

APPENDIX 24: SUMMARY OF PUBLIC COMMENTS/THEMES

6. Introduction

The Connecticut Department of Energy and Environmental Protection as part of its responsibilities was tasked with receiving public comment on the Draft Report on the Connecticut Siting Council. All public comments were considered in the development of the final report. We appreciate all of the thoughtfulness that went into public comments.

On December 5, 2024, a hybrid public comment session was held. Fifty-six (56) people attended either in person or virtually on Zoom. Ten (10) individuals provided oral comments at the session. A number of those individuals submitted written comments, some of which were substantially similar to their oral comments.

Following the public comment session, comments were received through December 13, 2024, by email and through an online survey. Forty-seven (47) written and survey comments were received in total. Approximately 30 of the written comments were nearly identical form letters.

Both the oral and written comments were reviewed to capture the themes that emerged from the comments. Those are summarized below, largely in the phrasing or apparent intent of the commentor. What follows is a summary of the general themes across areas, comments received at the public comment session and comments received in writing. To the extent possible the comments are grouped by the chapter or section of the Draft Report. Where a comment was in the form letter it is designated by (F) when multiple commentors made a similar comment a √ is included. A greater number of check marks indicated that this comment appeared more often – the number of checks does not indicate the exact number of similar comments.

7. Summary of general comments/themes:

Process & Transparency

- Make the process clearer and more transparent √√√√
- Clearly articulate the member designation for each seat – expand representation to include agriculture, environment/conservation, EJ communities √√
- Be clear about how feedback/comments are incorporated √√
- Make it easier for citizens to participate √
- Use plain language
- Take public concerns seriously – analyze and address each one/require CSC to provide written responses √√
- Require the CSC to hire a Director of Community Engagement and Governmental Affairs to better engage community members √√√
- Specify explicit criteria for determining whether a facility will have cumulative impacts, environmental impacts, and environmental justice impacts, and whether a public need for the facility exists √√√√

- Require the CSC to hold a public hearing on every petition by default, while retaining the option to "opt-out" of a public hearing upon a vote to do so ✓✓✓
- Public notice should be given in a meaningful way
- Information on Sub-Petitions is no longer available on the Siting Council website

CSC Authority/Scope/Duties/Responsibilities

- Grant the CSC express authority to deny permits and petitions for affecting facilities if the CSC determines there are less harmful alternatives

Learn from Other States

- New York and Massachusetts have shown us it's possible to build new energy infrastructure fairly and effectively
- Look to other states as models ✓✓

Funding

- Expand funding for compensation to municipal representatives to participate in CSC decision-making processes
- Provide funding to train residents to participate in the siting council decision making process ✓✓

Other

- Appreciation for EJ focus
- Increased specificity and action steps for report recommendations

8. Summary of general comments/themes from public meeting – December 5, 2024

Stakeholder Engagement

- Important to get more stakeholders involved
- The public wants to be involved
- Increase educational opportunities for stakeholders
- Provide more opportunities for the public to comment/testify
- Appreciation for agency efforts to engage/increase public input opportunities ✓✓
- Allow for municipal input after initial meeting

Process & Transparency

- Lack of transparency is an issue ✓✓
- There needs to be more transparency between CSC and municipalities
- Process needs to be clarified – it is difficult for people to navigate
- Siting Council needs to have better guidelines for settling disputes, especially where property has been transferred
- Improve analysis to include NY and MA

Environmental Impacts

- Need to be clear about what the environmental impacts will be ✓✓
- Need for directed criteria for addressing adverse environmental impacts
- Water is a key issue – wasn't considered when looking at environmental issues
- Where is the definition of "substantial adverse environmental effect"?

Environmental Justice

- EJ community has problems not just with facilities but also with pollution

Economic Impacts/Funding/Finance

- More clarity of economic development program
- When looking at something need to look beyond just "lowest reasonable cost" and consider long-term costs and what is being lost
- Siting Council needs to take a more active role in protecting local economic impact and taxing revenue
- Create a more robust set of metrics to assess impacts and impose limitations on developers before approving projects
- Siting Council as responsibility to investigate costs
- Request that an independent 3rd party review costs of projects and determine efficiency of costs of projects
- Community based organizations do not have the funding to engage in dockets like this
- There are provisions for cities/towns to get funding and community-based organizations should receive the same funding
- Funding coming to the city will change cities' perspective on projects and needs of community served
- Community based organizations should have access to the \$40,000.00

9. Summary of written comments/themes by chapter

CHAPTER 1: SITING COUNCIL HISTORY, JURISDICTION & RESPONSIBILITIES

- Membership: Clearly articulate member designations for appointments (in categories with less gubernatorial discretion)
 - o Areas needing representation/inclusion
 - Agriculture ✓✓
 - Environment/conservation ✓✓✓✓
 - EJC (F) ✓✓✓✓✓
 - Municipal ✓✓
 - o Public membership should represent historically marginalized communities (a reference to Equity & EJ Advisory Council)
 - o DEEP should have representation from both energy and environmental quality bureaus

- Increase clarity of input of DEEP & Dept of Agriculture on Siting Council Decisions √√
 - Greater clarity on “no material impact”, - 2MW photovoltaic. Require DEEP Bureau of Natural Resources consultation for smaller facilities.
 - DEEP & Dept of Agriculture should be less permissive in evaluations
- Reconcile definitions of continuous and core forest block sizes √√√
 - Evaluation of smaller solar facilities on core forests
 - Urban forests should be included
- Process clarity in decisions
 - How factors are weighed in decisions (F) √√√
 - Explanation of terms (F)
 - Increase clarity of “other community concerns” and how public input was considered (F)
 - Establish criteria for impacts: cumulative, environment, EJ, (F) √√√√√
 - With respect to EJ consider FERC regulatory guidelines to avoid potential conflicts
 - Include specific responses to public comment (F) √√√
 - In addition to economic development impact also address the need for economic impact assessment and need for guidelines / criteria for impact on property owners/community/municipality of utility easements for rights of way (F) √√
 - Consider impacts of solar projects to scenic, historic, and recreational values
 - Add residential to scenic, historic and recreational values
 - Clarity on the capacity to deny, modify and consider alternatives to presented projects
 - Include Global Warming Solutions Act and climate goals explicitly in decisions √√
 - Inclusion of ecosystem services in considerations
 - Enhance/prioritize forest and water resource protections √√
 - There should be greater clarity on who, what and how “substantial environmental impact” is determined
 - Decisions should incorporate energy security to a greater extent and the negative impact of solar on rates and use of forest and farmland
- Jurisdiction –
 - Increase jurisdiction to include waste transfer stations, chemical recycling & hazardous waste facilities (F) √√√√
 - Add exclusive authority over renewable energy siting facilities over a certain threshold (including battery storage and transmission), similar to MA Energy Facilities Siting Board
 - Include impact of ancillary activity by electric generation and the impact on the energy grid
- Clarification of intersection of relationship to other state agency permitting processes
 - Increase collaboration/coordination among agencies
- Allow for denial of permits and decisions if there are less harmful alternatives
- Question: use of authority to order restoration (vegetation) in transmission line right of way.

- Support for recommendation to incorporate staff or technical consulting expertise into the application & review process (F) √√
- Statewide infrastructure planning should be considered (F) √√
 - o Grid resiliency
- Need for member expertise on the Council re: ecological impacts
- Increase economic considerations in analysis to include external costs on ecosystem services √√
- Greater consideration on direct and indirect EJ impacts √√
- Report should more clearly delineate municipality's role in the application process
- Establish a preference hierarchy for solar development to preserve prime forest and farmland and environmentally sensitive areas and use rooftop and degraded lands, EJ communities and distributed generation
- Need for independent verification of applicant testimony – e.g., abutter notification
- Need for inclusion of town jurisdiction & economic development plans

CHAPTER 2: SITING COUNCIL COMPARED TO OTHER STATES

- Increase community input/environmental protections based on practices from other states (MA, NY), consider cumulative impacts √√
- Consider NY & NJ in comparator analysis
 - o NY Office of Renewable Energy Siting and Electric Transmission; Public Involvement Plan requirement √√

CHAPTER 3: OVERVIEW OF APPLICATIONS AND PETITIONS

- Hearing by default on petitions with an opt-out (F) √√√√√√
 - o Petitions for Declaratory rulings should have mandatory hearings with any exception made with an articulated written decision
- Question: DEEP review of sample of environmental assessments for compliance with guidelines, completeness and the efficacy of the guidelines.
- Report should consider the inclusion of sub-petition process used by utilities for approval for transmission line maintenance in rights of way (streamlines approvals with assumptions not supported by field experience by the commenter) and the sub-petition process (√√) should have improved documentation and assessment
- Consider the number of solar facilities in a town
- Consideration of watershed and aquifer protection √√√
- Include reasons for differences in timeframes for decisions as they relate to facility type/jurisdiction (FERC, wind jurisdiction) √√
- Include definitions of terms and criteria for decisions

CHAPTER 4: APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

- The report should examine Council allowing utilities use of “asset condition” projects by also seeking transmission line upgrades. DEEP can educate the Council and require that where there is no load growth there should be line replacement not upgrade to capacity

CHAPTER 5: PETITION FOR A DECLARATORY RULING

- Question: potential declaratory ruling projects voluntarily placed in certificate process to avoid DEEP & Department of Agriculture letters of no material impacts (Potential loophole)
- CSC role in watershed, including water resources, and protection from erosion and other impacts of large-scale solar projects through planning and siting √√√√; consider charge to adhere to similar standards as planning and zoning commissions for protecting public health, safety and welfare. Recommendation to include additional documentation.
- CSC should hold public hearings on request for petitions with timely notification to the public
- Municipal governments should be required to hold public hearings upon request with comment/question opportunities
- CSC should give deadlines when denying a petition without prejudice

CHAPTER 6: SITING COUNCIL PROJECT OVERSIGHT POST-APPROVAL

- Question: has staff/consultant time been tracked for field inspections and compliance verification and results and actions of the inspections. Related costs billed to Certificate holder.
- Question: Degree to which CSC exercises review powers and tracking of violations and actions.
- Question: Process for engaging and deference to CSC independent consultants, DEEP comment on work, criteria and factors used by consultants.
- Report could increase clarity on decommissioning phase
- Clarification of CSC authority to ensure conditions of declaratory rulings are met
- Better verification of on-ground conditions as depicted in applications and reports
- Better oversight is needed during project implementation
- MW thresholds should be revised to address changes in technology such as daisy chaining modular fuels cells/incremental projects that individually would not meet current thresholds but cumulatively would

CHAPTER 7: OPPORTUNITIES FOR PUBLIC PARTICIPATION IN SITING COUNCIL WORK

- Enhance public notice – breadth and time for preparation, review, response (F) √√√
- Have staff member assist public (community engagement staff) in how to participate (F) √√√√√
 - o Add Public Participation account similar to Municipal Participation Account √√
- Provide training for the public on how to participate √√

- Remove exemption for petition pre-filing consultation with municipal leaders and state legislators and have meaningful public notice to affected communities
- Enhance and increase participation of municipal and legislative leaders
 - o Increase in fees and recovery of attorney's fees if prevail in judicial review
- Question: criteria and consistent application for when CSC "deems" a public hearing should be required.
- Prior disclosure of proposals before decisions – informational hearings for comment to CSC, in the community
- Ease requirements for intervenor status
- Website docket structure can be confusing for the public to determine the status of project
- Clarify the results of different types of participation and pathways to submit information or comment
- Enhance public process – timing, locations, language, food, childcare, amenities, plain language documents, etc.
- Community compensation/stakeholder group compensation fund as a model
- Greater clarity on DEEP's recommendations (vs. stakeholder recommendations) concerning public engagement and the costs, responsibilities and impacts of the recommendations
- Further analysis of recommendations before any legislative action – stakeholder working groups with scopes of work to refine recommendations
- Simplify the intervenor process
- Allow for public comment without 24-hour prior registration requirement; allow for public comment at both the beginning and the end of hearing
- Field reviews should be restored

CHAPTER 8: PUBLIC CONCERNS – NOISE, VISUAL, AND COMMUNITY IMPACTS

- Separately identify types of public concerns analyzed in the report
- Better identification of concerns regarding impacts on core forests and prime agricultural land
- Include total consideration of all (solar) projects' spatial geographical distribution in a geographical area (beyond one municipality) to reduce the burden or negative impacts in one area
- Regulate noise, visual and community impacts of ancillary activity or use of electrical generating facility
 - o Require comprehensive assessment of ancillary activity or use (data centers)
- Local noise ordinances may be too vague to be enforceable and the state should play a role
- Report should address comprehensive environmental impact assessment in greater depth with summaries
- Report should provide insight and opportunity for public input during the process of DEEP letter of no material effect (including process, criteria and role of comprehensive environmental assessment)

CHAPTER 9: RECOMMENDATIONS FROM STAKEHOLDERS

- More clarity on CSC powers, duties and responsibilities with respect to environmental quality standards & enforcement – particularly with rights of way and impacts of construction pads ($\sqrt{\sqrt{}}$), impacts of ROW work on transmission of invasive species, heavy equipment, et al
- Concern with stakeholder recommendation for increasing PURA role in CSC and implications for asset condition conflicts and resulting liability or liability disclaimer and with respect to overlap of state and federal jurisdictions
- There are areas where there is ineffective oversight by CSC and over reliance by the CSC on utility opinions, e.g., for “public need”. Suggestion: add independent third-party expert for technical review for transmission line projects prior to filing of application
 - o Similar recommendation for independent of costs/appraisers and alternative proposals (undergrounding, easements)
- Greater accountability regarding cost impacts on rate payers

APPENDICES:

Appendix 19

- Achieving emissions reductions to achieve climate goals will impact resources and natural processes necessary for mitigation and adaptation. Siting impacts on habitats, water resources, and flood mitigation. Look at climate goals in Governor’s Council on Climate Change