



STATE OF CONNECTICUT
DEPARTMENT OF
EMERGENCY MANAGEMENT AND HOMELAND SECURITY

January 13, 2009

Honorable Daniel F. Caruso, Esq.
Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: Docket No. 346 Implementation of Section 8 of Public Act 07-242, An Act Concerning Electricity and Energy Efficiency

Dear Chairman Caruso:

The Department of Emergency Management and Homeland Security hereby responds to the Connecticut Siting Council's request for comment on the scope of Docket No. 346.

Thank you for this opportunity to comment.

Please do not hesitate to contact me at (860) 256-0816 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brenda M. Bergeron".

Brenda M. Bergeron

Legal Advisor

Department of Emergency Management and Homeland Security

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RE: IMPLEMENTATION OF SECTION 8 : DOCKET #346
OF PUBLIC ACT NO. 07-242 AN ACT :
CONCERNING ELECTRICITY AND :
ENERGY EFFICIENCY : JANUARY 13, 2009

**THE CONNECTICUT DEPARTMENT OF EMERGENCY MANAGEMENT
AND HOMELAND SECURITY'S
MEMORANDUM REGARDING THE SCOPE OF THE HEARING**

The Connecticut Department of Emergency Management and Homeland Security (DEMHS) hereby responds to the Connecticut Siting Council's (Siting Council) request for comments on the scope of Docket Number 346, concerning the implementation of Section 8 of Public Act No. 07-242 An Act Concerning Electricity and Energy Efficiency.

Background of DEMHS Involvement

Pursuant to Section 8 of Public Act No. 07-242, the Connecticut Siting Council "in consultation with the Emergency Management and Homeland Security Coordinating Council" and the Department of Public Utility Control, is required to initiate a contested case proceeding "to investigate energy security with regard to the siting of electric generating facilities and transmission facilities, including consideration of planning, preparedness, response and recovery capabilities." The Emergency Management and Homeland Security Coordinating Council was established to advise DEMHS on various issues relating to emergency management and homeland security. Conn. Gen. Stat. §28-1b. The Commissioner of DEMHS serves as the Coordinating Council's chairperson. Conn. Gen. Stat. §28-1b(c).

By letter dated November 25, 2008, at the request of the Siting Council, DEMHS asked for party status to this proceeding. Thereafter, the Siting Council asked DEMHS to supply a memorandum of that agency's view of the scope of the public hearing scheduled to be held in accordance with Section 8 of Public Act No. 07-242.

Pursuant to Section 8 of P.A. 07-242, Scope of Public Hearing is Prospective

There appear to be two sources of authority for the Siting Council to consider issues of security in its review of matters brought to its attention. The first source is found in the Public Utility Environmental Standards Act, Conn. Gen. Stat. §16-50g, which was amended in 2003 to add the promotion of "energy security" as a legislative purpose behind the Act. The second source of authority is found in Section 8 of P.A. 07-242, which requires the Siting Council "to investigate energy security with regard to the siting of electric generating facilities and transmission facilities, including consideration of planning, preparedness, response, and recovery capabilities." This phrase seems to indicate that the investigation requirement is prospective in nature, because it refers to "the siting" of facilities, not to an investigation of existing sites.

Pursuant to Section 8 of P.A. 07-242, Siting Council Investigation Must Include Determination of Proposed Facility's "Planning, Preparedness, Response, and Recovery Capabilities." Therefore, Hearing Should Include Consideration of How to Make This Determination

The language used in Section 8 of P.A. 07-242 reflects a basic tenet of emergency management and homeland security, that all phases of an emergency must be considered. This tenet is also reflected, for example, in the DEMHS mission statement: "The mission of [DEMHS] is to direct and coordinate all available resources to protect the life and property of the citizens of Connecticut in the event of a disaster or crisis, through a

collaborative program of prevention, planning, preparedness, response, recovery, and public education.”

In order to fulfill the statutory requirement imposed on the Siting Council, the hearing in Docket No. 346 should include an investigation of whether to add site security as one of the Siting Council’s criteria in approving a project. An appropriate topic for consideration, for example, would be whether the siting application should include the applicant’s security plan for the proposed site, and, if so, what information would the Siting Council require to be included in any such plan.

The hearing should also examine what standards might be made a part of the security criteria, including which common vulnerabilities should be recognized and addressed. There are a number of standards, both from industry groups and from governmental entities, which the Siting Council could consider including in any Best Management Practices document, or other energy security -related document. These entities include the Federal Energy Regulatory Commission, North American Electric Reliability Council, Electricity Sector Information Sharing and Analysis Center, Institute for Electrical and Electronics Engineers, and the Environmental Protection Agency. Standards issues may include perimeter security, monitoring, emergency operations and continuity of business plans, employee background checks and credentialing, site alarm and lock-up, and the effect of damage to this particular facility on the larger energy grid.

Finally, the “planning, preparedness, response, and recovery” language suggests a legislative intent to require an examination of federal Department of Homeland Security (DHS) guidelines for the energy sector of critical infrastructure. Therefore, the hearing in

this matter should include consideration by the Siting Council of whether to include all or part of these DHS guidelines in the criteria for project approval.

Conclusion

Energy security is vital to the State of Connecticut's overall homeland security strategy. In order to meet the requirements of Section 8 of P.A. 07-242, the Department of Emergency Management and Homeland Security suggests that the scope of the hearing in Docket No. 346: (1) be limited to prospective investigations of energy security in the siting of electric generating facilities and transmission facilities; (2) include a determination of whether security should be one of the criteria used in evaluating and approving a project; and (3) include an examination of what standards might be made a part of the security criteria, including which common vulnerabilities should be recognized and addressed.

Respectfully submitted,

THE DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY

By: 

Brenda M. Bergeron
Legal Advisor
Department of Emergency Management
And Homeland Security