

Legislative History for Connecticut Act

SB 628	PA 104	LR Scan Bill File too 1989
House	2038, 3845-3847, 4373	(5)
Senate	661, 1320-1322	(4)
Energy and Public Utilities	74-75, 76-79, 160-162, 318-320	(12)
CONNECTICUT STATE LIBRARY LEGISLATIVE REFERENCE SECTION		Total 21 P.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library
Compiled 2015

JOINT
STANDING
COMMITTEE
HEARINGS

ENERGY AND
PUBLIC UTILITIES
PART 1
1-416

1989
INDEX

The FCC has also set technical standards. Regulators must know these technical standards. They must know the federal rulings. If the rulings are violated, there probably, there may be holes or gaps in the system. And, it may precipitate a federal law suit with the municipality.

The Council knows the technology and knows the limitations and the federal rulings. It is a difficult task to balance the need for these facilities with locations that are available, have high elevations and are zoned appropriately. The municipalities may not be getting the latitude they think they will be getting with this bill.

Thank you. If there are any questions, ...?

SEN. HALE: Any questions? Representative Gordes.

REP. GORDES: Just a question on SB628, and in going through that, do you think there is any movement? I think the Hazardous Waste Management Service has provisions for like the low level radioactive waste siting plan, that there is a certain number or numbers of people from the designated host town who would be in on the actual voting of decision-making. I think that is the way it is written, correct me if I am wrong.

JOEL RINEBOLD: That is right.

REP. GORDES: Do you see that as possibly a direction that the Siting Council would also want to be taking, in lieu of the greater controversies that are arising about siting plans?

JOEL RINEBOLD: The answer to that is yes, we like participation. We encourage participation. To have it organized with a Committee, with members on it is going to have a cost. Right now, municipalities intervene as parties or interveners, and essentially they can do the same thing in, I think, a much more efficient way. The town fathers get together, perhaps they hire counsel, and they provide input to the Council, the Siting Council. With the local project review committee, with the one time that we have seen it enacted in the town of Thomaston, it was difficult and expensive for

the municipality to appoint members, to have those members conduct meetings, to have those members come to Council, Siting Council meetings.

It was difficult, and the town of Thomaston, after a four or five month proceeding that culminated in a withdrawal, had a bill of approximately \$32,000.

REP. GORDES: But, the point remains. I understand that you might be saying that it would be difficult, and there is a controversy in my part of the state about a siting of a facility. Don't you think that the people in those towns would feel better...? I mean, I have sat around the perimeter not of this room, but of other rooms that have held this Committee for years and tried to get input and advice and consent to the people sitting at this table, but there is nothing like having a vote. And, to say to a town, yes, you are going to have a representative on something that effects you locally, so that you can have a vote, at least a vote on it, similar to what the Hazardous Waste Management Service allows in the siting of the low level radioactive waste site facility...

Don't you see that as having a better value to the town, where they are truly far more representative of, represented in the process?

JOEL RINEBOLD: There is no question they will be able to represent the town in a vote, if that were to happen. Yes, there is no question that they would be able to vote for the town, if they were voting members.

REP. GORDES: Of the Siting Council. I am talking of the siting of say...generation...

JOEL RINEBOLD: Sure, which is what happens now the hazardous waste low level proceedings.

REP. GORDES: Right.

JOEL RINEBOLD: There are ad hoc members that vote.

REP. GORDES: Yes, but we don't have that with Siting Council yet?

JOEL RINEBOLD: For hazardous waste and low level radioactive waste proceedings...

REP. GORDES: Yes, I understand that. But, what I am saying is for, say, generation selections.

JOEL RINEBOLD: No. It is not in there now.

REP. GORDES: Okay. Do you think again, as something goes a little bit further than SB628, is that on the horizon? Or, do you think again that it is too cumbersome?

JOEL RINEBOLD: I think it is going to complicate the matters. I think that you can assume that with local interests, anyone who is going to be voting for a facility in their town is going to be, going to have to bow to the pressure of local residents, and they may not be in a position to make an objective decision. I think what you would see...

REP. GORDES: Isn't that true of the Hazardous Waste Management Service Siting criteria, too, then?

JOEL RINEBOLD: Yes, I think so.

REP. GORDES: So, that is already, we are saying, a pre-ordained vote?

JOEL RINEBOLD: I think that is what you would see.

REP. GORDES: What about in the case of a prison being sited? Do you see that as, again, is that always a pre-ordained vote? We have the Suffield versus the Newtown thing, that they have gone in different directions, it appears. Don't you see that that could possibly happen in a siting situation for anything?

JOEL RINEBOLD: Hypothetically, I think you are, I think yes. I think so.

REP. GORDES: Not hypothetically.

JOEL RINEBOLD: Well, we don't site prisons.

REP. GORDES: No, I know that. We will think about that. But...

JOEL RINEBOLD: I mean, hypothetically, I think you would have that type of local input.

REP. GORDES: I am just saying, it seems like every type of generation facility is coming under greater scrutiny.

JOEL RINEBOLD: Yes.

REP. GORDES: Than it ever has before.

JOEL RINEBOLD: I agree.

REP. GORDES: And that to allow a real vote on the siting process by the town may have some value. I will let that go for now, but I think it is something to consider.

SEN. HALE: Further questions? Thank you.

JOEL RINEBOLD: Thank you.

SEN. HALE: Representative Lavine?

REP. LAVINE: Members of the Committee, diligent ones who are still here at this late hour, (laughter) I arrived this morning, have had my lunch, and... (laughter) have returned to you. I appreciate this opportunity to come before you. You know my love for the Committee and my respect for it, so it is always enjoyable to come here.

I want to talk very, relatively briefly about HB6930, AN ACT CONCERNING ADVERTISING COSTS OF TELEPHONE COMPANIES and HB5729, AN ACT CONCERNING QUALITY STANDARDS OF TELECOMMUNICATIONS. I was going to start my talk this morning by saying that there were members of the Committee who did not know the issue, because they were new to the Committee. Most of those have now subsequently departed, and I don't think anybody is as rash as to read transcripts. (laughter) So, let me address myself to the Chairpeople.

As you know, this is a subject that has been near and dear to my heart, because I discovered several years back that my fellow townspeople in Durham were having a rather substantial problem getting

*Speaker
Tape 2B*

Testimony of Gloria Dibble Pond
Chairperson, Connecticut Siting Council
Before the Energy and Public Utilities Committee
February 9, 1989
Regarding Proposed Bills 628, 5721, 5722, and 5727

160

I am Gloria Dibble Pond, Chairperson of the Connecticut Siting Council, and thank you for the opportunity to speak. The Committee is hearing four bills today on which I would like to comment after a brief review of the role the Siting Council plays in Connecticut state government.

The General Assembly created the Council in 1971 to guarantee public participation in siting of electric power generating stations, electric and gas transmission lines, and substations whose need and effects transcend town boundaries. Through public participation, professional siting analysis, and strict procedural safeguards, the Council was designed to resolve controversy and help assure that only facilities needed by the State were constructed, while responding to environmental and community concerns. Perhaps the greatest public benefit from this process has been the early improvement or cancellation of facility proposals.

In 1977, the General Assembly assigned to the Council major telecommunications facilities, including cable television, and, seven years later, cellular telephone facilities. The "energy and telecommunications" members of the Council processes all of these facilities.

In 1981, the legislature created a different Council composition for the siting of hazardous waste disposal facilities. The legislature again entrusted the Council with the sensitive task of balancing the public need for services at reasonable cost with their effects on the environment, public health, and safety, in a manner intended to maintain public confidence and separate the role of project advocacy from the role of siting approval.

In 1987, the hazardous waste members of the Council were charged with regulating the siting of a regional low-level radioactive waste management facility pursuant to federal low-level radioactive waste policy and the Northeast Interstate Low-Level Radioactive Waste Compact. An application is expected in 1992.

If there are no questions, I would like to address the proposed bills.

Proposed Senate Bill 628 - An Act Establishing Local Review Committee Input for the Siting of Any Wood-Burning Facility

The Siting Council as a whole has not reviewed this bill. This bill is consistent with the Council's goal to draw detailed specific recommendations from the local community most familiar with proposed sites, instead of merely emotional opposition.

The law now requires the Council to consider appropriate State laws and municipal regulations. Municipalities, committee groups, and members of the legislature may participate as parties to a proceeding simply by filing a notice with the Council of their intentions. In addition, any person may provide the Council with a statement of limited appearance or request to participate as a party or intervenor. All filings and testimony become part of the public record for Council consideration. Ex parte communication is forbidden. The Council believes that these avenues for local community participation often bring in valuable facts the Council may use in making decisions.

In making your decision about Senate Bill 628 you will want to weigh the expense of additional organized participation.

Based on the documented participation by the Thomaston Local Project Review Committee in a hazardous waste proceeding, the Council estimates that additional participation from a local project review committee would lengthen an energy facility siting procedure by one to three months and might cost the local project review committee \$50,000.

House Bill 5727 - An Act Concerning The Jurisdiction of the Connecticut Siting Council over Telecommunications Towers.

The Siting Council as a whole has not reviewed Proposed House Bill 5727. However, the Council does believe that the Energy and Public Utilities Committee should be informed of the possible impact on the State if this bill is approved.

The FCC has determined that there is a need for cellular service and has reserved frequencies for the wireline and one non-wireline company each to develop a competitive cellular network. If towns are allowed to regulate the siting of cellular towers, like the Connecticut Siting Council they would have to abide by the FCC rulings.

Local regulators would not be able to base local decisions on the need for these competitive cellular systems; these decisions have been preempted by the federal government.

Both State and local regulators would have to objectively regulate the siting of towers within cell search areas and consider the existing cellular coverage within adjacent towns' cell areas to facilitate overlap of a usable system, as specified by the FCC.

Statement by R. Thomas Homan, Town Manager, Town of Killingly

RE: S.B. 628 An Act Establishing Local Review Committee Input
For The Siting of Any Wood Burning Facility

FOR THE RECORD

Thank you Mr. Chairman for giving me this opportunity to address this Committee on a most critical environmental policy issue: local input in the Siting Council Process. I'm here today representing a town which has just recently concluded nine days of hearings before the Siting Council for a facility which plans to produce 32(mw) of electricity by burning over 400,000 tons of wood chips per year. The proposed project is without doubt the most controversial issue ever to hit the Town.

318

The Town's experience in the proceedings has been frustrating. Frustrating because of the lack of time necessary to respond to the application, frustrating because the Town has no real power in the Siting Council process, frustrating because the deck is stacked against a municipality in which a facility is proposed, frustrating because a municipality can end up spending hundreds of thousand of dollars with no guarantee that the project will change, and frustrating most of all, because of participatory democracy and home rule is substituted for an administrative obigarchy. In the world of the Siting Council, the ends justify the means.

The bill before you today would propose, as I understand it, to provide local input into the Siting Council process through the creation of a local review committee(LRC). The Town of Killingly supports the concept of increased public participation in this process, but feels that the local review committee must be given authority and assistance commensurate with its charge. Without authority and the ability to solicit technical assistance, the LRC would end up becoming nothing more than an intervenor in the proceedings and their role reduced to a symbolic one.

The mechanism for creating an effective LRC is already specified in Sec. 22(a)-127 of the Connecticut General Statutes. As this committee is probably aware, I'm referring to the Hazardous Waste Regulations, which require an LRC to be formed upon the filing of an application for a facility. The LRC has specific duties, powers and the ability to spend up to \$30,000 for technical assistance. The siting of a \$70 Million wood burning facility is similar, in many ways, the siting of a hazardous waste facility. This is supported by the fact that the criteria for a Siting Council decision as promulgated in Section 22(a)-122 of the Hazardous Waste statutes closely parallels Sec. 16-50(p) of the Public Utility Environmental Standards Act. In the case of Killingly, the proposed fuel source consists not only of virgin wood chips, but wood chips derived from demolition debris, which the Town argued constituted hazardous waste.

319

This Committee should not reinvent the wheel on this issue. The concept is already in place, it just needs to be applicable to the Siting of Electric Generating Facilities fueled by wood chips.

I would also say that the LRC should not only apply to wood burning facilities but any type of electric generating facility regulated by Chapter 277. It would hardly be fair to the community which must host a tire burning facility to have no mechanism for local input. While this proposed legislation goes a long way towards addressing the needs for communities such as Killingly, it should be expanded to include facilities regulated by Chapter 277.

With respect to technical assistance, the LRC should be allowed to apply for more than \$30,000 for consultation fees. Most of the facility

applications before the Siting Council are so complex that they require numerous environmental engineers, the cost of which easily exceeds \$30,000. The applicant should be required to bear these costs as part of the application fee. Again, if the LRC is not given the tools necessary to properly evaluate the application, its role becomes largely symbolic.

320

Lastly, I would hope the Committee carefully evaluate if the public interest being served when there is no formal mechanism for local project review in the siting of large electric generating facilities. The community and the State both benefit by the creation of an LRC.

S-289

CONNECTICUT

GEN. ASSEMBLY

SENATE

PROCEEDINGS

1989

VOL. 32

PART 2

369-740

WEDNESDAY
March 22, 1989

661

4
aak

and Elevator Installation Repair and Maintenance
Apprentices.

REFERRED TO: LABOR AND PUBLIC EMPLOYEES

Public Health

Substitute SB874 An Act Concerning Long-Term Care.

REFERRED TO: INSURANCE & REAL ESTATE

Energy & Public Utilities

Substitute SB437 An Act Concerning Theft of
Community Antenna Television Service.

REFERRED TO: JUDICIARY

Energy & Public Utilities

Substitute SB628 An Act Establishing Local Input
for the Siting of Any Facility by the Siting Council.

REFERRED TO: ENVIRONMENT

Energy & Public Utilities

Substitute SB741 An Act Concerning the Revocation
of Water Company Franchises with Fewer than Five
Thousand Customers.

REFERRED TO: ENVIRONMENT

4. BUSINESS FROM THE HOUSE:

HOUSE BILL FAVORABLY REPORTED WITH A CHANGE OF

REFERENCE - to be referred to committee indicated

Substance Abuse Prevention

S-291

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

1989

VOL. 32

PART 4

0137-1509

WEDNESDAY
April 19, 1989

118
aak

THE CHAIR:

Question before the Chamber is a motion to adopt Calendar 232, SB698, File 349. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

The bill is adopted.

THE CLERK:

Mr. President, Calendar 239 has been PT'd so we will go to Page 12, Calendar 244, Substitute SB628, File 373, AN ACT ESTABLISHING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY THE SITING COUNCIL. Favorable Report of the Committee on ENVIRONMENT.

THE CHAIR: (President Pro Tempore in the Chair)

Senator Spellman.

SENATOR SPELLMAN:

Thank you, Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

You may proceed.

SENATOR SPELLMAN:

Thank you, Mr. President. What this bill does is

WEDNESDAY
April 19, 1989

| 1321

119
aak

improve dramatically the local input in regard to any facilities that require siting council approval pursuant to current statute. Basically what it does is require any applicant who must go before the siting council to at least 60 days before such application is submitted, go to the municipality in which the proposed facility would be located and contact local officials, including the chief elected officer, or chief municipal executive and to provide the municipality with all available information including technical reports regarding the public need and the environmental impact.

The municipality may then hold public hearings in regard to the proposed facility and may respond to the applicant and if that takes place then that response is included as part of the application to the siting council and in any case the applicant must provide to the siting council confirmation that this procedure was complied with and copies of all materials that were provided to the municipality.

THE CHAIR:

Will you remark further?

SENATOR SPELLMAN:

I would ask for a roll call vote, Mr. President.

THE CHAIR:

Clerk please make an announcement for immediate

WEDNESDAY
April 19, 1989

1322
120
aak

roll call.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

THE CHAIR:

The item before us is Calendar 244, File 373,
Substitute SB628. The machine is open. Please cast
your vote. Has everyone voted? The machine is closed.
Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

The bill is adopted.

THE CLERK:

Calendar 245, File 381, Substitute SB245, AN ACT
CONCERNING HARASSMENT OF HUNTERS. Favorable Report of
the Committee on JUDICIARY.

THE CHAIR:

Senator Mustone.

SENATOR MUSTONE:

We would like to change the marking on that
Calendar 245 has been changed to Passed Retaining,
please.

H-518

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1989

VOL 32

PART 6

1689-2059

abs

486 2037

House of Representatives

Wednesday, March 22, 1989

Mr. Speaker, at this time I would move that all doubled starred items not acted upon be passed retaining their place on the Calendar.

SPEAKER BALDUCCI:

Is there objection? Seeing none, so ordered.

CLERK:

Yes, Mr. Speaker, the Clerk has in his possession a list of Changes of Reference to both House and Senate.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, I move that we waive the reading of the list of bills and they be referred to the appropriate committees.

SPEAKER BALDUCCI:

So ordered.

BUSINESS FROM THE SENATE
FAVORABLE REPORTS OF JOINT STANDING COMMITTEES
CHANGES OF REFERENCE
SENATE BILLS

The following favorable reports on the Senate Bills recommending a change of reference were received from the committees indicated, the bills read, the reports of the committees accepted and the bills referred as recommended in concurrence:

House of Representatives

Wednesday, March 22, 1989

ENERGY AND PUBLIC UTILITIES. Substitute for S.B. No. 437 (COMM) AN ACT CONCERNING THEFT OF COMMUNITY ANTENNA TELEVISION SERVICE.

The bill was then referred to the Committee on Judiciary.

ENERGY AND PUBLIC UTILITIES. Substitute for S.B. No. 628 (COMM) AN ACT ESTABLISHING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY THE SITING COUNCIL.

The bill was then referred to the Committee on Environment.

ENERGY AND PUBLIC UTILITIES. Substitute for S.B. No. 741 (RAISED) AN ACT CONCERNING THE REVOCATION OF WATER COMPANY FRANCHISES WITH FEWER THAN FIVE THOUSAND CUSTOMERS.

The bill was then referred to the Committee on Environment.

TRANSPORTATION. S.B. No. 771 (RAISED) AN ACT IMPOSING A PENALTY FOR THE IMPROPER USE OF EMISSIONS COMPLIANCE STICKERS.

The bill was then referred to the Committee on Judiciary.

LABOR AND PUBLIC EMPLOYEES. Substitute for S.B. No. 808. AN ACT CONCERNING THE CONNECTICUT EMPLOYMENT AND TRAINING COMMISSION.

The bill was then referred to the Committee on Government Administration and Elections.

PUBLIC HEALTH. Substitute for S.B. No. 874 (RAISED) AN ACT CONCERNING LONG-TERM CARE.

The bill was then referred to the Committee on Insurance and Real Estate.

GOVERNMENT ADMINISTRATION AND ELECTIONS. S.B. NO. 886 (RAISED) AN ACT CONCERNING THE SUNSET DATE FOR THE DENTAL COMMISSION.

The bill was then referred to the Committee on Public Health.

PUBLIC SAFETY. S.B. NO. 897 (RAISED) AN ACT CONCERNING AUTHORIZATION OF BONDS OF THE STATE FOR IMPROVEMENTS TO THE VALLEY SHORE EMERGENCY COMMUNICATIONS, INCORPORATED AND THE QUINEBAUG VALLEY COMMUNICATIONS CENTER.

The bill was then referred to the Committee on Finance, Revenue and Bonding.

H-523

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1989

VOL. 32

PART 11

3503-3878

abs

15

House of Representatives Wednesday, April 26, 1989

Favorable Report of the Committee on PLANNING AND DEVELOPMENT.

On page 16, Calendar No. 388, Substitute SB628, File No. 373. AN ACT ESTABLISHING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY THE SITING COUNCIL.

Favorable Report of the Committee on ENVIRONMENT.

On page 17, Calendar No. 395, Substitute SB842, File No. 310. AN ACT CONCERNING AN AGREEMENT BETWEEN THE CONNECTICUT WATER COMPANY AND THE METROPOLITAN DISTRICT IN HARTFORD COUNTY FOR CONSTRUCTING AND EQUIPPING A WATER FILTRATION PLANT.

Favorable Report of the Committee on ENVIRONMENT.

Top of page 18, Calendar No. 399, SB920, File No. 340. AN ACT CONCERNING CERTIFICATE OF TAX PAYMENT FOR MOBILE HOMES.

Favorable Report of the Committee on JUDICIARY.

Calendar No. 401, Substitute SB971, File No. 339. AN ACT CONCERNING YOUTH SUICIDE PREVENTION.

Favorable Report of the Committee on HUMAN SERVICES.

And at the back of the Calendar, on page 23, Calendar No. 124, SB767, File No. 84. AN ACT CONCERNING THE REAL ESTATE GUARANTY FUND.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

abs

16

House of Representatives

Wednesday, April 26, 1989

I move that these items be placed on today's Consent Calendar, Mr. Speaker.

SPEAKER BALDUCCI:

Is there objection to any of those items being placed on today's Consent Calendar for action at our next session.

REP. SCHMIDLE: (106th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Schmidle of the 106th.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. I would like to remove Calendar 374, HB7367, File 461 from the Consent Calendar, please. Thank you.

SPEAKER BALDUCCI:

Are there any other items? Representative Krawiecki of the 78th.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker, Calendar 329, please remove.

SPEAKER BALDUCCI:

Calendar 329 will be removed. So, the following items will be placed on the Consent Calendar for action at our next session. By Calendar Number, Calendar 322, 325, 335, 340, 347, 368, 372, 382, 386, 388, 395, 399,

abs

17

House of Representatives

Wednesday, April 26, 1989

401, and 124. Those items have been placed on the Consent Calendar for action at our next session. Thank you very much.

Representative Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, item, Calendar No. 329 which was requested to be removed--? Apparently, there was some misunderstanding. I request that that now be returned to the Consent Calendar. Perhaps we'd better wait a minute, Mr. Speaker.

REP. KRAWIECKI: (78th)

Mr. Speaker?

REP. BERTINUSON: (57th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I withdraw my request to return that to Consent Calendar. As of now, it is off the Consent Calendar.

SPEAKER BALDUCCI:

Thank you very much, Madam.

CLERK:

Page 2, Calendar 220, Substitute HB5108. AN ACT CONCERNING THE PENALTIES FOR USING A MINOR TO SELL OR

H-525

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1989

VOL. 32

PART 13

4248-4561

pat

126

House of Representatives

Thursday, April 27, 1989

THE KENT FIRE ASSOCIATION. Calendar 388, File 373,
Substitute SB628. AN ACT ESTABLISHING LOCAL INPUT FOR
THE SITING COUNCIL OF ANY FACILITY BY THE SITING
COUNCIL.

Calendar 395, File 310, Substitute SB842. AN ACT
CONCERNING AN AGREEMENT BETWEEN THE CONNECTICUT WATER
COMPANY AND THE METROPOLITAN DISTRICT IN HARTFORD
COUNTY FOR CONSTRUCTING AND EQUIPPING A WATER
FILTRATION PLANT.

That's it. Is there objection on the motion for
passage of the Consent Calendar? If not, if not, the
Consent Calendar is adopted. The Consent Calendar is
adopted.

Representative Robert Frankel of the 121st.

REP. FRANKEL: (121st)

Madam Speaker, members of the House, it gives me a
great deal of pleasure to introduce 33 7th and 8th
grade students from Holy Name School in Stratford.
They have had the privilege of visiting in the Capitol,
meeting with other Stratford Legislators,
Representative Jaekle, Representative Chase and myself.
They are here today in the Gallery with their
chaperones, Mr. Pat Toth, Karen Silhaven, Father
Michael, Mr. Blaine Desrochers, Mrs. Susan Adair, Mrs.
Laura Marsiniak, Mr. Raymond Henry, George Costa and

End of Legislative
History.

Start of Bill File.

STATE OF CONNECTICUT

Proposed Bill No. **628**

Page 1 of 1

Referred to Committee on **ENERGY & PUBLIC UTILITIES**

LCO No. 3148

Introduced by SEN. JOHNSTON, 29th DIST.

General Assembly

January Session, A.D., 1989

AN ACT ESTABLISHING LOCAL REVIEW COMMITTEE INPUT FOR THE SITING OF ANY WOOD-BURNING FACILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That chapter 277a of the general statutes concerning the Connecticut siting council, be amended to establish a local review committee to provide the siting council with local input and assistance in making its siting decision of any wood-burning facility. Such local committee shall consist of members of the municipalities in which the facility is to be located.

STATEMENT OF PURPOSE: To provide local input into the siting of any wood-burning facility.

**CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION**

Committee Bill No. 628

Page 1 of 6

Referred to Committee on ENERGY & PUBLIC UTILITIES

LCO No. 3872

Introduced by (EPU)

General Assembly

January Session, A.D., 1989

AN ACT ESTABLISHING LOCAL REVIEW COMMITTEE INPUT FOR THE SITING OF ANY WOOD BURNING FACILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 16-501 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) To initiate a certification proceeding, an applicant for a certificate shall file with the council an application, in such form as the council may prescribe, accompanied by a fee of not more than twenty-five thousand dollars, which fee shall be established in accordance with section 16-50t, containing such information as the applicant may consider relevant and the council or any department or agency of the state exercising environmental controls may by regulation require, including the following information: (1) In the case of facilities described in subdivisions (1), (2) and (4) of subsection (a) of section 16-50i: (A) A description, including estimated costs, of the proposed transmission line, substation or switchyard, covering, where applicable underground cable sizes and specifications, overhead tower design and appearance and heights, if any, conductor sizes, and initial and ultimate voltages and capacities; (B) a statement and full explanation of why the proposed transmission line, substation or switchyard is necessary and how the facility conforms to a long-range plan for expansion of the electric power grid serving the state and interconnected utility systems, that will serve the public need for adequate,

72 data; (H) justification for adoption of the site selected, including comparison with alternative sites; (I) design information, including description of facilities, plant efficiencies, electrical connections to system, and control systems; (J) description of provisions, including devices and operations, for mitigation of the effect of the operation of the facility on air and water quality, for waste disposal, and for noise abatement, and information on other environmental aspects; (K) a listing of federal, state, regional, district and municipal agencies from which approvals either have been obtained or will be sought covering the proposed facility, copies of approvals received and the planned schedule for obtaining those approvals not yet received.

84 (b) Each application shall be accompanied by proof of service of a copy of such application on: (A) Each municipality in which any portion of such facility is to be located, both as primarily proposed and in the alternative locations listed, which copy shall be served on the chief executive officer of the municipality and shall include notice of the date on or about which the application is to be filed, and the zoning commissions, planning commissions, and zoning commissions, conservation commissions and inland wetlands agencies of each such municipality, and the regional planning agencies which encompass each such municipality; (B) the attorney general; (C) each member of the Legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located; (D) any agency, department or instrumentality of the federal government that has jurisdiction, whether concurrent with the state or otherwise, over any matter that would be affected by such facility; (E) each state department, agency and commission named in subsection (g) of section 16-50j; and (F) such other state and municipal bodies as the council may by regulation designate. A notice of such application shall be given to the general public, in municipalities entitled to receive notice under subdivision (A)

72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106

37 reliable and economic service; (C) a map of suitable scale of the proposed routing or site, showing details of the rights-of-way or site in the vicinity of settled areas, parks, recreational areas, and scenic areas, and showing existing transmission lines within one mile of the proposed route or site; (D) justification for adoption of the route or site selected, including comparison with alternative routes or sites which are environmentally, technically and economically practical; (E) a description of the effect of the proposed transmission line, substation or switchyard on the environment, ecology, and scenic, historic and recreational values; (F) a justification for overhead portions, if any, including cost studies and effects described in subdivision (E) of undergrounding; (G) a schedule of dates showing the proposed program of right-of-way or property acquisition, construction, completion and operation; and (H) identification of each federal, state, regional, district and municipal agency with which proposed route or site reviews have been undertaken, including a copy of each written agency position on such route or site; and (2) in the case of facilities described in subdivision (3) of section 16-50i(a): (A) A description of the proposed electric generating or storage facility; (B) a statement and full explanation of why the proposed facility is necessary; (C) a statement of loads and resources as described in section 16-50r; (D) safety and reliability information, including planned provisions for emergency operations and shutdowns; (E) estimated cost information, including plant costs, fuel costs, plant service life and capacity factor, and total generating cost per kilowatt-hour, both at the plant and related transmission, and comparative costs of alternatives considered; (F) a schedule showing the program for design, material acquisition, construction and testing, and operating dates; (G) available site information, including maps and description and present and proposed development, and geological, scenic, ecological, seismic, biological, water supply, population and load center

37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71

of this subsection, by the publication of a summary of such application and the date on or about which it will be filed. Such notice shall be published under the regulations to be promulgated by the council, in such form and in such newspapers as will serve substantially to inform the public of such application and to afford interested persons sufficient time to prepare for and to be heard at the hearing prescribed in section 16-50m. Such notice shall be published in not less than ten point, boldface type. A notice of such an application for a certificate for a facility described in subdivision (3), (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by certified or registered mail, to each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which the facility would be located. Such notice shall be sent at the same time that notice of such application is given to the general public.

(c) An application for a certificate shall contain information on the extent to which the proposed facility has been identified in the annual forecast reports required by section 16-50r and other advance planning has been carried out, and shall include an explanation for any failure to so identify the facility.

(d) An amendment proceeding may be initiated by an application for amendment of a certificate filed with the council by the holder of the certificate or by a resolution of the council. An amendment application by a certificate holder shall be in such form and contain such information as the council shall prescribe. A resolution for amendment by the council shall identify the design, location or route of the portion of a certificated facility described in subdivisions (1) or (2) of subsection (a) of section 16-50i which is subject to modification on the basis of stated conditions or events which could not reasonably have been known or foreseen prior to the issuance of the certificate. No such resolution for amendment of a certificate shall be adopted after the commencement of site

preparation or construction of the certificated facility or, in the case of a facility for which approval by the council of a right of way development and management plan or other detailed construction plan is a condition of the certificate, after approval of that part of the plan which includes the portion of the facility proposed for modification. A copy and notice of each amendment application shall be given by the holder of the certificate in the manner set forth in subsection (b) of this section. A copy and notice of each resolution for amendment shall be given by the council in the manner set forth in subsection (b) of this section. The council shall also provide the certificate holder with a copy of such resolution. The certificate holder and the council shall not be required to give such copy and notice to municipalities and the commissions and agencies of such municipalities other than those in which the modified portion of the facility would be located.

(e) AT LEAST SIXTY DAYS PRIOR TO THE FILING OF ANY APPLICATION TO THE COUNCIL, THE APPLICANT SHALL CONSULT WITH THE MUNICIPALITY IN WHICH THE FACILITY MAY BE LOCATED CONCERNING THE PROPOSED AND ALTERNATIVE SITES OF THE FACILITY. SUCH CONSULTATION WITH THE MUNICIPALITY SHALL INCLUDE, BUT NOT BE LIMITED TO GOOD FAITH EFFORTS TO MEET WITH THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY. AT THE TIME OF THE CONSULTATION, THE APPLICANT SHALL PROVIDE THE CHIEF ELECTED OFFICIAL ANY TECHNICAL REPORTS CONCERNING THE PUBLIC NEED, THE SITE SELECTION PROCESS AND THE ENVIRONMENTAL EFFECTS OF THE PROPOSED FACILITY. THE MUNICIPALITY MAY CONDUCT PUBLIC HEARINGS AND MEETINGS AS IT DEEMS NECESSARY FOR IT TO ADVISE THE APPLICANT OF ITS RECOMMENDATIONS CONCERNING THE PROPOSED FACILITY. WITHIN SIXTY DAYS OF THE INITIAL CONSULTATION, THE MUNICIPALITY SHALL ISSUE ALL RECOMMENDATIONS TO THE APPLICANT. NO LATER THAN FIFTEEN DAYS AFTER SUBMITTING THE APPLICATION TO THE COUNCIL, THE APPLICANT SHALL PROVIDE TO THE COUNCIL ALL MATERIALS PROVIDED TO THE MUNICIPALITY AND A SUMMARY OF THE CONSULTATIONS WITH THE MUNICIPALITY INCLUDING ALL RECOMMENDATIONS ISSUED BY THE MUNICIPALITY.

STATEMENT OF PURPOSE: To improve local input into the siting of 179
facilities by the siting council. 180

[Proposed deletions are enclosed in brackets. Proposed 182
additions are all capitalized or underlined where appropriate, 183
except that when the entire text of a bill or resolution or a 184
section thereof is new, it is not capitalized or underlined.] 185



Senate, April 14, 1989. The Committee on Environment reported through SEN. SPELLMAN, 18th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY THE SITING COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 16-501 of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) To initiate a certification proceeding, an
5 applicant for a certificate shall file with the
6 council an application, in such form as the
7 council may prescribe, accompanied by a fee of not
8 more than twenty-five thousand dollars, which fee
9 shall be established in accordance with section
10 16-50t, containing such information as the
11 applicant may consider relevant and the council or
12 any department or agency of the state exercising
13 environmental controls may by regulation require,
14 including the following information: (1) In the
15 case of facilities described in subdivisions (1),
16 (2) and (4) of subsection (a) of section 16-50i:
17 (A) A description, including estimated costs, of
18 the proposed transmission line, substation or
19 switchyard, covering, where applicable underground
20 cable sizes and specifications, overhead tower
21 design and appearance and heights, if any,
22 conductor sizes, and initial and ultimate voltages

23 and capacities; (B) a statement and full
 24 explanation of why the proposed transmission line,
 25 substation or switchyard is necessary and how the
 26 facility conforms to a long-range plan for
 27 expansion of the electric power grid serving the
 28 state and interconnected utility systems, that
 29 will serve the public need for adequate, reliable
 30 and economic service; (C) a map of suitable scale
 31 of the proposed routing or site, showing details
 32 of the rights-of-way or site in the vicinity of
 33 settled areas, parks, recreational areas, and
 34 scenic areas, and showing existing transmission
 35 lines within one mile of the proposed route or
 36 site; (D) justification for adoption of the route
 37 or site selected, including comparison with
 38 alternative routes or sites which are
 39 environmentally, technically and economically
 40 practical; (E) a description of the effect of the
 41 proposed transmission line, substation or
 42 switchyard on the environment, ecology, and
 43 scenic, historic and recreational values; (F) a
 44 justification for overhead portions, if any,
 45 including cost studies and effects described in
 46 subdivision (E) of undergrounding; (G) a schedule
 47 of dates showing the proposed program of
 48 right-of-way or property acquisition,
 49 construction, completion and operation; and (H)
 50 identification of each federal, state, regional,
 51 district and municipal agency with which proposed
 52 route or site reviews have been undertaken,
 53 including a copy of each written agency position
 54 on such route or site; and (2) in the case of
 55 facilities described in subdivision (3) of section
 56 16-50i(a): (A) A description of the proposed
 57 electric generating or storage facility; (B) a
 58 statement and full explanation of why the proposed
 59 facility is necessary; (C) a statement of loads
 60 and resources as described in section 16-50r; (D)
 61 safety and reliability information, including
 62 planned provisions for emergency operations and
 63 shutdowns; (E) estimated cost information,
 64 including plant costs, fuel costs, plant service
 65 life and capacity factor, and total generating
 66 cost per kilowatt-hour, both at the plant and
 67 related transmission, and comparative costs of
 68 alternatives considered; (F) a schedule showing
 69 the program for design, material acquisition,
 70 construction and testing, and operating dates; (G)

YAN. 2 1989
 1 1989

71 available site information, including maps and
 72 description and present and proposed development,
 73 and geological, scenic, ecological, seismic,
 74 biological, water supply, population and load
 75 center data; (H) justification for adoption of the
 76 site selected, including comparison with
 77 alternative sites; (I) design information,
 78 including description of facilities, plant
 79 efficiencies, electrical connections to system,
 80 and control systems; (J) description of
 81 provisions, including devices and operations, for
 82 mitigation of the effect of the operation of the
 83 facility on air and water quality, for waste
 84 disposal, and for noise abatement, and information
 85 on other environmental aspects; (K) a listing of
 86 federal, state, regional, district and municipal
 87 agencies from which approvals either have been
 88 obtained or will be sought covering the proposed
 89 facility, copies of approvals received and the
 90 planned schedule for obtaining those approvals not
 91 yet received.

92 (b) Each application shall be accompanied by
 93 proof of service of a copy of such application on:
 94 (A) Each municipality in which any portion of such
 95 facility is to be located, both as primarily
 96 proposed and in the alternative locations listed,
 97 which copy shall be served on the chief executive
 98 officer of the municipality and shall include
 99 notice of the date on or about which the
 100 application is to be filed, and the zoning
 101 commissions, planning commissions, planning and
 102 zoning commissions, conservation commissions and
 103 inland wetlands agencies of each such
 104 municipality, and the regional planning agencies
 105 which encompass each such municipality; (B) the
 106 attorney general; (C) each member of the
 107 legislature in whose assembly or senate district
 108 the facility or any alternative location listed in
 109 the application is to be located; (D) any agency,
 110 department or instrumentality of the federal
 111 government that has jurisdiction, whether
 112 concurrent with the state or otherwise, over any
 113 matter that would be affected by such facility;
 114 (E) each state department, agency and commission
 115 named in subsection (g) of section 16-50j; and (F)
 116 such other state and municipal bodies as the
 117 council may by regulation designate. A notice of
 118 such application shall be given to the general

119 public, in municipalities entitled to receive
 120 notice under subdivision (A) of this subsection,
 121 by the publication of a summary of such
 122 application and the date on or about which it will
 123 be filed. Such notice shall be published under the
 124 regulations to be promulgated by the council, in
 125 such form and in such newspapers as will serve
 126 substantially to inform the public of such
 127 application and to afford interested persons
 128 sufficient time to prepare for and to be heard at
 129 the hearing prescribed in section 16-50m. Such
 130 notice shall be published in not less than ten
 131 point, boldface type. A notice of such an
 132 application for a certificate for a facility
 133 described in subdivision (3), (4), (5) or (6) of
 134 subsection (a) of section 16-50i shall also be
 135 sent, by certified or registered mail, to each
 136 person appearing of record as an owner of property
 137 which abuts the proposed primary or alternative
 138 sites on which the facility would be located.
 139 Such notice shall be sent at the same time that
 140 notice of such application is given to the general
 141 public.

142 (c) An application for a certificate shall
 143 contain information on the extent to which the
 144 proposed facility has been identified in the
 145 annual forecast reports required by section 16-50r
 146 and other advance planning has been carried out,
 147 and shall include an explanation for any failure
 148 to so identify the facility.

149 (d) An amendment proceeding may be initiated
 150 by an application for amendment of a certificate
 151 filed with the council by the holder of the
 152 certificate or by a resolution of the council. An
 153 amendment application by a certificate holder
 154 shall be in such form and contain such information
 155 as the council shall prescribe. A resolution for
 156 amendment by the council shall identify the
 157 design, location or route of the portion of a
 158 certificated facility described in subdivisions
 159 (1) or (2) of subsection (a) of section 16-50i
 160 which is subject to modification on the basis of
 161 stated conditions or events which could not
 162 reasonably have been known or foreseen prior to
 163 the issuance of the certificate. No such
 164 resolution for amendment of a certificate shall be
 165 adopted after the commencement of site preparation
 166 or construction of the certificated facility or,

167 in the case of a facility for which approval by
 168 the council of a right of way development and
 169 management plan or other detailed construction
 170 plan is a condition of the certificate, after
 171 approval of that part of the plan which includes
 172 the portion of the facility proposed for
 173 modification. A copy and notice of each amendment
 174 application shall be given by the holder of the
 175 certificate in the manner set forth in subsection
 176 (b) of this section. A copy and notice of each
 177 resolution for amendment shall be given by the
 178 council in the manner set forth in subsection (b)
 179 of this section. The council shall also provide
 180 the certificate holder with a copy of such
 181 resolution. The certificate holder and the council
 182 shall not be required to give such copy and notice
 183 to municipalities and the commissions and agencies
 184 of such municipalities other than those in which
 185 the modified portion of the facility would be
 186 located.

187 (e) AT LEAST SIXTY DAYS PRIOR TO THE FILING OF
 188 ANY APPLICATION WITH THE COUNCIL, THE APPLICANT
 189 SHALL CONSULT WITH THE MUNICIPALITY IN WHICH THE
 190 FACILITY MAY BE LOCATED CONCERNING THE PROPOSED
 191 AND ALTERNATIVE SITES OF THE FACILITY. SUCH
 192 CONSULTATION WITH THE MUNICIPALITY SHALL INCLUDE,
 193 BUT NOT BE LIMITED TO GOOD FAITH EFFORTS TO MEET
 194 WITH THE CHIEF ELECTED OFFICIAL OF THE
 195 MUNICIPALITY. AT THE TIME OF THE CONSULTATION,
 196 THE APPLICANT SHALL PROVIDE THE CHIEF ELECTED
 197 OFFICIAL WITH ANY TECHNICAL REPORTS CONCERNING THE
 198 PUBLIC NEED, THE SITE SELECTION PROCESS AND THE
 199 ENVIRONMENTAL EFFECTS OF THE PROPOSED FACILITY.
 200 THE MUNICIPALITY MAY CONDUCT PUBLIC HEARINGS AND
 201 MEETINGS AS IT DEEMS NECESSARY FOR IT TO ADVISE
 202 THE APPLICANT OF ITS RECOMMENDATIONS CONCERNING
 203 THE PROPOSED FACILITY. WITHIN SIXTY DAYS OF THE
 204 INITIAL CONSULTATION, THE MUNICIPALITY SHALL ISSUE
 205 ITS RECOMMENDATIONS TO THE APPLICANT. NO LATER
 206 THAN FIFTEEN DAYS AFTER SUBMITTING THE APPLICATION
 207 TO THE COUNCIL, THE APPLICANT SHALL PROVIDE TO THE
 208 COUNCIL ALL MATERIALS PROVIDED TO THE MUNICIPALITY
 209 AND A SUMMARY OF THE CONSULTATIONS WITH THE
 210 MUNICIPALITY INCLUDING ALL RECOMMENDATIONS ISSUED
 211 BY THE MUNICIPALITY.

File No. 373

212 Committee Vote: Yea 23 Nay 0

[1989]

File No. 373

7

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER SSB 628

STATE IMPACT None, see explanation below

MUNICIPAL IMPACT Potential Minimal Cost, see explanation below

STATE AGENCY(S) Connecticut Siting Council

EXPLANATION OF ESTIMATES:

STATE IMPACT: As the requirements of the bill primarily affect the municipality and the applicant, there would be no additional workload for the Connecticut Siting Council.

MUNICIPAL IMPACT: There would be a minimal cost to the municipalities in making recommendations after consultation with the applicant. Some minimal costs could also be incurred if a municipality chooses to hold a hearing.

* * * * *

OLR BILL ANALYSIS

SSB 628

AN ACT CONCERNING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY THE SITING COUNCIL

SUMMARY: The law requires a Siting Council certificate to build or modify certain utility facilities. This bill requires a certificate applicant to consult with the municipality where the facility is to be located regarding the proposed and alternative sites. This consultation must take place at least 60 days before

CONNECTICUT STATE LEGISLATIVE
LEGISLATIVE REFERENCE SECTION

the application is filed and it must at least include good faith efforts to meet with the municipality's chief elected official.

At the time of the consultation, the applicant must provide the official with any technical reports regarding the public need for the facility, its environmental effects, and the site selection process. The municipality can conduct public hearings and meetings, as it considers necessary, to advise the applicant of its recommendations regarding the facility.

Within 60 days after the initial consultation, the municipality must issue its recommendations to the applicant. Within 15 days after filing its application, the applicant must provide the council with all materials provided to the municipality and a summary of the consultations, including the municipality's recommendations.

EFFECTIVE DATE: October 1, 1989

BACKGROUND

Siting Council Certificates

A council certificate is needed to build or modify certain electric generating, transmission, and distribution facilities; cable TV and other telecommunications towers; and fuel transmission lines. In determining whether to issue a certificate, the council conducts a detailed review of the need for the facility and its compatibility with the environment.

COMMITTEE ACTION

Energy and Public Utilities Committee

Joint Favorable Substitute Change of Reference
Yea 15 Nay 0

Environment Committee

Joint Favorable Report
Yea 23 Nay 0

STATE OF CONNECTICUT

Substitute Bill No. 628

Page 1 of 6

LCO No.

General Assembly

January Session, A.D., 1989

AN ACT ESTABLISHING LOCAL INPUT FOR THE SITING OF ANY FACILITY BY
THE SITING COUNCIL.

Be it enacted by the Senate and House of Representatives in
General Assembly convened:

Section 16-501 of the general statutes is repealed and the
following is substituted in lieu thereof:

(a) To initiate a certification proceeding, an applicant for
a certificate shall file with the council an application, in such
form as the council may prescribe, accompanied by a fee of not
more than twenty-five thousand dollars, which fee shall be
established in accordance with section 16-50t, containing such
information as the applicant may consider relevant and the
council or any department or agency of the state exercising
environmental controls may by regulation require, including the
following information: (1) In the case of facilities described in
subdivisions (1), (2) and (4) of subsection (a) of section
16-50i: (A) A description, including estimated costs, of the
proposed transmission line, substation or switchyard, covering,
where applicable underground cable sizes and specifications,
overhead tower design and appearance and heights, if any,
conductor sizes, and initial and ultimate voltages and
capacities; (B) a statement and full explanation of why the
proposed transmission line, substation or switchyard is necessary
and how the facility conforms to a long-range plan for expansion
of the electric power grid serving the state and interconnected
utility systems, that will serve the public need for adequate,
reliable and economic service; (C) a map of suitable scale of the

proposed routing or site, showing details of the rights-of-way or 37
site in the vicinity of settled areas, parks, recreational areas, 38
and scenic areas, and showing existing transmission lines within 39
one mile of the proposed route or site; (D) justification for 40
adoption of the route or site selected, including comparison with 41
alternative routes or sites which are environmentally, 42
technically and economically practical; (E) a description of the 43
effect of the proposed transmission line, substation or 44
switchyard on the environment, ecology, and scenic, historic and 45
recreational values; (F) a justification for overhead portions, 46
if any, including cost studies and effects described in 47
subdivision (E) of undergrounding; (G) a schedule of dates 48
showing the proposed program of right-of-way or property 49
acquisition, construction, completion and operation; and (H) 50
identification of each federal, state, regional, district and 51
municipal agency with which proposed route or site reviews have 52
been undertaken, including a copy of each written agency position 53
on such route or site; and (2) in the case of facilities 54
described in subdivision (3) of section 16-50i(a): (A) A 55
description of the proposed electric generating or storage 56
facility; (B) a statement and full explanation of why the 57
proposed facility is necessary; (C) a statement of loads and 58
resources as described in section 16-50r; (D) safety and 59
reliability information, including planned provisions for 60
emergency operations and shutdowns; (E) estimated cost 61
information, including plant costs, fuel costs, plant service 62
life and capacity factor, and total generating cost per 63
kilowatt-hour, both at the plant and related transmission, and 64
comparative costs of alternatives considered; (F) a schedule 65
showing the program for design, material acquisition, 66
construction and testing, and operating dates; (G) available site 67
information, including maps and description and present and 68
proposed development, and geological, scenic, ecological, 69
seismic, biological, water supply, population and load center 70
data; (H) justification for adoption of the site selected, 71

including comparison with alternative sites; (I) design 72
information, including description of facilities, plant 73
efficiencies, electrical connections to system, and control 74
systems; (J) description of provisions, including devices and 75
operations, for mitigation of the effect of the operation of the 76
facility on air and water quality, for waste disposal, and for 77
noise abatement, and information on other environmental aspects; 78
(K) a listing of federal, state, regional, district and municipal 79
agencies from which approvals either have been obtained or will 80
be sought covering the proposed facility, copies of approvals 81
received and the planned schedule for obtaining those approvals 82
not yet received. 83

(b) Each application shall be accompanied by proof of service 84
of a copy of such application on: (A) Each municipality in which 85
any portion of such facility is to be located, both as primarily 86
proposed and in the alternative locations listed, which copy 87
shall be served on the chief executive officer of the 88
municipality and shall include notice of the date on or about 89
which the application is to be filed, and the zoning commissions, 90
planning commissions, planning and zoning commissions, 91
conservation commissions and inland wetlands agencies of each 92
such municipality, and the regional planning agencies which 93
encompass each such municipality; (B) the attorney general; (C) 94
each member of the legislature in whose assembly or senate 95
district the facility or any alternative location listed in the 96
application is to be located; (D) any agency, department or 97
instrumentality of the federal government that has jurisdiction, 98
whether concurrent with the state or otherwise, over any matter 99
that would be affected by such facility; (E) each state 100
department, agency and commission named in subsection (g) of 101
section 16-50j; and (F) such other state and municipal bodies as 102
the council may by regulation designate. A notice of such 103
application shall be given to the general public, in 104
municipalities entitled to receive notice under subdivision (A) 105
of this subsection, by the publication of a summary of such 106

[1989]

application and the date on or about which it will be filed. Such 107
 notice shall be published under the regulations to be promulgated 108
 by the council, in such form and in such newspapers as will serve 109
 substantially to inform the public of such application and to 110
 afford interested persons sufficient time to prepare for and to 111
 be heard at the hearing prescribed in section 16-50m. Such notice 112
 shall be published in not less than ten point, boldface type. A 113
 notice of such an application for a certificate for a facility 114
 described in subdivision (3), (4), (5) or (6) of subsection (a) 115
 of section 16-50i shall also be sent, by certified or registered 116
 mail, to each person appearing of record as an owner of property 117
 which abuts the proposed primary or alternative sites on which 118
 the facility would be located. Such notice shall be sent at the 119
 same time that notice of such application is given to the general 120
 public. 121

(c) An application for a certificate shall contain 122
 information on the extent to which the proposed facility has been 123
 identified in the annual forecast reports required by section 124
 16-50r and other advance planning has been carried out, and shall 125
 include an explanation for any failure to so identify the 126
 facility. 127

(d) An amendment proceeding may be initiated by an 128
 application for amendment of a certificate filed with the council 129
 by the holder of the certificate or by a resolution of the 130
 council. An amendment application by a certificate holder shall 131
 be in such form and contain such information as the council shall 132
 prescribe. A resolution for amendment by the council shall 133
 identify the design, location or route of the portion of a 134
 certificated facility described in subdivisions (1) or (2) of 135
 subsection (a) of section 16-50i which is subject to modification 136
 on the basis of stated conditions or events which could not 137
 reasonably have been known or foreseen prior to the issuance of 138
 the certificate. No such resolution for amendment of a 139
 certificate shall be adopted after the commencement of site 140
 preparation or construction of the certificated facility or, in 141

application and the date on or about which it will be filed. Such 107
 notice shall be published under the regulations to be promulgated 108
 by the council, in such form and in such newspapers as will serve 109
 substantially to inform the public of such application and to 110
 afford interested persons sufficient time to prepare for and to 111
 be heard at the hearing prescribed in section 16-50m. Such notice 112
 shall be published in not less than ten point, boldface type. A 113
 notice of such an application for a certificate for a facility 114
 described in subdivision (3), (4), (5) or (6) of subsection (a) 115
 of section 16-50i shall also be sent, by certified or registered 116
 mail, to each person appearing of record as an owner of property 117
 which abuts the proposed primary or alternative sites on which 118
 the facility would be located. Such notice shall be sent at the 119
 same time that notice of such application is given to the general 120
 public. 121

(c) An application for a certificate shall contain 122
 information on the extent to which the proposed facility has been 123
 identified in the annual forecast reports required by section 124
 16-50r and other advance planning has been carried out, and shall 125
 include an explanation for any failure to so identify the 126
 facility. 127

(d) An amendment proceeding may be initiated by an 128
 application for amendment of a certificate filed with the council 129
 by the holder of the certificate or by a resolution of the 130
 council. An amendment application by a certificate holder shall 131
 be in such form and contain such information as the council shall 132
 prescribe. A resolution for amendment by the council shall 133
 identify the design, location or route of the portion of a 134
 certificated facility described in subdivisions (1) or (2) of 135
 subsection (a) of section 16-50i which is subject to modification 136
 on the basis of stated conditions or events which could not 137
 reasonably have been known or foreseen prior to the issuance of 138
 the certificate. No such resolution for amendment of a 139
 certificate shall be adopted after the commencement of site 140
 preparation or construction of the certificated facility or, in 141

[1989]

the case of a facility for which approval by the council of a 142
 right of way development and management plan or other detailed 143
 construction plan is a condition of the certificate, after 144
 approval of that part of the plan which includes the portion of 145
 the facility proposed for modification. A copy and notice of each 146
 amendment application shall be given by the holder of the 147
 certificate in the manner set forth in subsection (b) of this 148
 section. A copy and notice of each resolution for amendment shall 149
 be given by the council in the manner set forth in subsection (b) 150
 of this section. The council shall also provide the certificate 151
 holder with a copy of such resolution. The certificate holder and 152
 the council shall not be required to give such copy and notice to 153
 municipalities and the commissions and agencies of such 154
 municipalities other than those in which the modified portion of 155
 the facility would be located. 156

(e) AT LEAST SIXTY DAYS PRIOR TO THE FILING OF ANY 157
 APPLICATION TO THE COUNCIL, THE APPLICANT SHALL CONSULT WITH THE 158
 MUNICIPALITY IN WHICH THE FACILITY MAY BE LOCATED CONCERNING THE 159
 PROPOSED AND ALTERNATIVE SITES OF THE FACILITY. SUCH CONSULTATION 160
 WITH THE MUNICIPALITY SHALL INCLUDE, BUT NOT BE LIMITED TO GOOD 161
 FAITH EFFORTS TO MEET WITH THE CHIEF ELECTED OFFICIAL OF THE 162
 MUNICIPALITY. AT THE TIME OF THE CONSULTATION, THE APPLICANT 163
 SHALL PROVIDE THE CHIEF ELECTED OFFICIAL WITH ANY TECHNICAL 164
 REPORTS CONCERNING THE PUBLIC NEED, THE SITE SELECTION PROCESS 165
 AND THE ENVIRONMENTAL EFFECTS OF THE PROPOSED FACILITY. THE 166
 MUNICIPALITY MAY CONDUCT PUBLIC HEARINGS AND MEETINGS AS IT DEEMS 167
 NECESSARY FOR IT TO ADVISE THE APPLICANT OF ITS RECOMMENDATIONS 168
 CONCERNING THE PROPOSED FACILITY. WITHIN SIXTY DAYS OF THE 169
 INITIAL CONSULTATION, THE MUNICIPALITY SHALL ISSUE ALL 170
 RECOMMENDATIONS TO THE APPLICANT. NO LATER THAN FIFTEEN DAYS 171
 AFTER SUBMITTING THE APPLICATION TO THE COUNCIL, THE APPLICANT 172
 SHALL PROVIDE TO THE COUNCIL ALL MATERIALS PROVIDED TO THE 173
 MUNICIPALITY AND A SUMMARY OF THE CONSULTATIONS WITH THE 174
 MUNICIPALITY INCLUDING ALL RECOMMENDATIONS ISSUED BY THE 175
 MUNICIPALITY. 176

LEGISLATIVE REFERENCE SECTION
COMMISSION ON STATE LIBRARY

STATEMENT OF LEGISLATIVE COMMISSIONERS: The title of the bill was 178
changed for accuracy. 179

Sub. of CONNECTICUT
SENATE

Bill # 628

MAR 22 1989

FAVORABLE REPORT OF COMMITTEE
ON **ENERGY & PUBLIC UTILITIES**

REFERRED TO COMMITTEE
ON **ENVIRONMENT**

John D. Stewart

CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION

... of the bill was

130
130

REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

(To Be Completed As Soon As Bill Is Given JF)

COMMITTEE: ENVIRONMENT

File No. _____

TITLE OF BILL: AA ESTABLISHING LOCAL INPUT OF THE SITING OF ANY FACILITY BY THE SITING COUNCIL

Bill No. sSB 620

SPONSORS OF BILL: ~~/referred~~ REFERRED FROM ENERGY

Public Hearing Date _____

JF Date 3/22/99

Change of Reference JF

CONNECTICUT STATE LIBRARY
LAW/LEGISLATIVE REFERENCE UNIT

REASONS FOR BILL: SEE ATTACHED

RESPONSE FROM ADMINISTRATION/AGENCY:

NATURE AND SOURCES OF SUPPORT:

NATURE AND SOURCES OF OPPOSITION:

* Attach voting tally sheet

* Attach fiscal note if available

Claudia Maxwell 4-14-89
Report By Date

Senate Majority—White Copy
Senate Minority—Green Copy

House Majority—Canary Copy
House Minority—Pink Copy

Committee—Gold Copy
Change of Ref. Committee—Blue Copy

ENVIRONMENT COMMITTEE

BILL NUMBER SSB 628

BILL TITLE: AA ESTABLISHING LOCAL INPUT OF THE SITING OF ANY FACILITY BY THE SITING COUNCIL

ACTION: JF
Motion Joyce Second Stolberg
Date 3/28/89

(Referred from Energy)

SENATORS

- 1. Sen. Spellman, Chair
- 2. Sen. Atkin
- 3. Sen. Gunther (R.M.)
- 4. Sen. Matthews
- 5. Sen. Scarpetti

REPRESENTATIVES

- 6. Rep. Mushinsky (Chair)
- 7. Rep. Anderson
- 8. Rep. Brown
- 9. Rep. Caruso
- 10. Rep. Casey
- 11. Rep. Collins
- 12. Rep. Fleming
- 13. Rep. Gambardella
- 14. Rep. Holbrook
- 15. Rep. Joyce
- 16. Rep. Knopp
- 17. Rep. Lavine
- 18. Rep. Luby
- 19. Rep. Mazzotta (V.Chair)
- 20. Rep. Mordasky
- 21. Rep. Piscopo
- 22. Rep. Samowitz
- 23. Rep. Savage
- 24. Rep. Smith
- 25. Rep. Stolberg
- 26. Rep. Stratton
- 27. Rep. Tiffany

YEA	NAY	ABSTAIN	ABSENT
✓			
✓			
✓			
			✓
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			✓
✓			
✓			
✓			✓
✓			✓
✓			
TOTAL	23		4

CHANGES TO BILL AS SUBSTITUTE LANGUAGE:

CONNECTICUT STATE LIBRARY
LAW/LEGISLATIVE REFERENCE UNIT

REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

(To Be Completed As Soon As Bill Is Given JF)

COMMITTEE: EPU

File No. _____

TITLE OF BILL: AN ACT ESTABLISHING LOCAL REVIEW COMMITTEE INPUT FOR THE SITING OF ANY WOOD-BURNING FACILITY.

Bill No. SL 628

SPONSORS OF BILL: EPU

Public Hearing Date 2/15/70

JF Date 2/15/70

Change of Reference J. T. F. 1110

REASONS FOR BILL: To improve local input into the siting of any wood-burning electrical generation facility so that all the factors involved in the placement of such a plant, with its numerous facilities and transmission lines, can be properly analyzed for its impact on local environs by a local review committee.

RESPONSE FROM ADMINISTRATION/AGENCY: Gloria Dibble-Pond, Chairperson of the Connecticut Siting Council was in general support of the bill because it was consistent with the council's goal in receiving detailed recommendations from local communities who are most familiar with proposed siting. She asked the committee, however, to take into account the extra one to three months this would add to the siting process and the up to \$50,000 it is estimated it would cost these review committees.

NATURE AND SOURCES OF SUPPORT: R. Thomas Hogan, Town Manager, Town of Killiney spoke in support of the bill. He supported the creation of a Local Review Committee (LRC) that would increase public participation in the process of electrical-generation plant siting. He specifically cited Sec. 22(a)-127 of the Connecticut General Statutes as a mechanism for creating what he feels would be an effective LRC which is given authority and assistance commensurate with its charge.

NATURE AND SOURCES OF OPPOSITION: NONE

CONNECTICUT STATE LIBRARY
LAW/LEGISLATIVE REFERENCE UNIT

* Attach voting tally sheet
* Attach fiscal note if available

Report By _____ Date _____

Senate Majority—White Copy
Senate Minority—Green Copy

House Majority—Canary Copy
House Minority—Pink Copy

Committee—Gold Copy
Change of Ref. Committee—Blue Copy

ENERGY AND PUBLIC UTILITIES
VOTING TALLY SHEET

CONNECTICUT STATE LIBRARY
LAW/LEGISLATIVE REFERENCE UNIT

BILL NUMBER SB 628

TITLE AN ACT ESTABLISHING LOCAL REVIEW COMMITTEE
INPUT FOR THE SITING OF ANY WOOD-BURNING
FACILITY.

MOTION IF Environment

	YEA	NAY	ABSTAIN	ABSENT
SENATOR HALE	✓			
REP. JOYCE	✓			
SENATOR POWERS	✓			
SENATOR SOMMA	✓			
REP. ANDERSON	✓			
REP. GORDES	✓			
REP. BERNER	✓			
REP. FONFARA	✓			
REP. HANCHURUCK	✓			
REP. NEWTON	✓			
REP. NORTON	✓			
REP. O'NEILL	✓			
REP. TABORSAK	✓			
REP. TONUCCI	✓			
REP. YOUNG	✓			

TOTAL VOTING 15
 TOTAL VOTING YEA 15
 TOTAL VOTING NAY 0
 TOTAL ABSENT AND
 NOT VOTING 0
 TOTAL ABSTAINING 0

IN THE CHAIR Sen. Hale

SPONSOR OF THE MOTION Rep. Joyce SECONDED BY Rep. Newton

DATE 3/14/89 SUBSTITUTE LANGUAGE _____

Title changed To :

AA Establishing Local Review Committee
Input For the Siting of any Facility By the