

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD, CONNECTICUT
06106

JOHN G. ROWLAND
GOVERNOR

June 17, 1996

The Honorable Sidney J. Holbrook
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106

RE: Emergency Regulation Concerning Electric Generation Shortages

Dear Commissioner Holbrook:

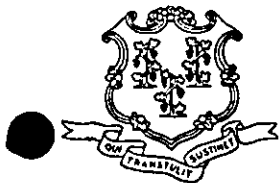
I approve your finding of an imminent peril to the welfare of residents of Connecticut, requiring the adoption of emergency regulations to minimize potential electric generation shortages this summer.

Adoption of this regulation will reduce the potential for electric generation shortages (e.g., brownouts and blackouts) this summer, particularly during peak loading periods. The potential for power shortages is caused in large part by the continued shutdown (required by the federal Nuclear Regulatory Commission) of the three Millstone units located in Waterford, Connecticut.

Northeast Utilities, United Illuminating, the Connecticut Municipal Electric Energy Cooperative and the New England Power Pool have been working together and have developed an emergency plan to compensate for this capacity deficiency. The elements of the plan include, but are not limited to, purchasing power from both in state and out of state sources, asking private power producers in Connecticut to operate at maximum output, reactivating previously retired and reserve status units and installing new generators in the state. Conservation measures, including prioritizing customer needs and seeking customer curtailment of power usage, are integral elements of this plan so as to minimize the need to approve additional fossil fuel generating units. Without this regulation, it would be impossible to legally authorize the aforementioned activities in time for the operation of these facilities this summer. Any authorizations issued pursuant to this emergency regulation will contain adequate conditions to protect human health and the environment.

Sincerely,

A handwritten signature in cursive script that reads "John G. Rowland".
John G. Rowland
Governor



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



79 ELM STREET HARTFORD, CONNECTICUT 06106

PHONE: (860) 424-3001

June 17, 1996

Sidney J. Holbrook
Commissioner

The Honorable John G. Rowland
Governor of Connecticut
State Capitol
Hartford, Connecticut 06106

Dear Governor Rowland:

In accordance with Connecticut General Statutes Section 4-168(f), I have made a finding that an imminent peril to the public welfare of the residents of Connecticut exists requiring adoption of an emergency regulation concerning the potential for electrical generation shortages this summer. The authority for these regulations is Connecticut General Statutes Section 22a-174.

I. BACKGROUND

On or about April 23, 1996 the federal Nuclear Regulatory Commission (NRC) rendered all three units at the Millstone Station in Waterford inoperable and placed these three units on the NRC's "watch list." These units combined have the capacity to generate approximately 2,630 megawatts (MW) of electricity. Due to the continued shutdown of these facilities and the uncertainties associated with any recommencement of operation, it is necessary to implement emergency regulations to compensate for the capacity deficiency anticipated this summer.

Northeast Utilities ("NU") and the United Illuminating Company ("UI") are working closely with the New England Power Pool and the Connecticut Municipalities Electric Energy Cooperative (CMEEC) to develop emergency measures to avoid any electric generation shortages this summer. As a result of their efforts, the following measures have been implemented: power has been purchased from both instate and out of state sources, private power producers in Connecticut have been asked to operate at maximum output, previously retired and reserve status units have been reactivated and new generators have been installed in the state. In addition, conservation measures, including prioritizing customer needs and seeking customer curtailment of power usage, are integral elements of the emergency plan.

II. NEED FOR THIS EMERGENCY REGULATION

By memorandum dated August 2, 1993, this agency was informed of the need, when seeking to promulgate emergency regulations, to include a timetable for regulation promulgation under the standard, non-emergency regulation process; a timetable for the emergency

regulations; and an explanation of the agency's finding of "an imminent peril to the public health, safety or welfare." The following represents the agency's response to that directive.

The timetable for regulation implementation under non-emergency regulation making process is approximately eight months (see attached time line). This timetable includes the initial drafting of the regulation (including internal review by agency staff), preparation of supporting documents (e.g., fiscal note, small business impact statement), OPM review, informal and formal Attorney general review, public notice, comment period, public hearing, drafting of Hearing Officer's response to comments, notice of availability of proposed regulation and hearing report, submission to and meeting before the Regulation Review Committee, filing with the Secretary of State's Office, and lastly, publication in the Connecticut Law Journal.

The timetable for promulgation of the emergency regulation is anticipated as follows: subsequent to the Governor's review and written approval of the agency's finding of an imminent peril to the public welfare, the regulations will be submitted to the Legislative Regulation Review Committee. The original and eighteen copies of the emergency regulation, in the same form prescribed for a permanent regulation (except for the fiscal note) will be submitted to the Legislative Regulation Review Committee not later than 10 business days prior to the proposed effective date of the regulation (submission is expected no later than June 18, 1996). The proposed effective date of the regulation is July 1, 1996. The Committee may approve or disapprove the regulation, in whole or in part, within the 10-day period. If the Committee takes no action within the 10-day period the regulation is deemed approved (there is no provision for rejection without prejudice of an emergency regulation). Once the regulation is approved, it becomes effective upon this agency's filing (within 14 days of the approval) with the Office of the Secretary of the State.

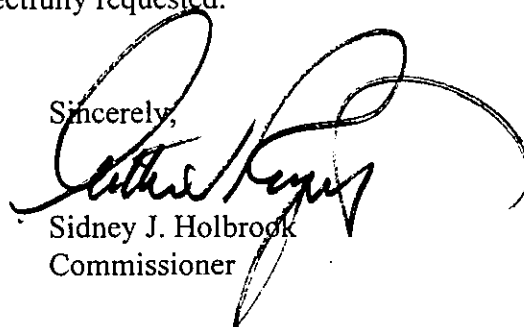
III. THE PROPOSED EMERGENCY REGULATION

The proposed emergency regulation allows the utilities (NU, UI and CMEEC) to install and operate five emergency generators (40 MW each) located at the Devon and South Meadow stations. In addition to the emergency installation of 200 MW of turbine generation, the utilities have reactivated retired units in Middletown, Bridgeport, and Wallingford and have transferred loads to substations outside of Connecticut. Moreover, the utilities have also sought voluntary interruption of service with certain customers. These regulations require the use of state-of-the-art pollution control equipment and mandate that the least environmentally harmful fuels are used. In addition, the installation of noise barriers is required to the extent necessary to comply with the Department's noise regulations and abate any potential or actual noise pollution.

As mentioned above, the unexpected shutdown of the Millstone nuclear facilities in Waterford has placed an enormous strain on the electric supply system. By authorizing these additional emergency electrical generators, we can minimize the likelihood that electrical generation shortages will occur this summer. Without the adoption of these regulations, the likelihood that the citizens of Connecticut will experience blackouts and brownouts this summer are greatly enhanced, creating an imminent threat to the public welfare of the citizens of Connecticut.

For all of the reasons noted above, your approval of the enclosed emergency regulation, as required by Conn. Gen. Stat. Section 4-168(f) is respectfully requested.

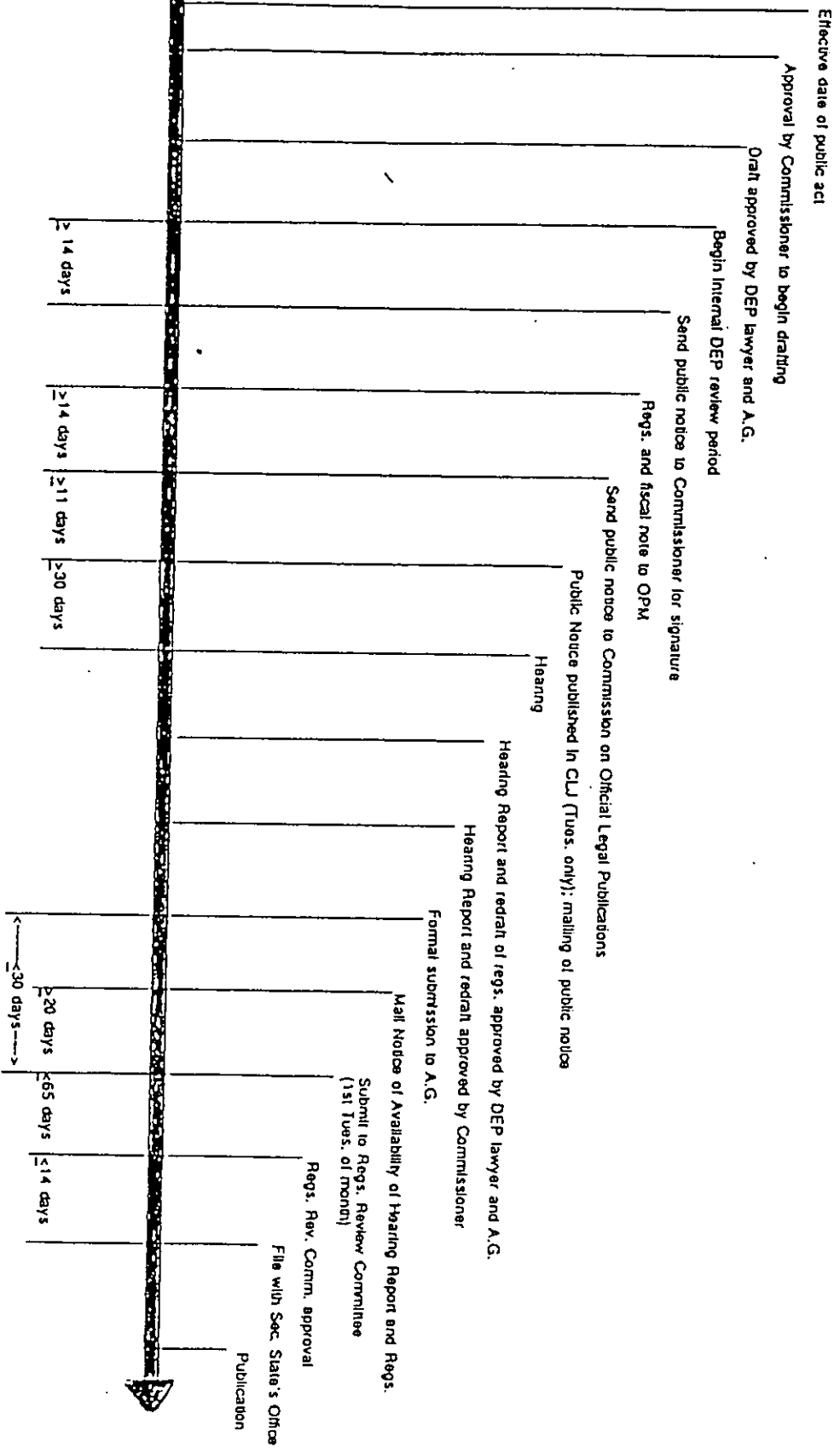
Sincerely,

A handwritten signature in black ink, appearing to read "Sidney J. Holbrook", written in a cursive style with a large flourish at the end.

Sidney J. Holbrook
Commissioner

Enc.: DEP Regulation Adoption Time line

DEP Regulation Adoption Timeline



These additional deadlines apply when the regulation is required by statute.

This timeline includes only those steps for which time deadlines have been established by statute or directive, and other major steps. Consult Directive for additional steps. Date: 8/90

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

Page 1 of 6 pages

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

concerning
Emergency Utility Authorization

Section 1

The Regulations of Connecticut State Agencies are amended by adding a new section 22a-174-37 as follows:

(NEW)

(a) Definitions For purposes of this section, the following definitions shall apply:

- (1) "CFR" means the Code of Federal Regulations.
- (2) "Commissioner" means the Commissioner of Environmental Protection.
- (3) "Conservation plan" means a conservation plan under subsection (d) of this section.
- (4) "Contract" means: (i) an agreement between a utility and a customer (or other person) to provide electricity during the emergency period; or (ii) a change in any agreement between a utility and a private power producer to provide additional electricity during the emergency period.
- (5) "Department" means the Department of Environmental Protection.
- (6) "Emergency generator" means a reciprocating engine or a turbine engine which is used as a means of providing mechanical or electrical power during the emergency period.
- (7) "Emergency period" means May, June, July and August of 1996.
- (8) "Emissions reduction credits" means approved emissions reduction credits the use of which the Commissioner has authorized in writing in accordance with section 22a-174-22 of the R.C.S.A.
- (9) "R.C.S.A." means the Regulations of Connecticut State

STATE OF CONNECTICUT
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Section 1.

Agencies.

- (10) "Person" is defined as that term is defined in section 22a-2 of the General Statutes.
- (11) "Potential to emit" is defined as that term is defined in R.C.S.A. section 22a-174-1.
- (12) "Serious non-attainment area for ozone" means all municipalities within the State of Connecticut, except those municipalities located in the severe non-attainment area for ozone.
- (13) "Severe non-attainment for ozone" means Bethel, Bridgeport, Bridgewater, Brookfield, Danbury, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, Stratford, Trumbull, Weston, Westport and Wilton.
- (14) "Utility" means any electric public service company as defined in section 16-1 of the General Statutes and any electric municipal utility company as defined in section 7-233b of the General Statutes.

(b) Applicability

Notwithstanding any contrary provision, term or condition included in any license issued by the Commissioner to a utility, or the lack of any such license issued, each utility is hereby authorized during the emergency period to:

- (1) install and operate four natural gas fired turbine generators at the Devon electric generating station located at 732 Naugatuck Avenue in Milford, Connecticut;
- (2) install and operate one dual fuel (No. 2 oil and natural gas) turbine generator at the South Meadow station in Hartford, Connecticut;
- (3) reactivate and thereafter operate Middletown Unit No. 1 located in Middletown, Connecticut;
- (4) install and operate twenty-three diesel generators located in Groton, Connecticut; and
- (5) enter into contracts with its customers to operate or

STATE OF CONNECTICUT
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OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Section 1.

cause to be operated customer-owned emergency generators.

(c) Customer generation

No person shall, notwithstanding any contract between such person and a utility, operate pursuant to such contract an emergency generator so as to exceed legally applicable emissions limitations unless such utility has provided the Commissioner with a complete list of all persons under contract with such utility to operate emergency generators. Whenever a utility, pursuant to such a contract, requests the customer to commence operating an emergency generator, the utility shall immediately report such request to the Commissioner at (860) 424-3338.

(d) General Requirements

(1) During the emergency period, each utility shall:

- (A) use the federal nitrogen oxides ("NOx") Emissions Estimation Protocol pursuant to 40 CFR 75 at Middletown Station, Unit 1 and Bridgeport Harbor Station, Unit 1;
- (B) install any noise barriers as the Commissioner deems appropriate at the Devon and South Meadow stations and at any other location the Commissioner may require to abate or mitigate any potential or actual noise pollution pursuant to section 22a-69 of the General Statutes and regulations adopted thereunder;
- (C) use or caused to be used propane fuel, diesel fuel containing a sulfur content of no greater than .05%, or natural gas for all emergency generators operated pursuant to this section. All emergency generators operating under a contract with a utility shall use such fuel as is required in accordance with its permit requirements;
- (D) conduct any modeling as the Commissioner may require in accordance with R.C.S.A. section 22a-174-3(c)(3) at any location where an emergency generator is operated pursuant to this section; and
- (E) maintain on a daily basis and submit to the Commissioner on a weekly basis such data as the

STATE OF CONNECTICUT
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OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Section 1.

consumption and hours of operation of emergency generators operated pursuant to this section.

- (2) During the emergency period, no utility or person under contract to such utility to operate an emergency generator, may lawfully take any action under the authority of this section unless such utility has received the Commissioner's written approval of its conservation plan and has certified to the Commissioner under penalty of false statement that such plan is in full effect. Such plan shall, at a minimum, educate the public about energy conservation and shall require both residential and nonresidential customers to curtail their use of electricity.
- (3) No activity authorized pursuant to this section shall relieve any person of other legal obligations under applicable federal, state, and local laws.
- (4) No activity authorized pursuant to this section shall affect the Commissioner's authority to institute any proceeding or to take any action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.

(e) Emission offsets

For each source of NOx emissions operated during the emergency period, pursuant to this section, each utility shall provide emission offsets in accordance with R.C.S.A. section 22a-174-3(1) in the form of emission reduction credits. Such credits shall be in an amount equal to the sum of the potential to emit ("potential") of all NOx emissions from each utility and the customer contracted electricity multiplied by 1.2 (if the emissions occur in a serious non-attainment area for ozone), or multiplied by 1.3 (if the emissions occur in a severe non-attainment area for ozone). In addition, if the total of actual NOx emissions by a utility during the emergency period exceeds 5,600 tons, plus the potential emissions for which emission offsets have been provided, a utility shall purchase emission reduction credits no later than December 31, 1996 from, : (i) existing and new utility-owned and operated sources, (ii) customer-generated and operated sources, and (iii) any increase in non-utility generated emissions in Connecticut and purchased by a utility.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Section 1.

Statement of purpose: To avoid an imminent peril to the public health, safety or welfare by reducing the possibility of electrical power shortages during the emergency period.

STATUTORY AUTHORITY UNDER WHICH THE ACTION IS PROPOSED: Sec. 22a-174 and 22a-6k of the Connecticut General Statutes.

Be it known that the foregoing:

- Regulations
- Emergency Regulations

Are:

- Adopted
- Amended as hereinabove stated
- Repealed

By the aforesaid agency pursuant to:

- Section 22a-174 of the General Statutes.
- Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.
- Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on * 199, of the notice of the proposal to: *Emergency Regulation: No Publication

- Adopt
 - Amend
 - Repeal
- such regulations

(If applicable): And the holding of a public hearing on * day of _____ 199

WHEREFORE, the foregoing regulations are hereby:

- Adopted
- Amended as hereinabove stated
- Repealed

Effective:

- When filed with the Secretary of State.
- (OR)
- The _____ day of _____ 199

| | | | |
|---|---------|--|---------------------------------|
| In Witness Whereof: | DATE | SIGNED (Head of Board, Agency or Commission) | OFFICIAL TITLE, DULY AUTHORIZED |
| | 6.17.96 | | Asst. Commissioner |
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | SIGNED | OFFICIAL TITLE, DULY AUTHORIZED | |

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

| | | |
|--|------|---|
| By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. | DATE | SIGNED (Clerk of the Legislative Regulation Review Committee) |
|--|------|---|

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

| | | |
|------|----------------------------------|----|
| DATE | SIGNED (Secretary of the State.) | BY |
|------|----------------------------------|----|

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

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- (C) use or caused to be used propane fuel, diesel fuel containing a sulfur content of no greater than .05%, or natural gas for all emergency generators operated pursuant to this section. All emergency generators operating under a contract with a utility shall use such fuel as is required in accordance with its permit requirements;
- (D) conduct any modeling as the Commissioner may require in accordance with R.C.S.A. section 22a-174-3(c)(3) at any location where an emergency generator is operated pursuant to this section; and
- (E) maintain on a daily basis and submit to the Commissioner on a weekly basis such data as the

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

- Section 1. Commissioner may require, including fuel consumption and hours of operation of emergency generators operated pursuant to this section.
- (2) During the emergency period, no utility or person under contract to such utility to operate an emergency generator, may lawfully take any action under the authority of this section unless such utility has received the Commissioner's written approval of its conservation plan and has certified to the Commissioner under penalty of false statement that such plan is in full effect. Such plan shall, at a minimum, educate the public about energy conservation.
- (3) No activity authorized pursuant to this section shall relieve any person of other legal obligations under applicable federal, state, and local laws.
- (4) No activity authorized pursuant to this section shall affect the Commissioner's authority to institute any proceeding or to take any action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.

(e) Emission offsets

For each source of NOx emissions operated during the emergency period, pursuant to this section, each utility shall provide emission offsets in accordance with R.C.S.A. section 22a-174-3(1) in the form of emission reduction credits. Such credits shall be in an amount equal to the sum of the potential to emit ("potential") of all NOx emissions from each utility and the customer contracted electricity multiplied by 1.2 (if the emissions occur in a serious non-attainment area for ozone), or multiplied by 1.3 (if the emissions occur in a severe non-attainment area for ozone). In addition, if the total of actual NOx emissions by a utility during the emergency period exceeds 5,600 tons, plus the potential emissions for which emission offsets have been provided, a utility shall purchase emission reduction credits no later than December 31, 1996 from: (i) existing and new utility-owned and operated sources, (ii) customer-generated and operated sources, and (iii) any increase in non-utility generated emissions in Connecticut and purchased by a utility.

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STATUTORY AUTHORITY UNDER WHICH THE ACTION IS PROPOSED: Sec. 22a-174 and 22a-6k of the Connecticut General Statutes.

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section 22a-174 of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on 19 , of the notice of the proposal to: *Emergency Regulation: No Publication

Adopt Amend Repeal such regulations

(If applicable): And the holding of a public hearing on day of 19

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of State.

(OR)

The _____ day of _____ 19

| | | | |
|---|---------|--|---------------------------------|
| In Witness Whereof: | DATE | SIGNED (Head of Board, Agency or Commission) | OFFICIAL TITLE, DULY AUTHORIZED |
| | 6.17.96 | <i>[Signature]</i> | Asst Commissioner |
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | SIGNED | OFFICIAL TITLE, DULY AUTHORIZED | |

Approved WITH TECHNICAL CORRECTIONS

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. DATE 6/18/96 SIGNED (Clerk of the Legislative Regulation Review Committee) *[Signature]*

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

| | | |
|------|----------------------------------|----|
| DATE | SIGNED (Secretary of the State.) | BY |
| | | |

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RECEIVED

JUN 24 1996

RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE