

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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CONNECTICUT  
SITING COUNCIL

APPLICATION OF KLEEN ENERGY SYSTEMS, LLC  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR AN ELECTRIC  
GENERATING FACILITY AND SWITCHYARD  
IN MIDDLETOWN

DOCKET NO. 225D

DECEMBER 28, 2010

TOWN OF PORTLAND'S BRIEF

On October 7, 2010 the Connecticut Siting Council (the Council) voted to reopen its docket pursuant to CGS Sec. 4-181a(b) in order to consider changed conditions and the attaching of conditions to the applicant's certificate consistent with the Thomas Commission's findings and recommendations in its Executive Report.

On December 7, 2010 the Council held a hearing to take testimony on the issues for which it reopened the docket.

In Docket No. 187A, (Milford Power Company, LLC) the Council in its Opinion dated December 2, 2010 found changed conditions in industry practices specifically pertaining to the gas pipe cleaning process. Based on those changed conditions, the Council entered a Decision and Order dated December 2, 2010 attaching the following additional conditions to the facility's certificate:

**Additional Conditions to the Docket 187A Decision and Order as follows:**

2. The use of natural gas as a fuel pipeline/system cleaning media for any future facility modification shall be prohibited.

3. Submit the following information to the Council 15-days prior to any future fuel pipeline/system cleaning operations related to any future facility modification:
- 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;
  - g. Contact information for a special inspector hired by the Certificate Holder 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
  - h. Certification of notice regarding 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.

4. Submit a copy of an Emergency Response/Safety Plan within 90 days of the date of this decision that identifies any revisions since the initial filing of the Development and Management Plan, if applicable, and that includes, but is not limited to 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.
  
5. Compliance with the following codes and standards, as adopted and amended by the Department of Public Safety and/or the Authority Having Jurisdiction, for any future fuel pipeline/system cleaning operations related to any future facility modification:
  - a. NFPA 37 (2010 edition);
  - b. NFPA 54 (2009 edition);
  - c. NFPA 54 Temporary Interim Amendment 09-3 (August 25, 2010);
  - d. NFPA 850 (2010 edition);
  - e. ASME B31 (2007); and
  - f. ASME B31.1 Appendices IV and V (2007).

It should be noted that the applicant, Kleen Energy Systems, LLC (Kleen Energy) does not oppose these additional conditions. When the Town of Portland cross-examined William Corvo, Kleen Energy's project development coordinator, at the December 7, 2010 hearing, it asked him whether

Kleen Energy objected to any of the Thomas Commission's recommendations. Mr. Corvo had no objections to any of the recommendations, except he expressed concern about Kleen Energy's ability to satisfy Section 8.3.2.1(5) of NFPA 54 Temporary Interim Amendment 09-3 (August 25, 2010). That section requires that the gas supplier purge the piping in accordance with written procedures. Kleen Energy continues to doubt whether its gas supplier can or will adhere to the section's requirement. (See Kleen Energy's November 15, 2010 Responses to the Council's First Set of Interrogatories, A4, page 6)

It seems unlikely that a gas supplier would refuse to adhere to written procedures when undertaking an activity as potentially hazardous as pipeline purging. In any case, such concerns did not deter the Council from imposing NFPA 54 Temporary Interim Amendment 09-3 ( August 25, 2010 ) as part of the additional conditions in Docket No. 187A; neither should they deter it in this docket.

In Docket No. 187A, the Council's orders pertained to pipe cleaning procedures for future facility modifications. Any additional conditions imposed on Kleen Energy's facility should apply to pipe cleaning operations for the completion of the current facility as well as to future facility modifications. With that adaptation, the Town of Portland urges the Council to impose in this docket as additional conditions the same recommendations of the Thomas Commission the Council imposed in Docket No. 187A.

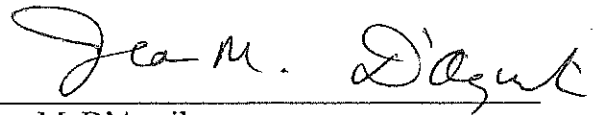
Respectfully Submitted,  
**THE TOWN OF PORTLAND**

By 

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CERTIFICATION OF SERVICE

I hereby certify that on this 28<sup>th</sup> day of December, 2010, a copy of the foregoing brief was delivered by U.S. Mail, first class postage prepaid, to all of the parties and intervenors appearing on the attached Service List dated July 30, 2010.



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