



STATE OF CONNECTICUT
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Application Guide for
ELECTRIC GENERATING OR ENERGY STORAGE FACILITIES
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This guide is designed to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for the construction, maintenance and operation of an electric generating or energy storage facility. Such facilities are defined in the Connecticut General Statutes (Conn. Gen. Stat.) §16-50i(a)(3) and Section 16-50j-2a of the Regulations of Connecticut State Agencies (Regs. Conn. State Agencies).

Applicants should consult Conn. Gen. Stat §16-50g, *et seq.* and Regs. Conn. State Agencies §16-50j-1, *et seq.* of the Regulations of Connecticut State Agencies to assure compliance with requirements of those sections that are relevant to the facility application. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process

A. Municipal Consultation (Conn. Gen. Stat. § 16-50(f))

- At least **60** days prior to the filing of an application with the Council, the applicant is required to consult with the host municipality and any adjoining municipality having a boundary not more than 2,500 feet from such facility, the legislative body of the municipality and 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 concerning the proposed and alternative sites for the facility location;
- Consultation shall include good faith efforts to meet with the chief elected official of the municipality or such official's designee, the legislative body of the municipality and 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.
- During consultation, the applicant shall provide the chief elected official of the municipality or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application with 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. Not later than 60 days after the initial consultation, the municipality shall issue its recommendations to the applicant. Not later than 15 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 consultation including any meetings with the chief elected official, such official's designee, the legislative body of the municipality and any member of the legislature and any recommendations issued by the municipality.

B. Application to Municipal Agencies (Conn. Gen. Stat. § 16-50x)

Municipal zoning and inland wetland agencies may regulate and restrict the location of an electric generating or energy storage facility. Such action must be taken no later than 30 days after an application is filed with the Council. Orders made by the municipal zoning and inland wetland agencies may be appealed within thirty days.

II. Form of Application (Regs. Conn. State Agencies §16-50l-2)

All applications shall include the following components:

- A. The purpose for which the application is being made;
- B. The statutory authority for such application;
- C. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- D. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service to the applicant;
- E. Such information as may be required under the applicable provisions of Section 16-50l of the Connecticut General Statutes;
- F. Such information as any department or agency of the state exercising environmental controls may, by regulation, require; and
- G. Such information as the applicant may consider relevant.

III. Filing Requirements (Regs. Conn. State Agencies §16-50j-12)

- A. Except as may be otherwise required at the time applications are filed with the Council, there should be furnished to the Council an original and **15** copies of Certificate applications. All filings from the applicant, parties, and/or intervenors should be labeled with the docket number, properly collated and paginated. Electronic filing of the application to siting.council@ct.gov is required.
- B. Bulk filing shall consist of at least one hard copy of the applicable town zoning and inland wetlands regulations and plan of development and any other publicly available material in

support of the application **and a website link to the material**. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.

- C. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 1/2 by 11 inches. Width of margins shall be not less than one inch. The impression may be double-sided.
- D. Every application shall be signed by the applicant or by its authorized representative. All applications shall be filed at the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits, but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless mail service has been waived in favor of electronic service as noted on the application service list.
- E. Applications may include any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulation may require. The applicant may request administrative notice of may be taken of judicially cognizable facts and of generally recognized technical or scientific facts. All documents, including but not limited to maps, shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained. Maps must include a key table(s) and a matching source list/table, appropriately organized.

IV. Application Filing Fees (Regs. Conn. State Agencies § 16-50v-la)

The filing fee for an application is determined by the following schedule:

<u>Estimated Construction Cost</u>		<u>Fee</u>
Up to	\$5,000,000	0.05% or \$1,250.00, whichever is greater
Above	\$5,000,000	0.1% or \$25,250.00, whichever is less.

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee or fees in excess of the Council's actual costs will be refunded to the applicant.

V. Municipal Participation Account (Conn. Gen. Stat. §16-50bb)

Conn. Gen. Stat. §16-50(a) mandates a municipal participation fee of **\$40,000** to accompany each application for an electric generating or energy storage facility be deposited in the account established in accordance with Conn. Gen. Stat. §16-50bb. If the proposed facility

is located in more than one municipality, the municipal participation fee is **\$80,000**. The Municipal Participation Account was established within the General Fund to defray expenses incurred by each municipality entitled to receive a copy the application under Conn. Gen. Stat. § 16-50/ that participates as a party to the application proceeding. Any moneys remaining at the end of the proceeding shall be refunded to the applicant.

VI. Contents of Application

- A. Regs. Conn. State Agencies §16-50j-59** - An application for a Certificate for the construction of an electric generating or energy storage facility shall include, but not be limited to, the following:
1. A description of the proposed facility and associated equipment, or modification of an existing facility and associated equipment, including, but not limited to, heights of facility components, special design features, and access roads;
 2. A statement of the need for the proposed facility and associated equipment, or modification of an existing facility and associated equipment with as much specific information as is practicable to demonstrate the need;
 3. A statement of the benefits expected from the proposed facility and associated equipment, or modification of an existing facility and associated equipment with as much specific information as is practicable;
 4. (A) The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2000 feet) marked to show the approximate site of the facility and associated equipment, or modification of an existing facility and associated equipment and any significant changes within a one mile radius of the site; and
(B) a map (scale 1 inch = 200 feet or less) of the lot or tract on which the facility and associated equipment, or modification of an existing facility and associated equipment is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their lands abutting the site;
 5. (A) Plan and elevation drawings showing the proposed facility and associated equipment, or modification of an existing facility and associated equipment, the components and all structures on the site; and
(B) where relevant, a terrain profile showing the proposed facility and associated equipment, or modification of an existing facility and associated equipment;
 6. A description of the site, including the zoning classification of the site and surrounding areas;
 7. A description of the land uses of the site and surrounding areas;
 8. A description of the scenic, natural, historic, and recreational characteristics of the proposed site and surrounding area;

9. A statement in narrative form of the environmental effects of the proposed facility and associated equipment, or modification of an existing facility and associated equipment;
10. A statement containing justification for the site selected including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated;
11. A statement of the estimated cost for site acquisition and construction of the facility and associated equipment, or modification of an existing facility and associated equipment;
12. A schedule showing the proposed program of site acquisition, construction, completion, and operation;
13. The names and mail addresses of the owner of the site and all abutting owners;
14. A listing of any federal, state, regional, district, and municipal agencies with which reviews were conducted concerning the facility or modification of an existing facility, including a copy of any state and municipal agency position or decision with respect to the facility or modification of an existing facility;
15. Where relevant, a list of all energy facilities and associated equipment within a 5-mile radius of the proposed facility or modification of an existing facility which are owned or operated by a public service company or the state;
16. A description of technological alternatives and a statement containing justification for the proposed facility;
17. A description of alternate sites, if applicable, for the proposed facility and associated equipment, or modification of an existing facility and associated equipment with the following information:
 - a. a U.S.G.S. topographic quadrangle map (scale 1 inch = 2000 feet) marked to show the location of alternate sites;
 - b. a map (scale 1 inch = 200 feet or less) of the lots or tracts of the alternate sites for the proposed facility and associated equipment, or modification of an existing facility and associated equipment showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their land abutting the alternate site; and
 - c. such additional information as would be necessary or useful to compare the costs and environmental impacts of the alternate sites with those of the proposed site;
18. A statement describing hazards to human health, if any, with such supporting data or references to authoritative sources of information as will be helpful to the understanding of all aspects of the issue, including electric and magnetic field levels at the property boundaries of the proposed site and compliance with the Council's Best Management Practices for Electric and Magnetic Fields; and

19. Additional information may be requested by the Council.

B. Conn. Gen. Stat. §16-50l – An application for a Certificate for an electric generating or energy storage facility shall include the following information:

1. A description of the proposed electric generating or energy storage facility;
2. a statement and full explanation of why the proposed facility is necessary;
3. a statement of loads and resources, as described in section 16-50r;
4. safety and reliability information, including planned provisions for emergency operations and shutdowns;
5. 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;
6. a schedule showing the program for design, material acquisition, construction and testing, and operating dates;
7. available site information, including maps and description and present and proposed development, and geological, scenic, ecological, seismic, biological, water supply, population and load center data;
8. justification for adoption of the site selected, including comparison with alternative sites;
9. design information, including a description of facilities, plant efficiencies, electrical connections to the system, and control systems;
10. a 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;
11. 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;
12. Information on the extent to which the proposed facility has been identified in, and is consistent with, the annual forecast reports and life-cycle cost analysis required by section 16-50r and other advance planning that has been carried out, and shall include an explanation for any failure of the facility to conform with such information.

C. Conn. Gen. Stat. §16-50k - Solar Electric Generating Facilities

Applicants shall furnish a bond to cover all costs associated with the decommissioning of the solar electric generating facility and the restoration of prime farmland unless the provisions of a lease agreement with the host parcel owner indicate otherwise.

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. Maps must include a key table(s) and a matching source list/table, appropriately organized.

VII. Proof of Service (Conn. Gen. Stat. §16-50I)

Each application shall be accompanied by proof of service of such application on:

- A. The chief elected official, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2,500 feet from the facility.
- B. The regional planning agency that encompasses the site municipality.
- C. The State Attorney General.
- D. Each member of the Legislature in whose district the facility or any alternative facility location is proposed.
- E. Any federal agency, department, commission or instrumentality which has jurisdiction over the proposed facility.
- F. The state Departments of Energy and Environmental Protection, Public Health, Public Utilities Regulatory Authority, Economic and Community Development, Agriculture and Transportation; the Council on Environmental Quality; Office of Consumer Counsel and the Office of Policy and Management.
- G. Any such other state and municipal bodies as the Council may by regulation designate, including, but not limited to, the Connecticut Airport Authority and the Department of Emergency Services and Public Protection.
- H. **Notice to Abutting Property Owners:** Notice of the application shall be sent by certified or registered mail to each person appearing of record as an owner of property which abuts the primary or alternative sites on which the proposed facility would be located. Notice shall be sent at the same time that notice of the application is given to the general public. An affidavit of notice to all abutting property owners shall accompany the application.

VIII. Public Notice (Conn. Gen. Stat. §16-50J)

Notice of the intent to file the application with the Council shall be published in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice must be published in not less than ten-point type. An affidavit of publication of notice of the intent to file the application shall be filed with the Council.

Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten days prior to the public hearing such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet along a public road at or in the vicinity of where the proposed facility would be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). An affidavit of the date of the erection of the sign, its location and the duration that the sign is posted shall be filed with the Council.

IX. Procedures

- A. The Council will review and may reject the application within 30 days for lack of completeness if it fails to comply with specific data or exhibit requirements established by statute or regulation, or if the applicant fails to promptly correct deficiencies in any filed application in the manner directed by the Council.
- B. The Council may issue interrogatories to the applicant and any other party or intervenor to the proceeding requesting supplemental or explanatory materials. The applicant and any other party or intervenor may file exhibits and issue interrogatories to the applicant and any other party or intervenor requesting supplemental or explanatory materials. All exhibits and responses to interrogatories will be subject to cross-examination and admitted into the record at the Council's discretion.
- C. One session of the public hearing must be held after 6:30 p.m. for the convenience of the public for oral limited appearance statements. Written limited appearance statements are accepted up to 30 days after the close of the hearing.
- D. The Council must render a decision within **180** days of receipt of an application, extendible by 180 days upon consent of the applicant.

X. Environmental Justice Public Participation Plan (Conn. Gen. Stat. §22a-20)

Pursuant to Conn. Gen. Stat. §22a-20a, applicants seeking to obtain a certificate for a new or expanded permit or siting approval from the Council involving an “**affecting facility**” (defined **in part** as an electric facility with a capacity of more than ten megawatts) that is proposed to be located in an “**environmental justice community**” (defined as a U.S. census block group for which 30% or more of the population consists of low income persons with income below 200% federal poverty

level or a “distressed municipality” as defined under Conn. Gen. Stat. §32-9p) or the proposed expansion of an “affecting facility” located in such community shall file a “Meaningful Public Participation Plan.” The completed Plan and supporting documentation shall be submitted to the Council and the Environmental Justice Program at DEEP.

The definition of “**affecting facility**” does NOT include (i) the portion of an electric generating facility that uses nonemitting and nonpolluting renewable resources such as wind, solar and hydropower or that uses fuel cells; (ii) any facility for which a certificate of environmental compatibility and public need was obtained from Council on or before January 1, 2000; or (iii) a facility of a constituent unit of the state system of higher education that has been the subject of an environmental impact evaluation in accordance with the provisions of sections 22a-1b to 22a-1h inclusive, of the General Statutes and such evaluation has been determined to be satisfactory in accordance with Section 22a-1e of the General Statutes.

XI. Prohibition of use of flammable gas to clean piping (Conn. Gen. Stat. §16-50ii)

Pursuant to Conn. Gen. Stat. §16-50ii, the use of flammable gas to clean or blow the gas piping of an electric generating facility is prohibited. Applicants seeking a certificate for an electric generating or storage facility shall demonstrate to the satisfaction of the Council that the applicant has:

1. Retained, for the duration of the construction project, at least one special inspector to assist the municipal fire marshal in reviewing construction plans and conducting inspections during construction of the electric generating facility to ensure compliance with the recommended standards. Any person designated as a special inspector shall:
 - a. Be approved by the Council and not otherwise employed or financially involved in the construction or operation of the electric generating facility; and
 - b. Be a licensed professional mechanical engineer pursuant to chapter 391 or a person holding a commission from the National Board of Pressure Vessel Inspectors and have knowledge and field experience in electric generating facility construction.

The special inspector shall have the following duties:

- a. To assist the local fire marshal in review and approval of methods for cleaning the interior of gas piping;
 - b. To approve an appropriate safety plan for any nonflammable gas blows conducted at the facility;
 - c. To observe the actual cleaning procedure in order to assure compliance with the approved methods for cleaning the interior of gas piping; and
 - d. To conduct inspections during construction of such facility in order to ensure compliance with the approved methods and with the provisions of this section.
2. Paid a fee to be established in accordance with subsection (d) of Section 29-251c of the Connecticut General Statutes and deposited in the Code Training Fund established under that Section to be used in the training of local fire marshals on the complex issues of electric generating facility construction.

3. Any person who violates any provision of Section 16-50ii of the Connecticut General Statutes shall be fined not more than one hundred thousand dollars or imprisoned not more than two years, or both, for each offense.

XII. Petition for a Declaratory Ruling

Any applicant who believes that a proposed facility does not fall within the statutory requirements of the application for a Certificate process may file a petition for declaratory ruling in accordance with Conn. Gen. Stat. §4-176 and 16-50k. See the Council's Petition for a Declaratory Ruling Filing Guides.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.