

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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Web Site: www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 9, 2004

Lawrence J. Golden, Esq.
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702

RE: **PETITION NO. 662** - South Norwalk Electric and Water (SNEW) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed emergency installation of a temporary 22.8 MW peaking project off of Dr. Martin Luther King Jr. Boulevard, South Norwalk, Connecticut.

Dear Attorney Golden:

At a public meeting held on March 4, 2004, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need. All conditions of this project currently in effect will remain in effect. In addition, the Council will impose the following conditions on this project as listed below.

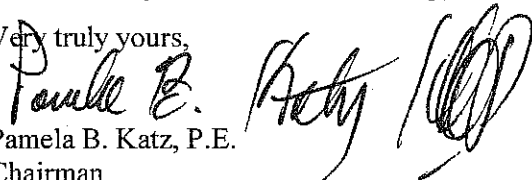
1. Air emissions and Town noise ordinance standards must be strictly adhered to and monitored.
2. In the event that CONVEX should determine an electrical generation emergency and request that this project operate outside of normal operating hours, permission from the Council is not necessary, but a follow-up report with the details of said action must be sent to the Council. Noise ordinance requirements during that time period would not be in effect.
3. Compliance with the Norwalk Zoning Commission resolution, dated May 6, 2003 (a copy is enclosed).

In the event the South Norwalk Electric and Water (SNEW) project is not awarded, a contract under a Request for Proposal (RFP) for the Summer of 2003, the project owners must vacate and restore the project site by August 1, 2004.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated February 26, 2004.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,


Pamela B. Katz, P.E.
Chairman

PBK/laf

Enclosure: Staff Report dated March 4, 2004

c: Honorable Alex A. Knopp, Mayor, City of Norwalk
Michael Greene, Director of Planning and Zoning, City of Norwalk



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PETITION NO. 662

SOUTH NORWALK ELECTRIC AND WATER

NORWALK, CONNECTICUT

MARCH 4, 2004

STAFF REPORT



On February 26, 2004, South Norwalk Electric and Water (SNEW) submitted a petition for a declaratory ruling to the Connecticut Siting Council (Council) for approval of the installation of a temporary combustion turbine unit off of Martin Luther King, Jr. Boulevard in Norwalk, Connecticut. A similar project at this site was approved by the Council in Petition No. 620E on May 20, 2003.

SNEW proposes to install a 22.8 MW TM 2500 combustion turbine unit which would be available from the beginning of June 2004 through no later than the end of October 2004, conditioned on selection by ISO-New England (ISO-NE) in response to an RFP initiated by ISO-NE on December 1, 2003. The RFP is expected to be awarded during March 2004.

For the 2004 season, the proposed SNEW project would only use ultra-low sulfur distillate fuel, and, unlike the 2003 season, the project would not run on natural gas. The Department of Environmental Protection's (DEP) air permit issued in 2003 for this project is valid for the period of June 1 and October 31st of any calendar year. Although the air permit allows 500 hours of operation, this project would only run for a maximum of 200 hours, and then only on ultra-low sulfur fuel. In all other respects, this project would operate as was the case in 2003. The GE TM 2500 mobile combustion turbine is a trailer-mounted generator with four trailers forming a T-configuration within approximately a 300-foot by 100-foot project area. The sound wall constructed in 2003 would remain intact for this project in 2004, and the generator would be placed in the same location as in 2003. SNEW states that during the August 2003 power outage, the temporary generator installed by SNEW operated as designed at this site.

SNEW requests expedited approval of this petition and submits that no hearing would be necessary, as this is essentially the same project as that approved in 2003, absent gas compression facilities, thereby reducing noise levels and visual impacts. The only additional equipment proposed to be installed is a second double-walled temporary 20,000-gallon fuel tank. Although two tanks were approved last year, only one tank was installed.

SNEW has filed a separate petition (No. 663) for the repowering of the SNEW station, expected to be placed in service in May, 2005.

At a special meeting of the Norwalk Zoning Commission held on Tuesday, May 6, 2003, the following action was taken:

RESOLUTION

BE IT RESOLVED that the special permit #12-03SP - Second Taxing District/South Norwalk Electric Works - 2 State Street - Supplemental generation plant and related equipment (the "facility") as shown on various plans dated revised to April 28, 2003, be approved, subject to the following conditions:

1. That a certificate of special permit be filed on the Norwalk Land Records; and
2. That a surety in an amount to be determined by staff be submitted to guarantee the installation of required site improvements; and
3. That CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
4. That the acoustical wall design be modified to include community art work; and
5. That the operation of the facility comply with the noise limitations set forth in the City of Norwalk Noise Control Ordinance (Norwalk Code Chapter 68), notwithstanding Section 68-5(E)(9) thereof; and
6. That decibel level measurements be taken on any day during which the generator operates at each of the following locations to monitor sound levels for compliance with condition number 5 hereof: (i) Downs Apartments, (ii) 208 Flax Hill Condominiums, (iii) Cleveland Terrace, (iv) Columbus School, and (v) Harborview Apartments (on lower Flax Hill). Such measurements shall be conducted between 30 minutes after start-up of the generator and three hours after start-up of the generator; measurements at each location shall be made for 15 minutes to establish average values; and
7. That the measurements taken pursuant to condition number 6 hereof be reported by the applicant to the Commission on a monthly basis, and on other occasions as requested by Zoning staff, with the report on any month's results to be submitted to the Commission within one week after the conclusion of such month. In addition, if any measurements exceed the value provided for herein, the results shall be immediately reported to the Zoning staff; and
8. That the facility may operate no more than five hundred (500) hours per year, and may operate only during the months of June, July, August, September and October, and only during Daytime Hours as defined in the City of Norwalk Noise Control Ordinance; and
9. That any landscaping improvements related to this project will remain as permanent site improvements; and
10. That all necessary environmental, air quality and related permits be obtained from the appropriate state and federal agencies and that evidence of such permits be submitted to the

Zoning staff prior to the beginning of operations; and

11. That this special permit shall expire on November 1, 2003 and that all equipment be removed by November 30, 2003; and
12. That if any condition of this special permit, or the application thereof to any circumstance, shall to any extent be held invalid or unenforceable under any controlling law, that condition shall be considered severable and its invalidity shall not affect the validity of this special permit or the validity of the remainder of such conditions, which shall continue in full force and effect.

BE IT FURTHER RESOLVED that the application complies with the Norwalk Building Zone Regulations, including Section 118-700 Industrial Zone #1 and Section 118-1450, Special Permits, and specifically complies with the requirements of Section 118-700(B)(5) in that the applicant has submitted a plan which demonstrates how the facility will comply with local, state and federal environmental regulations; and

BE IT FURTHER RESOLVED that the effective date of this action be May 16, 2003.

The approved special permit allows for the temporary placement of certain equipment subject to the conditions of approval and the plans on file with this office. Any revisions to the approved plans will require a new submittal to the Zoning Commission for review and approval.