

Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

July 30, 2010

TO: Parties and Intervenors

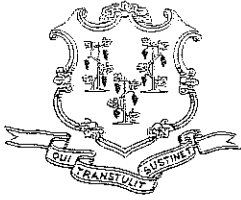
FROM: S. Derek Phelps, Executive Director *SDP/cmw*

RE: **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.

Comments have been received from the Department of Public Health, dated July 23, 2010. A copy of the comments is attached for your review.

SDP/RDM/laf

c: Council Members



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

RECEIVED
JUL 29 2010

OFFICE OF COMMISSIONER
July 23, 2010

ORIGINAL

CONNECTICUT
SITING COUNCIL

TO: S. Derek Phelps, Executive Director
Connecticut Siting Council

FROM: J. Robert Galvin, MD, MPH, MBA
Commissioner, Connecticut Department of Public Health

RE: Comments in response to **DOCKET NO. 225C** – Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

The following comments from the Connecticut Department of Public Health in reference to the Request for Extension for the above-mentioned Certificate are being submitted as requested, pursuant to Connecticut General Statutes § 16-50j(h).

As conceded in the application from Kleen Energy, LLC, the company's use of an inherently unsafe gas pipe cleaning procedure resulted in an explosion at the facility on February 7, 2010. Although not mentioned in their Request for Extension application, this explosion resulted in the deaths of six workers and significant injuries to many other workers on the construction site that day.

During the course of their investigation, the U.S. Chemical Safety and Hazard Investigation Board (CSB) obtained information that, in addition to the Kleen Energy plant currently under construction, an additional 6-8 new gas-fueled power plants are scheduled to be commissioned in Connecticut over the next 5 years. The Connecticut Department of Public Health is committed to protecting the health and safety of workers in our state, and as such the Department is recommending that the Connecticut Siting Council attach the following conditions to the continuation of the Kleen Energy, LLC application as well as any future applications from gas-fueled power plants in Connecticut. These recommendations refer both to the initial construction phase and any future construction or maintenance activities at these facilities.

1. Prohibit applicants from using flammable gas for the purposes of cleaning fuel gas piping. In addition, we recommend requiring applicants to specify in their application which specific and inherently safer alternative method of gas pipe cleaning will be used at the facility.
2. Prohibit applicants from venting flammable gas indoors or outdoors where the gas may form a flammable atmosphere in the vicinity of workers and/or ignition sources.
3. Prohibit applicants from allowing any work activity in areas where the concentration of flammable gas exceeds 10% of the lower explosive limit (LEL) for that gas. Require applicants to provide continuous monitoring of gas concentrations in areas where a build-up of flammable gas is possible, with audible alarms that sound when the concentration approaches 10% of the LEL.
4. Require applicants at all times to adhere to the code requirements in the most current version of the *National Fuel Gas Code*, as outlined in the National Fire Protection Association Standard 54 (NFPA 54). Currently, gas-fueled power plants and fuel gas piping operated at a pressure over 125 pounds per square inch gauge (psig) are exempted from NFPA 54.



5. Require applicants to adhere to the Occupational Safety and Health Administration (OSHA) Standards for *Process Safety Management of Highly Hazardous Chemicals* (29 CFR § 1910.119). Currently, OSHA's PSM standard exempts flammable liquids or gasses that are used solely for workplace fuel consumption.
6. Require applicants to provide an independent Site Safety Manager during the construction phase of the facility to coordinate and ensure the safety of these highly complex construction environments. This Site Safety Manager should be provided with adequate dedicated staff to ensure a culture of safety on the construction site and to provide continuous on-site independent safety monitoring during the construction of the facility.
7. Require applicants to provide their flammable gas safety procedures and training activities that specifically involve contractors, workers, and their representatives in the development and decision-making processes.
8. Prohibit the inclusion of early completion incentives in construction contracts related to these facilities. Early completion incentives, by their nature, often compel contractors and tradespeople to perform rushed and tired work and result in an emphasis on speed and convenience at the expense of safety. As part of their investigation, the Connecticut Department of Labor determined that contractors on the Kleen Energy site were working an average of 50-90 hours per week during the six months leading up to the explosion. In addition, CSB has asserted that the cleaning of pipes with metered flammable gas (as was the case at the Kleen Energy site) represents neither a safer nor a more cost effective method for fuel gas pipe cleaning, but is only performed for the sake of convenience and time savings.

On behalf of our entire Department, I would like to thank the Connecticut Siting Council for its consideration of our recommendations for current and future siting of gas-fueled power generation facilities. If you have any questions or need any further information, please feel free to contact our Occupational Health Unit Supervisor, Tom St. Louis, at (860) 509-7759.

JRGsm

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Kleen Energy Systems, LLC	<p>Mr. William C. Corvo President Kleen Energy Systems, LLC P.O. Box 2696 Middletown, Connecticut 06457 (860) 632-1044 Biagio6539@aol.com</p> <p>Lee D. Hoffman, Esq. Pullman & Comley, LLC 90 State House Square Hartford, Connecticut 06103-3702 (860) 424-4315 (860) 424-4370 – fax lhoffman@pullcom.com</p>
Intervenor	NRG Middletown Power LLC	<p>Alfred E. Smith, Jr. Murtha Cullina LLP Two Whitney Avenue P.O. Box 704 New Haven, CT 06503 (203) 772-7722 (203) 772-7723 – fax asmith@murthala.com</p>
Intervenor	The Connecticut Light and Power Company	<p>Duncan R. Mackay, Esq. Vincent P. Pace, Esq. The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5000 (860) 665-5504 – fax mackadr@nu.com pacevp@nu.com</p> <p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 655-2036 (860) 665-2611 – fax morisjr@nu.com</p>

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	The Connecticut Light and Power Company	Christopher R. Bernard Manager-Regulatory Policy (Transmission) The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com
Intervenor	City of Middletown	Timothy P. Lynch Deputy City Attorney City Attorney's Office City of Middletown 245 deKoven, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3499 - fax Tim.lynych@cityofmiddletown.com
Intervenor	Earle Roberts	Earle Roberts 785 Bow Lane Middletown, CT 06457-4810 (860) 346-0068 (860) 344-9327 – fax eroberts4675@sbcglobal.net
Intervenor	Connecticut River Watershed Council, Inc.	Jacqueline Talbot Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 704-0057- fax jtalbot@ctriver.org

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party (granted on July 29, 2010)</p>	<p>Town of Portland</p>	<p>Jean M. D'Aquila D'Aquila Law Offices, LLC 100 Riverview Center, Suite 205 Middletown, CT 06457 (860) 704-0290 (860) 704-0545 jmd@daquilalaw.com</p> <p>Susan S. Bransfield, First Selectwoman Town of Portland 33 East Main Street P.O. Box 71 Portland, CT 06480 (860) 342-6715 (860) 342-6714 sbransfield@portlandct.org</p>
<p style="text-align: center;">Intervenor (granted on July 29, 2010)</p>	<p>The Honorable Eileen M. Daily State Senator - 33rd District 103 Cold Spring Drive Westbrook, CT 06498 (860) 240-0462 (860) 240-0036 fax daily@senatedems.ct.gov</p>	
<p style="text-align: center;">Intervenor (granted on July 29, 2010)</p>	<p>The Honorable James A. O'Rourke State Representative – 32nd District Legislative Office Building, Room 4108 Hartford, CT 06106-1591 (860) 635-2992 (860) 240-8585 (860) 240-0206 fax Reporourke@att.net</p>	