) |
| 4. Initial City of Bridgeport Building Permit Submittals | February 2017 (A) |
| 5. Receipt of CT DEEP Final Air Permit | March 2017 |
| 6. Initiation of Field Construction Activities | March 2017 |
| a. Temporary Construction Facilities | November 2016(A) |
| b. Site Work and Rigid Inclusions | April 2017 |
| c. Foundations | July 2017 |
| d. Initial Equipment Deliveries | September 2017 |
| e. Major Equipment Delivery (Turbines, etc.) | October 2017 |
| f. GIS and Transformer Foundation Installation | May 2017 |
| g. Gas Turbine Generator (GTG) Installation | December 2017 |
| h. HRSG Delivery | March 2018 |
| i. Start-up Testing and Commissioning | January 2019 |
| 7. Operational Testing (first GTG operations) | November 2018 |
| 8. Balance of Plant Initial Start-up | September 2018 |

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|--|------------|
| 9. Performance and Reliability Testing | March 2019 |
| 10. Target Completion | April 2019 |
| 11. Commercial Operations | June 2019 |

Note: “(A)” refers to ACTUAL

Open Conditions of Prior Approvals

There were two conditions included in the D&MP Phase 1 and Phase 2 approvals related to air emission controls for construction equipment. These were:

10/31/16-01 and 12/23/16-01: Use of off-road construction equipment that meet the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including but not limited to retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel.

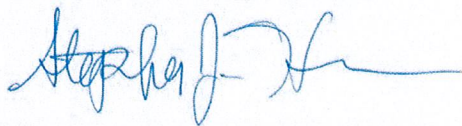
10/31/16-02 and 12/23/16-02: Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the RCSA that limit the idling of mobile sources to 3 minutes.

PSEG, through its Engineering, Procurement, and Construction Management (EPCm) contractor, has included the appropriate conditions, including oversight expectations, in the major site contracts. An excerpt of the wording is included as Exhibit 3, which PSEG believes addresses the CSC conditions.

Should you have any questions or require clarification, please don't hesitate to contact me at 212-513-3473 or the Project Senior Technical Director / Regulatory Lead Jeff Pantazes at 856-359-7645.

Sincerely yours,

HOLLAND & KNIGHT LLP



Stephen J. Humes

Enclosures

cc: Meredith L. Hiller, Esq.
Leilani M. Holgado, Esq.
Michael Stagliola
Karl Wintermeyer
David Hinchey
James R. Morrissey, Esq.

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Exhibits:

1. CSC Condition Compliance Matrix
2. Permit Status Summary
3. Excerpt from Construction Contract Terms: “Exhibit 15.1 Site Operations Terms and Conditions” addressing air emissions from construction equipment

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Exhibit 1 – CSC Condition Compliance Matrix

Connecticut Siting Council
Bridgeport Harbor Station Unit 5 - Bridgeport, Connecticut
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CSC Requirement Number	CSC Requirement	D&M Plan Phase 1 Construction Support Facilities	D&M Plan Phase 2 BHS 5 Design	Subsequent Filing Report and Date Closure Status
1(a)	Final site plan showing roads, structures, and other improvements on the site	Partial: construction execution planning process summary included as Exhibit 1. A general update on Project Scope and Design is included as Exhibit 15.	Final structures and other improvements, including buildings, stack, power block, and balance of plant (Exhibits 1 and 2)	Completed
1(b)	Consideration of waste heat as supply for thermal loop or nearby industrial user	N/A	Included (Exhibit 9)	Completed; see CSC Requirement Number 12/23/16-04 below for follow-up requirements.
1(c)	Lighting plan and details to minimize impact on off-site properties	Partial: construction lighting only – Exhibit 9	Final lighting plans (Exhibits 1 and 2)	Completed
1(d)	Final fuel dock rehabilitation plan	Update on status included as Exhibit 7	Status unchanged since D&MP Phase 1 – PSEG will provide an update of this portion of the project by September 30, 2017 after design is completed. See Exhibit 10.	Completed; see CSC Requirement Number 12/23/16-05 below for follow-up actions.
1(e)	Water and sewer connection routes	Partial: temporary construction sewer line connection and other utilities included in Exhibit 9. Note that the status of the UI Exempt Modification request is included as Exhibit 11.	Permanent utility routing included (Exhibits 1 and 2)	Completed
1(f)	Status of site remediation in existing fuel tank area and remaining remediation work - Which areas of contamination will be inaccessible? - Layer showing contaminated soil locations	Remedial Action Plan Addendum included as Exhibit 6. Status of remediation implementation included as Exhibit 5. Unit 3 tank and unloader status included as Exhibit 4.	Status for remaining work will be included to document final soil placement locations. (Exhibits 7 and 8)	Open – PSEG will submit final remediation status to CSC with a target of October 31, 2017.
1(g)	Natural gas interconnection plan and gas compressor building design and location	N/A	Included (Exhibit 2)	Completed
1(h)	Final Erosion and Sediment Control Plans	Soil Erosion and Sediment Control Plans included in Exhibit 9 as noted in Exhibit 14. The USACE Jurisdictional Determination is included as Exhibit 13.	SESC plans included in Exhibit 2; they were previously provided in D&MP Phase 1 as well.	Completed
1(i)	Final stormwater design	N/A	Included (Exhibit 2)	Completed
1(j)	Stormwater Pollution Protection Plan	N/A	Included (Exhibit 15)	Completed
1(k)	Flood Mitigation Plan	N/A	Included (Exhibit 3)	Completed

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CSC Requirement Number	CSC Requirement	D&M Plan Phase 1 Construction Support Facilities	D&M Plan Phase 2 BHS 5 Design	Subsequent Filing Report and Date Closure Status
1(l)	Final plans to demonstrate compliance with CT DEEP noise standards	N/A	Final Noise Study Report Included (Exhibit 14)	Completed
1(m)	Fuel storage and handling plan, including containment and spill protection measures	N/A	Spill Prevention Control and Countermeasures Plan included (Exhibit 18)	Completed
1(n)	Containment measures for step-up transformer dielectric fluids and ULSD storage tank	N/A	Included (Exhibit 3)	Completed
1(o)	Containment and/or protective measures for delivery and storage of hydrogen and aqueous ammonia	N/A	Included (Exhibits 3 and 20)	Completed
1(p)	Backup generator design and containment measures for fuel, oil, and coolant	N/A	Included (Exhibit 3)	Open
1(q)	Dewatering plan to address groundwater issues during construction	N/A	Stormwater Pollution Control Plan for construction stormwater and dewatering included. (Exhibits 15 and 16)	Completed
1(r)	Detailed project schedules for all work activities and proposed typical construction days and hours	Partial: Schedule update included as Exhibit 2 and permitting status included as Exhibit 3.	Work hours and schedule update included in Exhibits 3 and 6 respectively.	Completed
1(s)	Construction laydown area locations	Included in Exhibits 8 and 10 including access routings for high trucks. In addition, the plans for barge delivery of equipment and unloading are included as Exhibit 12.	See Exhibit 3 for an update regarding a lease agreement for an adjoining property	Submittal of information known to date is complete; an update is anticipated after final access agreements are completed.
1(t)	Site security measures	Partial: site security for construction discussed in Exhibit 1.	Partial: Site security measures (Exhibit 3)	Completed
1(u)	Final FAA lighting design for the stack and any FAA crane determinations	N/A	Included (Exhibit 3)	Completed
1(v)	Decommissioning Plan as contingency plan, including infrastructure removal and site restoration plans	N/A	Included (Exhibit 19)	Completed
6(i)*	Identification of cleaning media to be used	N/A	Not currently available. An update will be provided by September 30, 2017.	Open

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CSC Requirement Number	CSC Requirement	D&M Plan Phase 1 Construction Support Facilities	D&M Plan Phase 2 BHS 5 Design	Subsequent Filing Report and Date Closure Status
6(ii)*	Identification of any known hazards through use of selected cleaning media	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(iii)*	Description of how known hazards will be mitigated, including applicable state or federal regulations	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(iv)*	Identification and description of accepted industry practices or relevant regulations concerning proper use of such media	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(v)*	Detailed narratives/drawings showing location and procedures to be used during pipe cleaning process, including worker safety exclusion zones	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(vi)*	Identification of contractor or personnel performing work, including description of past project experience and level of training/qualifications necessary for work	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(vii)*	Contact information for special inspector (CT registered engineer with knowledge or experience with electric generating facilities) with written approval by local fire marshal and building inspector	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
6(viii)*	Certification of notice regarding pipe cleaning operations (Submitted to all state agencies listed in CGS §16-50j(g), Dept of Consumer Protection, Dept of Labor, Dept of Emergency Services and Public Protection, Dept of Construction Services, Dept of Emergency Management and Homeland Security, and local fire marshal)	N/A	Not currently available. An update will be provided one month prior to the start date for pipe cleaning. An update will be provided by September 30, 2017 regarding the anticipated schedule.	Open
8(i)†	Description of results of simulated emergency response activities	N/A	Not currently available. An update will be provided by September 30, 2017.	Open

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CSC Requirement Number	CSC Requirement	D&M Plan Phase 1 Construction Support Facilities	D&M Plan Phase 2 BHS 5 Design	Subsequent Filing Report and Date Closure Status
8(ii)†	Details of any facility site access system that accounts for all personnel entering and leaving the facility	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
8(iii)†	Establishment of emergency responder/local community notification system for onsite emergencies and planned construction-related activities	N/A	Not currently available. An update will be provided by September 30, 2017.	Open
	D&MP Phase 1 Conditions			
10/31/16-01	Use of off-road construction equipment that meet the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including but not limited to retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel.			Completed; contract wording included in the February 2017 Monthly Progress Report.
10/31/16-02	Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the RCSA that limit the idling of mobile sources to 3 minutes.			Completed; contract wording included in the February 2017 Monthly Progress Report.
10/31/16-03	The petitioner shall submit the specifications of the fill to the Council			Completed; a copy of the specification was filed with the CSC on December 2, 2016 in response to Interrogatory CSC D&M-05.
	D&MP Phase 2 Conditions			
12/23/16-01	Same as 10/31/16-01 above			Completed; contract wording included in the February 2017 Monthly Progress Report.
12/23/16-02	Same as 10/31/2016-02 above			Completed; contract wording included in the February 2017 Monthly Progress Report.

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CSC Requirement Number	CSC Requirement	D&M Plan Phase 1 Construction Support Facilities	D&M Plan Phase 2 BHS 5 Design	Subsequent Filing Report and Date Closure Status
12/23/2016	Compliance with the reporting requirements under Section 16-50j-62 of the RCSA			Ongoing via Monthly Reporting to continue
12/23/16-04	The final modifications of the plant to accommodate the use of waste heat, if applicable, shall be submitted to the Council for review and approval.			PSEG will provide an update by January 31, 2018.
12/23/16-05	The final fuel dock rehabilitation plan shall be submitted to the Council for review and approval.			PSEG will provide an update by September 30, 2017.
12/23/16-06	The containment measures for the backup generator engine oil and coolant shall be submitted to the Council.			PSEG will provide this required information by April 30, 2017.
12/23/16-07	Prior to testing of start-up of the plant, the Certificate Holder shall submit to the council its final plans to comply with the recommendation and conditions relative to Council Docket No. NT-2010 and conditions (6i through 8iii) Council's Decision and Order for Petition No. 1218 relative to plant safety.			PSEG will provide an update by September 30, 2017 as noted in CSC Requirement Numbers 6i to 8iii above.
12/23/16-undesignated	The Council recommends that PSEG consult with Council staff regarding dust control measures for materials delivered by barge.			PSEG intends to submit information in the February 2017 monthly report to address this recommendation.
* 15 days prior to fuel pipeline/system cleaning operations related to construction or any future facility modifications				
† Submittal of Emergency Response/Safety Plan developed in cooperation with all local public safety officials, DESPP, and other emergency response officials				

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Exhibit 2 – Permit Status Summary

**Connecticut Siting Council
Bridgeport Harbor Station Unit 5 - Bridgeport, Connecticut
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Exhibit 3 – Excerpt from Construction Contract Terms: “Exhibit 15.1 Site Operations Terms and Conditions” addressing air emissions from construction equipment

Exhibit 2 - BHS Unit 5 Permit Status Summary

Agency and Permit Type / Name	Comments / Description	Permit Application Submission	Receive Authorization	Notes
Connecticut Department of Energy and Environmental Protection (CTDEEP) / U. S. Environmental Protection Agency (USEPA) - Region 1 (New England)				
1. New Source Review (NSR) (also fulfills Prevention of Significant Deterioration (PSD) requirements)		3/2/2016A	03/31/17	NTD issued 12/28/2016. Public Information Meeting 02/28/2017.
2. Major (i.e. non-minor) modification of the existing Title V Air Permit		05/31/17	10/31/17	May not require an application; CT DEEP may incorporate NSR inputs directly.
Federal Aviation Administration (FAA)				
1. Notice of Proposed Construction or Alteration - HRSG Stack	COMPLETE: Renewal of existing (received 4/20/2015) determination for HRSG stack. A renewal application was filed 9/20/2016.	Renewal of current approval filed 9/20/2016	10/24/2016A	Renewed FAA Determination for HRSG stack received 10/24/2016; it expires 4/24/2018 if construction has not started.
2. Notice of Proposed Construction or Alteration - Construction Cranes	COMPLETE: Cranes as needed in excess of 200 feet in height	11/18/2016A Final Crane Submittal 02/22/2017	1/2/2017 Final Crane Approval 02/23/2017A	Final approval 02/23/2017
U.S. Army Corps of Engineers (USACE), New England District				
1. Wetland Jurisdictional Determination	COMPLETE	4/28/2016A	8/1/2016A	
U.S. Coast Guard (USCG)				
1. Facility Response Plan (PSEG). Update to reflect new tanks.		TBD	TBD	Notification and Conditions / Requirements
2. USCG notification for spud barge mooring	Notification re: spud barges within Bridgeport Harbor during construction	03/01/17	04/01/17	
Connecticut Siting Council (CSC)				
1. Declaratory Ruling	Complete	3/9/2016A	7/21/2016A	
2. Development and Management Plan Phase 1 for Construction Support Facilities	Complete: Required CSC approval for construction support facilities	9/20/2016A	10/27/2016A	Limited approval for construction support facilities received 9/29/2016
3. Development and Management Plan Phase 2 for New Unit 5 Construction	Full new build design	10/31/2016A	12/22/2016A	Monthly reporting requirement
Connecticut Department of Energy and Environmental Protection (CTDEEP)				
1. Environmental Justice Public Participation Plan	Complete	8/8/2014A	8/15/2014A	
2. Final Environmental Justice Report	Complete	8/11/2015A	N/A	

Exhibit 2 - BHS Unit 5 Permit Status Summary

Agency and Permit Type / Name	Comments / Description	Permit Application Submission	Receive Authorization	Notes
CTDEEP, Office of Long Island Sound Programs				
1. Certificate of Permission	Reconstruction of stormwater outfall	9/16/2016A	12/16/2016A	
2. General Permit for Coastal Maintenance	Temporary shoreline improvements for barge unloading.	8/31/2016A	01/13/2017A	Application withdrawn after CT DEEP determination that no pre-approval required.
3. Certificate of Permission	Dock Repair / Reconstruction	TBD	TBD	Schedule not established - 2018 Construction
4. Certificate of Permission	Roll-off unloading provisions	TBD	TBD	Pending pre-application meeting
CTDEEP, Bureau of Materials Management and Compliance Assurance				
1. National Pollutant Discharge Elimination System Modification	Not Required for BHS 5	N/A	N/A	No surface water intake or discharge
2. Individual Permit for Industrial Wastewater	Wastewater to WPCA	10/28/2016A	04/30/17	Review by WPCA completed prior to submittal to CT DEEP. Draft from CT DEEP will precede final permit.
3. General Permit for the Discharge of Stormwater Associated with Industrial Activity	Filed concurrently with SWPPP for information; formal inclusion in site registration to follow.	11/29/17	01/31/18	This will incorporate the new plant into the site stormwater registration. Filing expected in 2017.
4. General Permit for Stormwater and Dewatering Wastewaters from Construction Activities	Complete: Includes SWPCP	11/22/2016A	2/14/2017A	Filed after City CSP approval per regulation.
City of Bridgeport				
1. Coastal Site Plan Approval	Complete: City and CT DEEP OLSP Reviews	8/31/2016A	11/1/2016A	Final City Engineering comments resolved 12/20/2016
2. Construction Permits (Structural, Mechanical, Electrical, Plumbing, HVAC, Sewer Connection, Road Opening)	As Required	In process	In process	Initial Filings; numerous building permit packages will be issued
City of Bridgeport Water Pollution Control Authority (WPCA)				
1. Industrial Wastewater Sign-off prior to CT DEEP submittal	Required for facility discharge of wastewater to POTW	8/31/2016A	9/30/2016A	Informal WPCA review complete
Other				
1. Aquarion Water Supply Will Serve Letter	Complete	8/5/2016A	8/31/2016A	Will Serve Letter Received
Note: "A" = Actual				

Exhibit 15.1 Site Operations Terms and Conditions

14. Construction Equipment Emission Standards Compliance and Certification Requirements

a. Purpose

- I. The purpose of this specification is to ensure documentable compliance with a condition stipulated by the Connecticut Siting Council (CSC) in its approval of the BHS Unit 5 Development and Management (D&M) Plan Phase I. The condition relates to non-road diesel-powered construction equipment emissions and specifically requires the following: “Use of off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters, and use of ultra-low sulfur fuel.”

b. Requirements for Non-Road Diesel-Powered Construction Equipment

- I. In order to perform the work under this contract, the Contractor and Sub-Contractor(s) shall ensure that all non-road diesel-powered construction equipment operated on site meets the following requirements:
 - a. Engines that meet the latest EPA Tier emission standards in effect for non-road diesel engines (i.e., Tier 4) for the applicable engine power group. (<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1000A05.pdf>) or,
 - b. Emission control technology verified by EPA or CARB for use with “non-road engines” or,
 - c. Emission control technology verified by EPA or CARB for use with “on-road engines” provided that such equipment is operated with diesel fuel that has no more than 15 parts per million (ppm) sulfur content (i.e., ultra-low sulfur diesel (ULSD) fuel) or,
 - d. Emission control technology certified by manufacturers to meet or exceed emission reductions provided by either “on-road” or “non-road” emission control technology verified by either EPA or CARB. Emission control devices, such as oxidation catalysts or particulate filters, shall be installed on the exhaust system side of the diesel combustion engine equipment and must meet the following minimum emission reductions:
 - 1) Diesel oxidation catalysts
 - a. Particulate Matter (PM) – 20 percent
 - b. Carbon Monoxide (CO) – 40 percent
 - c. Volatile Organic Compounds (VOC) – 50 percent
 - 2) Diesel Particulate filters
 - a. PM – 85 percent
- II. The Contractor is responsible for ensuring that the emission control technology is operated, maintained, and serviced as recommended by the manufacturer.

c. Certification by Contractor

- I. Work under this contract shall not proceed until the Contractor submits a certified list of all non-road diesel-powered construction equipment to be used on site. The list shall include the following:
 - a. Contractor and Subcontractor name and address, plus contract person responsible for the vehicles or equipment.
 - b. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
 - c. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour meter reading on installation date.
 - d. The Certification Statement signed and printed on the Contractor's letterhead.
- II. If the Contractor subsequently needs to bring on site equipment not on the list, the Contractor shall submit written notification within 24 hours that attests the equipment complies with all Contract conditions and provide information required by 3(a)(1) through (4).
- III. All diesel equipment shall comply with all pertinent local, state, and federal regulations relative to exhaust emissions control and safety.

d. Reporting

- I. The Contractor and Subcontractor(s) shall maintain detailed records of all non-road diesel-powered construction equipment used on the project. Records shall be available at all times for inspection by PSEG, third party independent construction environmental compliance representatives, or agency and/or regulatory inspectors (announced or unannounced).
- II. The Contractor shall submit to Company a monthly report that includes the following for each non-road diesel-powered construction equipment:
 - a. Hour-meter readings on arrival on-site, the first and last day of every month, and on date that the equipment is taken off-site.
 - b. Any problems with the equipment or emission controls.
 - c. Certified copies of fuel deliveries for the time period that identify:
 - 1) Source of supply
 - 2) Quantity of fuel
 - 3) Quality of fuel, including sulfur content (percent by weight)

e. Exemptions

- I. Rented diesel equipment that will be used on site for 10 days or less over the life of the project (i.e., 10 days cumulative) are exempt from this specification. However, if the rented equipment will be used more than 10 cumulative days, then the equipment must comply with this specification. In either case, rental equipment must be included as part of the detailed records of non-road diesel-powered construction equipment under Section 4.
- II. Large cranes (such as lattice boom crawler cranes) which are responsible for critical lift operations are exempt from installing retrofit emission control devices if they adversely

- affect equipment operation. Technical justification must be submitted to Black & Veatch for approval to document the impact on operations.
- III. Company may create an exemption when there is a compelling emergency need to use diesel vehicles or engines that do not meet the contract conditions for emission controls. Examples include the need for rescue vehicles or other equipment to prevent or remedy harm to human beings or additional equipment required to address a catastrophic emergency such as structure collapse or imminent collapse. Once the emergency is controlled, such non-compliant equipment must be removed from the project. Meeting contract deadlines will not be considered a compelling emergency.
 - IV. Diesel-powered non-road construction equipment need not be equipped with either EPA or CARB verified emission control technology if the non-road construction equipment diesel engine is certified to meet the EPA Tier 4 emission standards for non-road diesel engines for the applicable engine power group.
 - V. Company may provide an exemption lasting no more than 30 days to the Contractor, if the Contractor can prove with valid documentation and to Black & Veatch's satisfaction that the appropriate emission control equipment has been ordered in a timely manner after the bid was awarded, but has yet to be installed due to delays attributable to the equipment manufacturer and beyond the control of the Contractor. The Contractor must install the retrofit as soon as practicable once it has been delivered, and shall submit proof thereof when installation is complete. Provided, however, that such exemption shall not be available to the Contractor who already owns an equivalent piece of equipment that meets the engine requirements for the project, as the Contractor may use that piece of equipment.

f. Compliance

- I. All non-road diesel-powered construction equipment that is not exempt under Section 5 must be compliant with these provisions whenever they are present on the project site. The contractor's compliance with this notice shall not be grounds for claims as outlined in CT16-5000.

g. Non-Compliance

- I. All non-road diesel-powered construction equipment may be inspected by Company or designated agent without prior notice to the Contractor. If any non-road diesel-powered construction equipment is found to be in non-compliance, the Contractor must either remove the non-road diesel-powered construction equipment from the project or retrofit it within 15 calendar days. A Notice of Non-Compliance will be issued by Company or an agent at the time the non-compliance is identified.
- II. If the Contractor fails to take corrective action in accordance with the Notice, within 15 calendar days of issuance of the Notice of Non-Compliance, the subject non-road diesel-powered construction equipment shall be immediately removed from the project site.

h. Costs and Schedule

- I. All costs associated with the installation of emission control technology are the responsibility of the Contractor and shall be considered incidental to the cost of the project. No additional compensation is provided.

15 Mobile Source Engine Idling Limitations

a. Purpose

- I. The purpose of this specification is to ensure compliance with a condition stipulated by the Connecticut Siting Council (CSC) in its approval of the BHS Unit 5 Development and Management (D&M) Plan Phase I. The condition relates to mobile source engine idling during the execution of the work under this Contract and specifically requires the following: "Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes".

b. Mobile Source Engine Requirements

- I. Idling of delivery and/or dump trucks, or other equipment shall not be permitted during periods of non-active use, and it should be limited to three minutes in accordance with the Regulations of Connecticut State Agencies Section 22a-174-18(b)(3)(C):
 - a. No mobile source engine shall be allowed "to operate for more than three (3) consecutive minutes when the mobile source is not in motion, except as follows:
 - 1) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control,
 - 2) When it is necessary to operate defrosting, heating, or cooling equipment to ensure the safety or health of the driver or passengers,
 - 3) When it is necessary to operate auxiliary equipment that is located in or on the mobile source to accomplish the intended use of the mobile source,
 - 4) To bring the mobile source to the manufacturer's recommended operating temperature,
 - 5) When the outdoor temperature is below twenty degrees Fahrenheit (20 degrees F),
 - 6) When the mobile source is undergoing maintenance that requires such mobile source be operated for more than three (3) consecutive minutes, or
 - 7) When a mobile source is in queue to be inspected by U.S. military personnel prior to gaining access to a U.S. military installation."

c. Compliance

- I. All delivery and/or dump trucks, or other equipment must be compliant with these provisions whenever they are present on the project site.
- II. The Contractor and Subcontractor(s) shall provide training on compliance with these provisions to all operators of subject mobile source engines.
- III. The Contractor and Subcontractor(s) shall submit certification that all operators of subject mobile source engines have completed the training required in 3(b).

d. Non-Compliance

- I. Company Environmental Oversight will monitor compliance with these provisions. If any instances of non-compliance are observed, a Notice of Non-Compliance will be issued by Company or an agent at the time the non-compliance is identified. The Contractor must take corrective actions within 24 hours of receiving the Notice of Non-Compliance. Written notification must be provided to Company detailing what corrective action has been taken.
- II. If the Contractor fails to take corrective action in accordance with the Notice, within 15 calendar days of issuance of the Notice of Non-Compliance, all operators of subject mobile source engines must be re-trained on compliance with these provisions.

IV. Costs and Schedule

All costs associated with compliance with these provisions are the responsibility of the Contractor and shall be considered incidental to the cost of the project. No additional compensation is provided.