

<p>DOCKET NO. 225C - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel.</p>	<p>} } } } }</p>	<p>Connecticut Siting Council October 7, 2010</p>
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Decision and Order

In response to recommendations contained within the Kleen Energy Plant Investigation Review Panel Final Report of June 3, 2010, the Connecticut Siting Council (Council) hereby modifies its Docket No. 225 Decision and Order of November 21, 2002, to include the following additional conditions:

8. The use of natural gas as a fuel pipeline/system cleaning media during facility construction shall be prohibited.

9. Submit the following information to the Council 15-days prior to any future fuel pipeline/system cleaning operations related to facility construction:
 - a. Identification of the cleaning media to be used;
 - b. Identification of any known hazards through use of the cleaning media;
 - c. Description of how known hazards will be mitigated, including identification of any applicable state or federal regulations concerning hazard mitigation measures for such media;
 - d. Identification and description of accepted industry practices or relevant regulations concerning the proper use of such media;
 - e. 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;
 - f. 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; and
 - g. Certification of notice regarding construction pipe cleaning operations to all state agencies listed in General Statutes § 16-50j(h) and to the Department of Consumer Protection, Department of Labor, Department of Public Safety, Department of Public Works, and the Department of Emergency Management and Homeland Security.

10. Resubmit a copy of the Emergency Response Plan that identifies any revisions since the initial filing of the Development and Management Plan, and includes the following:
 - a. A description of the results of any simulated emergency response activities with any state and/or local emergency response officials; and
 - b. Details of the current construction site access system that accounts for all personnel entering and leaving facility.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance published in The Hartford Courant and the Middletown Press.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

Kleen Energy Systems, LLC

Its Representatives

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Intervenor

NRG Middletown Power LLC

Its Representative

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Intervenor

The Connecticut Light and Power Company

Its Representative

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Vincent P. Pace, Esq.

Christopher R. Bernard
Manager-Regulatory Policy (Transmission)

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Intervenor

City of Middletown

Its Representative

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Intervenor

Connecticut River Watershed Council, Inc.

Its Representative

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Intervenor

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Party

Town of Portland

Its Representative

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Intervenor

The Honorable Eileen M. Daily
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Intervenor

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State Representative – 32nd District
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