

APPENDIX 25: WRITTEN PUBLIC COMMENT ON DRAFT CSC REPORT

Following are written comments received in response to the *Notice of Public Meeting and Request for Public Comments on the [Draft CT Siting Council Report](#)*.

As part of this process, DEEP made the Draft Report available for public review and solicited feedback through a Public Comment Meeting held on December 5th, 2024 with written comments accepted through December 13th, 2024. The following comments reflect a broad range of perspectives on the findings and recommendations outlined in the Draft Report.

10. Comments received by email

Thanks again for including us in this process. I've had a chance to review the draft report, and I think it really captures some of the concerns and areas for improvement we covered in our call together with Elisabeth. It also addresses well the enforcement concerns, project tracking, per diem rates, and how the website and public interaction can be improved.

I will highlight here a few areas that may not be coming across in the report that we discussed.

2. The CSC should clearly articulate the member designation for each seat, as I sit on the CT Energy Efficiency Board, we have in statute specific representations needed to serve on the EEB that DEEP appoints as spots are vacated. To be more transparent and ensure the CSC is well represented I had raised this on our meeting that we need to see representation from ag, environment/conservation, EJC, etc. You had pointed out there were some new appointments made this year which is great, but with the appointments being vague and Governor appointed that can change from one administration to another.
3. We talked about how there is concern on the input that DOAG and DEEP provides on projects, but its not always clear how those comments shape the outcome of a project. Is it just a formality and the project moves forward regardless, more transparency around this is important.

I'm writing to share my thoughts on the draft report about the Connecticut Siting Council. I believe all of us in Connecticut deserve clean air, safe neighborhoods, and a meaningful voice in decisions that affect our lives. But the current process for deciding where energy projects are built doesn't fully protect people or ensure transparency.

Too often, polluting projects end up in neighborhoods already struggling with high rates of asthma, heart disease, and other health challenges. Families are left without a meaningful voice in decisions directly impacting their health and well-being. It's time to create a better process that puts people first when deciding where to build new energy projects. Specifically, I urge you to:

1. Learn from Other States. States like New York and Massachusetts have shown us it's possible to build new energy infrastructure fairly and effectively. New York has created a system that makes the permitting process more efficient while ensuring communities have a voice and that environmental protections are in place. Massachusetts has gone further by requiring cumulative impact analyses, which help prevent new projects from worsening pollution and health burdens. We deserve a similar process here in Connecticut to protect our health and environment.

2. Make the Process Clearer. Right now, it's hard to understand how decisions about energy projects are made. The report lists some of the factors the Siting Council considers, but it doesn't explain how these factors are weighed or how environmental impacts are judged. Explaining this in plain terms would make the process easier to understand and build trust.

3. Take Public Concerns Seriously. The report groups issues like noise, pollution, and farmland loss under "other community concerns," but these are very different problems that deserve more attention. Separating them into clear categories and analyzing each one would show that public input matters and is being taken seriously.

4. Make It Easier for People to Participate. Getting involved shouldn't feel impossible. But meetings are often poorly advertised, timelines are too short, and the process can feel overwhelming. Connecticut should give people more notice, allow more time to review and respond to proposals, and make the process easier to navigate. A dedicated staff member to help residents participate would make a big difference.

This is a chance to create a healthier, fairer, and more sustainable future for all of us here in Connecticut. I hope you'll take action to make sure the process works for everyone, especially for those who are affected the most.

Email submitted as public comments from multiple people

As a resident concerned with the inequitable siting of facilities in marginalized communities, I'm writing to submit the following comments on the Draft Connecticut Siting Council ("CSC") Report prepared by CT DEEP. First, I appreciate the Draft Report's focus on Environmental Justice and support its recommendations for enhancing public education, participation, and engagement. To further address inequities in the siting process, I urge DEEP to include the following additional recommendations in its report to the Legislature:

- Require more representation of state-designated Environmental Justice Communities and Connecticut-based environmental advocacy organizations on the CSC;
- 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;
- 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;
- Grant the CSC express authority to deny permits and petitions for affecting facilities if the CSC determines there are less harmful alternatives;
- Classify solid waste transfer stations, chemical recycling facilities, and related hazardous facilities as “affecting facilities,” in recognition of their adverse impact on public health;
- Require the CSC to provide written responses that specifically address any environmental justice concerns raised by any public commenter (in addition to those raised by agencies and intervenors)

Thank you for the opportunity to provide comments on the scope of the CT Siting Council Report, and for working toward more equitable governmental decision making.

My comments on the draft Connecticut Siting Council Report are related to Section 12 of P.A. 24-144, particularly subsections:

- (1) the scope of the Connecticut Siting Council’s (CSC) powers, duties, role and responsibilities,
- (3) the processes for issuing a certificate of environmental compatibility and public need or approving a petition for declaratory ruling;
- (4) the council’s oversight of completed projects;
- (5) the criteria used by the council in evaluating applications,
- (7) how the council evaluates economic, conservation and development project impacts,
- (8) the efficacy of the councils’ processes for developing evidence, and
- (11) the policies, procedure and processes for inclusive public engagement in decision-making.

Many of my comments are applicable to multiple subsections and where that occurs, it is so noted.

(1) The scope of the Connecticut Siting Council’s (CSC) powers, duties, role and responsibilities
 On page 16 of the draft report, the following is noted as one of the CSC’s statutorily required duties and commented upon by the report’s drafter:

9. Ordering restoration or revegetation: As part of its supervision of construction activity related to transmission line projects, the CSC may order restoration or revegetation of the right-of-way occupied by overhead transmission facilities. The CSC’s jurisdiction here is

limited to transmission lines and is separate from PURA's jurisdiction over utility vegetation management on smaller, local electric, fiber optic, and other distribution lines.

How often does the CSC so order? Is it carrying out this power, duty, role, and responsibility set forth in subsection (1)? The answer to the question is relevant to the examination of the CSC's ability to balance the need for facilities and the need to protect the environment. The answer is also relevant to subsection (4).

Some of the mechanisms through which the CSC oversees completed projects are set forth on page 31. Among these "mechanisms" are "field inspections and compliance verification." Did DEEP determine which staff or CSC-hired consultants conducted field work, approximately how many hours of staff/consultant time was expended on field work, the nature of things discovered as a result of field work, and how the results of the field work were brought to the attention of the CSC and addressed? This is certainly relevant to CSC's duties, roles, powers, and responsibilities. And, the answers to these questions are also relevant to subsections (4) and (11).

Relative to the subject field work, the study goes on to note that "any expenses related to these inspections are charged to the Certificate holder." What was the dollar amount for these expenses?¹⁸⁷ What things constitute "expenses"? In addition to being relevant to subsection (1), the answers are also relevant to subsection (4).

Another mechanism through which the CSC oversees completed projects is "enforcement of penalties." (See pages 31-32). According to what is set forth in the draft study, the CSC can go to court to seek restraining orders and temporary or permanent injunctions, and obtain civil penalties. Since the inception of the statutes that allow for these penalties, how many have been pursued and obtained and for what action or inaction by the Certificate holder?¹⁸⁸ The answers to these questions are relevant to the CSC's powers and duties. They are also relevant to subsection (4).

The draft study also notes that the CSC can conduct a "Certificate review proceeding," and, if violations are found, the CSC can issue orders, including the revocation of the Certificate. (See page 32). Did DEEP determine whether the CSC exercises this power, and, if so, the nature of the violations and nature of the orders issued by the CSC? The answers to these questions are important to assessing CSC's oversight role and the success of addressing issues that arise post-construction. The answers are also relevant to subsections (4), (8), and (11).

On page 18 of the draft report, it is noted that : "After receipt of an application for a Certificate of Environmental Compatibility and Public Need ..., the CSC can also employ one or more independent consultants to study and measure the consequences of the proposed facility on the

¹⁸⁷ Here, and in other questions I raise, the time period for the suggested look-back for information will need to be determined by DEEP.

¹⁸⁸ Who represents the CSC in the exercise of its powers to enforce petitions/certificates or seek penalties? If it is an attorney from the Office of the Attorney General, it may be relevant to know whether CSC provides any portion of the salary relative "expenses," and if it is outside legal counsel, again, is this part of the "expenses"?

environment. The CSC can direct the consultants to examine any important matter for an adequate appraisal of an application, and the resulting report becomes part of the record of the proceeding.”

How often has CSC hired an independent consultant? What is the process of hiring them? Does the CSC give deference to the consultants’ study and conclusions? Does CSC ask DEEP to review and comment on such consultants’ studies and measures? What criteria or factors are used by consultants in conducting their study?¹⁸⁹ The answer to these questions is relevant to the examination of the CSC’s ability to balance the need for facilities and the need to protect the environment. The answers are also relevant to subsections (3), (4), (5), (7), and (8).

(3) The processes for issuing a certificate of environmental compatibility and public need or approving a petition for declaratory ruling

It is noted on page 23, that “most projects follow the Petition pathway, with 393 Petitions and only 42 applications for Certificates submitted over the past 5 fiscal years. As you know, solar panels with a capacity of 2 or more megawatts are exempt from the Certificate process and fall within the Declaratory Ruling process. That process requires the Petitioner to obtain from DEEP and/or the Department of Agriculture (DoAg), as the case may be, so-called letters of no material effect if the proposed project will affect core forests or prime farmland.¹⁹⁰

It may be relevant to determine if projects that could have fallen under the Declaratory Ruling process are voluntarily placed in the Certificate process in order to avoid the need to obtain letters of no material affect from DEEP and/or DoAg where core forests and/or prime farmland would be adversely affected since such letters might not be obtainable in the Declaratory Ruling process and are not required in the Certificate process. In other words, does the absence of a requirement for the Applicant to consult with DEEP and DoAg in the Certificate process provide a loophole allowing Applicants to destroy core forests and farmland? Additionally, in Applications where core forests and/or prime farmland will be affected, has CSC, on its own, sought the advice of DEEP or DoAg relative to core forests and/or prime farmland?

The answers to all these questions are relevant to the certificate of environmental compatibility and declaratory ruling processes. They are also relevant to the evaluation of subsections (1), (3), (5), (7), and (8).

(4) The council’s oversight of completed projects

The charts on pages 27 and 30 do not seem to include the period of decommissioning. Decommissioning is an important aspect of each project, especially to the affected communities

¹⁸⁹ If any other criteria are used, should CSC’s criteria be revised?

¹⁹⁰ § 16-50k(a) Conn. Gen. Stat. (“Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling (A) the construction of a facility solely for the purpose of generating electricity, ... as long as: ... (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland ..., the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest.”)

and the restoration of prime farmland, if such land was disturbed because of the project. This point is also relevant to subsections (1), (7), and (11).

(5) The criteria used by the council in evaluating applications

On page 24, the filing guides that CSC provides for applicants and petitioners are set forth. And, as noted on page 37, the CSC requires a “comprehensive environmental assessment.” Did DEEP review a representative sampling of such assessments to determine whether the filing guides were being followed, whether the guides were providing the type and thoroughness of information needed to evaluate applications fully and appropriately, and whether the guides are sufficiently comprehensive? Answers to these questions are needed to assess the criteria used by the CSC in evaluating the environmental impacts of applications and petitions. The answer to these questions is also relevant to subsections (1), (3), (4), (7), and (8). Are any legislative changes needed as a result of such an examination?

(11) The policies, procedure and processes for inclusive public engagement in decision-making

As noted on pages 33-34, Petitions do not require a pre-filing consultation with municipal leaders and state legislators and only those who have signed up to receive notice from the CSC will get notice of a pending Petition. Given the potential visual, noise, erosion, and other community and environmental impacts that can result from projects associated with petitions, they should not be exempt from pre-filing consultation with municipal leaders and state legislators, and public notice should be given in a meaningful way to affected communities. It is understood that legislative changes will be necessary to require this, but DEEP can recommend that CSC sua sponte at least provide meaningful public notice in the interim.

(8) The efficacy of the councils' processes for developing evidence

On page 34, it is noted that the CSC has the option of holding a public hearing on a Petition if it deems that one is required. What criteria or factors does CSC use or consider to “deem” a public hearing required? Are these criteria consistently applied? How many public hearings have been held on Petitions? The answers to these questions are important to assessing the completeness of the CSC’s record of evidence. The answers are also relevant to assessing subsections (1), (3), (4), (5), (7), and (11).

I am a long time participant in environmental justice issues in our region. I think that the comments submitted by Save the Sound are excellent. For too long, the Siting Council has operated outside of public view meaning that oftentimes communities become aware of new developments after the fact. Informational hearings have been used to help increase public participation but again, they occur after the fact.

I think that the most important points submitted by Save the Sound are

- Increase public representation on the Siting Council both environmental advocacy groups and residents of EJ AND distressed communities.
- Consider negative cumulative impacts from proposals in already overburdened communities as an important weighted criteria in their decision making.
- Give preference to alternative sitings that do not further encumber distressed and EJ communities
- Require public disclosure of proposals in the region or town in which they occur that the Siting Council is considering (BEFORE THEY HAVE BEEN DECIDED) and provide a means for the public to comment directly to the Siting Council. Perhaps requiring an informational hearing for new proposals that the company would host in the community would be the easiest way for this to occur. Again, the EJ process does require public informational hearings as part of the EJ process but it occurs AFTER the proposal has been approved by the Siting Council making it much more difficult to affect change. Also, the roster of EJ communities is fluid and the process is designed for EJ communities (and distressed ones? not exactly clear). I think that many towns would like to participate in decision making.

As these changes may increase the demand upon the ability of the Siting Council to function I would support increased support for the council to carry out these changes.

Thank you for the job that you do. I think that CT is so lucky to have you and I wish you well in the upcoming years. CT joins WA state in being a blue bubble for at least a little longer.

As a Right of Way (ROW) landowner who has lived next to transmission lines in Glastonbury for 40 years, I have extensive experience working with the electric utilities with easements on my land (currently Eversource) as well as a working relationship with the Connecticut Siting Council for many years. I applaud the work of the Energy and Technology Committee of the Legislature for making substantial changes to legislation in PA 24-144 regarding operation of the Siting Council, and the efforts of the Connecticut Equity and Environmental Justice Advisory Council in DEEP to provide meaningful feedback on the impact of this legislation in their 2024 Connecticut Siting Council Report.

I appreciate the opportunity to comment on the draft Report but based on the limited time DEEP to finalize this report by 12/31/24 I will focus comments to one specific area that I think is very important and is lacking in the Report. Specifically, **I am concerned that there is no mention of the sub-petition process that has been utilized extensively by electric utilities to get streamlined approvals of major maintenance projects in transmission line ROW's.** This process was used on four different occasions by Eversource to get Siting Council approvals for the replacement of wooden transmission poles in the ROW on my property since 2017.

The report does a good job in Chapter 3 of contrasting the differences between an Application for a Certificate of Environment Compatibility and Public Need and a Petition requesting a Declaratory Ruling that this Certificate is not needed, which basically waves the need for any outside environmental assessment and a public hearing. The report notes that the Petition for Declaratory Ruling process is much easier and quicker to get approval for projects and used much more often,

especially for energy/transmission rulings. The report also notes that the Petition process has more vague environmental review requirements in the legislation than an Application process. However, the sub-petition process is used even more often than the Petition for Declaratory Ruling process as it allows applicants to “piggyback” on a previously approved Petition with the assumption that each sub-petition has the same scope and requirements as the original Petition, and thus allows the Siting Council to “streamline” the process of approval.

In my case, four [Petition 1293 sub-petitions](#) were filed by Eversource with the Siting Council for work to replace transmission line poles on my property. Petition 1293 was originally filed with the Siting Council on March 2, 2017, by Eversource requesting a “determination that no Certificate of Environmental Compatibility and Public need is required for all transmission maintenance activities that comply with the updated National Electric Safety Code (NESC) clearance requirements”. This Petition was approved by the Siting Council on March 31, exactly 30 days later. On April 7, the State Historic Preservation Office of the Department of Economic and Communication Development (DECD) sent a blistering letter to the Siting Council refuting much of the claims by Eversource of not impacting the environment when replacing wooden poles with steel ones based on work already done expanding access roads and building work pads to support the heavy equipment needed to install steel poles. The letter notes that DECD was not able to review this Petition until it was posted on the Siting Council website on April 3rd.

This letter from DECD questioned the legitimacy of the pictures provided by Eversource of what a site looks like after work was completed and included many pictures of recent environmental damage done to install metal poles in ROW’s and identified six archeological sites that were also damaged with this methodology. DECD requested that this Petition not be approved, and the Siting Council should visit sites where this work has already been done before taking action on this Petition. Despite this evidence, the Siting Council responded to DECD that Petition 1293 was already approved on March 31, and they believed that promises made by Eversource to protect the environment were sufficient and would continue to be reviewed in any sub-petitions filed.

When I did a white paper about Petition 1293 in May 2019, I found that there were almost 100 1293 sub-petitions filed within 23 months of the March 31, 2017 approval by the Siting Council. Each sub-petition involved the replacement of about 30 sets of poles at a cost of four times more than wooden poles replacement once the cost of additional access roads and work pads is figured in (based on my conversations with the contractors that did the work). Note that the rationale for using steel poles is based on potential woodpecker damage and not due to the changes to National Electric Safety Code that raised the minimum height of transmission wires.

Information on Sub-Petitions is no longer available on the Siting Council website, but Petition 1293 and the correspondence between DECD and the Siting Council is still on the website. When I corresponded with the Siting Council about damage to my property that was caused by building a large access road and work pads to replace wooden poles and invited them to see this damage themselves, they responded that the Siting Council has no jurisdiction or authority to enforce

environmental requirements issued with Petition approvals such as the removal of a work pad and remediation was strictly between the landowner and Eversource.

I understand the need to streamline the regulatory process used by the Siting Council, but I strongly believe that the process of approving sub-petitions needs to be documented and assessed for improvements over and above those made for the Petition for Declaratory Ruling process, including the need for the Siting Council to meet the goals of its creation under the rules of the Connecticut Uniform Administrative Procedures Act as documented on page 6 of the Report; “Provide environmental quality standards and criteria for the location, design, construction, and operation of public utility facilities at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state.” This would help prevent utility companies from taking advantage of the Petition for Declaratory Ruling process and any subsequent sub-petitions that could result in unneeded damage to the environment and ecology in ROW’s.

Thank you for the opportunity to comment on the DEEP Report on the important work of the Connecticut Siting Council. I hope you find my comments constructive.

I reside in Bridgeport CT, the largest city in the State of Connecticut, and the most marginalized community under the jurisdiction of CT DEEP and the Connecticut Siting Council.

The largest urban center in the State of Connecticut, the City of Bridgeport, has been forgotten by our CT DEEP leaders. There is no evidence of the institutionalized practice of environmental justice here in Bridgeport, CT.

We (of the Environmental Justice/Advocacy Communities here in Connecticut) require more and better-quality representation on the CT Siting Council. This can only be accomplished by expanding funding to more municipal representatives in the state-designated decision-making process.

We need the CSC to create, install and adequately fund a community-interfacing infrastructure e.g. hiring a Community Engagement/Governmental Affairs Director responsible for community outreach.

Here are some additional very specific recommendations:

- Hold public hearings on every petition by default, while retaining the option to “opt-out” of a public hearing upon a vote to do so;
- Grant the CSC express authority to deny permits and petitions for affecting facilities if the CSC determines there are less harmful alternatives.
- Classify solid waste transfer stations, chemical recycling facilities, and related hazardous facilities as “affecting facilities,” in recognition of their adverse impact on public health;

Thank you for your service to the citizens of the state of Connecticut and most especially to the forgotten citizens of the city of Bridgeport who are reaching out to you our advocates.

We appreciate the opportunity to review and provide comments on the draft report concerning the Connecticut Siting Council, as required by Public Act 24-144. While the report reflects thoughtful consideration of various aspects of the Council's role and practices, we would like to offer the following observations and recommendations for further improvement.

1. Clarity and Specificity in Recommendations:

Several recommendations in the report are vague and lack enforceable measures.

Clearer language, coupled with actionable steps or metrics for adherence, would ensure the recommendations achieve their intended impact. Specificity is critical to fostering accountability and effective implementation. For example:

a. *Drawing on Agency or Technical Consulting Expertise*

- We strongly support the recommendation to incorporate agency or technical consulting expertise into the CSC application and petition review process, especially given the Council's lack of expertise in electric system design. However, merely suggesting that such input be considered is inadequate. In practice, the CSC has disregarded expert opinions without providing justification, as evidenced during the Docket 516 hearings. In that case, two underground transmission experts, with a combined 100 years of experience, presented testimony directly challenging the utility's claims regarding the cost, timing, and feasibility of undergrounding. Despite this testimony—and without questioning the utility about those discrepancies—the CSC deferred to the utility's statements, offering no evidence or rationale for ignoring the experts' assessments. To prevent such dismissals and ensure that expert input is meaningfully integrated into the decision-making process, a requirement should be instituted mandating that if agency or expert testimony is disregarded, the CSC must provide a detailed, evidence-based justification for its decision.

b. *Public Notice Requirements*

- Enhanced public notice requirements are a critical and welcome recommendation. Providing accurate and timely information about a project's scope and impacts is essential to meaningful public participation. However, the current public notice process falls short in delivering accurate and comprehensive information. For instance, during the Docket 516 application process, the public was misled by notices that characterized the project as a "rebuild to address aging infrastructure". The communication omitted key details, such as the construction of new monopoles—significantly taller than the existing infrastructure atop the railroad catenaries—and the nearly 20 acres of easements that

would be required, largely affecting private property along the relatively short, 7.3-mile project path. This framing led the public to believe the project would simply replace existing infrastructure with minimal impact. To address these deficiencies, public notices must include specific disclosures about elements such as easements, pole heights, vegetation removal, and other visual or sound related impacts. Adding these details would enhance transparency and ensure the public can fully understand the proposed projects and engage in the process.

2. Economic Considerations:

While the inclusion of Councils of Government in pre-filing consultations to assess a project's impact on transit-oriented development and other economic development objectives is commendable, the lack of guidelines for assessing the impact of utility easements and other economic factors of utility project proposals is a significant oversight.

a. Utility Easements -

Utility easements are often the most invasive aspect of transmission projects. They impose restrictions on property use, reduce property values and local tax revenue, and disrupt homes, businesses, libraries, open spaces, and places of worship. Despite these profound impacts, the Siting Council is not required to assess the necessity or implications of easements proposed as part of utility projects. To address this gap, we recommend establishing explicit criteria for evaluating utility easements. Efforts should prioritize avoiding easements in high-density areas or where the proposed easement acreage constitutes a substantial portion of the project area. Easements should only be pursued as a last resort when no reasonable alternatives exist. By implementing clear guidelines, the Siting Council can prevent unnecessary utility encroachment, reduce property value degradation, and promote equitable land use practices, striking a balance between essential infrastructure development and the rights and interests of affected communities.

b. Economic Impact Assessment

- The financial incentives for utilities to prioritize new infrastructure over system upgrades are well-documented. Utilities earn a return on equity of 11–14% for capital projects—costs ultimately passed on to ratepayers. As profit-driven corporations accountable to shareholders, Connecticut's utilities often have priorities that diverge from the broader interests of the state and its communities. It is therefore deeply concerning that the economic impacts of utility project proposals on municipalities are excluded from the decision-making process. Utility projects involving new rights-of-way, noise, health and safety risks, diminished developmental potential, and visual blight, among others, can severely reduce property values and local tax revenue. Such outcomes can have crippling effects on municipalities, undermining their economic stability and growth potential, yet there is currently no requirement to evaluate or consider them during the approval process. To safeguard the long-term well-being of Connecticut's municipalities, we strongly recommend making a comprehensive economic impact assessment a mandatory component of project evaluations.

3. Holistic Infrastructure Planning:

The recommendation to leverage engineering design expertise is valuable, but it does not address the broader need for a cohesive, statewide infrastructure plan. Currently, projects appear to be developed in isolation, resulting in a fragmented approach that could lead to inefficiencies and missed opportunities for synergy. We strongly suggest the creation of a centralized body or framework to define and enforce statewide infrastructure guidelines and standards. This would provide consistency and coherence across utility projects, ensuring that future developments contribute to an integrated and sustainable infrastructure system for Connecticut.

We hope these comments are helpful in refining the draft report and strengthening the recommendations for the Connecticut Siting Council's future operations. Thank you for your consideration of these points, and we look forward to seeing the final report.

11. Comments received through online survey

The comments to the Draft Connecticut Siting Council (CSC) Report collected through the online survey were the following people:

- Michael Lindsay
- William Gerber
- Laurette Saller
- Bryan Sayles
- Alicea Charamut, Executive Director, Rivers Alliance of Connecticut
- Colin Piteo
- Fred Behringer
- Stan Paleski

Overall impression of the report

- Extensive regulation with extensive multi department inputs that make me reluctant to add additional requirements for the the siting process. I hope there is a weighting system applied to streamline these numerous inputs and make it a workable process
- We appreciate DEEP's work in summarizing the goals and duties of the Siting Council as well as feedback from certain stakeholders. My comments on your DRAFT 2024 CONNECTICUT SITING COUNCIL REPORT ("Report") are based on our real-life experience in the Town of Fairfield, CT. There appears to be a disconnect between several of the goals and duties of the Connecticut Siting Council ("CSC") outlined in your report, and what the Siting Council actually does in practice.
- I have a positive impression of this report especially the recommendations of stakeholders. Also, my personal experience as a lay person with the CSC personnel and the process has been positive with some confusion regarding legal issues.
- "My overall impression of the DRAFT is positive for it's inclusion of the Office of Consumer Council in many of the consultations. The OCC is more likely to bring public concerns to the process BECAUSE they get them when other departments may not. All information is good information and the professionals at OCC act to represent the public's interests. As

opposed to a developers or self serving municipal leaders. Truth and transparency are important.

I also think that DEEP appreciates the heavy, detail oriented workload of the Connecticut Siting Council (CSC). Their appreciation for the CSC shows in a few of the changes made or proposed through this report. I appreciate that DEEP has gone through the effort to gather public input like mine. I hope DEEP and all involved can use some of the feedback to improve transparency. Especially at the municipal, ""pre-application"" phase."

- The focus on making the CSC processes clearer for the public is very much appreciated.
- Thank you for this opportunity to provide our input on behalf of the Connecticut Land Conservation Council. We appreciate the effort that went into the draft CSC report and support the recommendations for improvement. That said, recognizing that the report aims to provide insights into the CSC, we read the report through the lens of the general public, seeking clarity and transparency into this highly complex process.

P. 1 – Consistency in Terminology: The report should maintain consistent terminology to make sure everything is clear. For example, the term “Certificate of Environmental Compatibility and Public Need” is referred to as both “Certificate” and “Application” throughout the document, sometimes capitalized and sometimes not. It would be helpful to consistently use “Certificate” and “Petition” for the respective application and petition processes as defined in the report."

- I appreciate this report. It is well written and explains a lot. From reading the report my understanding is that most of my concerns are related to legislation, as the CSC must follow the mandates it's given.
- It has not won me over yet.

Comments about the Introduction Chapter

- Introduction page, items 10 and 11, concerning CSC's relationship with municipalities and processes for inclusive public engagement. PLEASE SEE #11, BELOW. Thank you.
- Good.
- Not wild about it it's okay (middle of the road).

Please add your comments about Chapter 1: Siting Council History, Jurisdiction & Responsibilities

- A Fairfield resident looked out his window one day to find United Illuminating (“UI”) contractors marking trees for destruction. He was informed that his backyard was to become home to a massive UI transmission monopole. The resident contacted his State Representative who had also been unaware that UI intended to install massive monopoles along a 7.3 mile stretch just south of the train tracks, through historic properties including Pequot Library, Southport Congregational Church, some of the oldest homes in Fairfield, and historic sections of Bridgeport. This plan (“Plan”), Siting Council Docket Number 516, also included the taking of permanent easements over 19 acres of private and municipal property to the south of the Metro-North tracks.

No abutting property owners knew about UI’s Plan. Yet, when UI testified in front of the CSC about what it did to notify abutters, the CSC appeared to accept UI’s assertions at

face value and ruled UI had fulfilled its legal obligations. It seems apparent that the CSC is either not equipped, or not inclined, to independently verify an applicant's testimony.

Affected parties, including the Town of Fairfield, scrambled to hire attorneys and petitioned the CSC successfully to be accepted as intervenors in the process after the initial deadline. The Fairfield intervenors made strong arguments, with the result that not a single CSC member voted for UI's Plan. Inexplicably however, the CSC deemed it appropriate, and legal, to grant a Certificate allowing United Illuminating to install its monopoles on the north side of the train tracks, a route for which no plan had been designed or filed. The due process that was nearly denied to the south side abutters owing to the applicant's insufficient notification was completely denied to abutters on the north side of the railroad track by the Siting Council itself.

And worse, the CSC approved the new northern route without requiring UI to provide a design for this route, and without requiring it to provide evidence of the environmental, aesthetic, and visual impacts on properties to the north. UI never even identified the properties to the north that would be subject to permanent easements. Incredibly, the CSC granted UI a Certificate without doing any of the statutory balancing of public need vs. environmental impact on properties to the north that PUESA requires before a Certificate can be issued. In a word, regardless of stipulated jurisdiction and responsibilities, this process was broken in practice."

- Re: jurisdiction and responsibilities should include the impact of ancillary activity by electric generation facilities and the impact on energy grid.
- 3). Add "residential" to Minimize damage to scenic, historic and recreational values.
- PP. 7-8 – Role of DEEP in Siting

It would be helpful for the public to better understand the process DEEP follows after being consulted by project proponents. Beyond the Bureau of Natural Resources (BNR) and a review of the Natural Diversity Database, what are the other steps involved in the consultation process with DEEP, as outlined in CGS Section 16-50k?

In particular, transparency is needed regarding how DEEP determines whether a project will materially affect the status of land as prime farmland or core forest. The process for determining "no substantial adverse environmental effect" should be clearly outlined, especially when it comes to solar photovoltaic facilities of 2MW or greater. Developers of smaller facilities should not be able to avoid consultation with BNR, especially if their projects could potentially affect core forest or prime farmland areas. Transparency in these determinations is essential.

PP. 11-12 – Issuing and Enforcing Certificates

Before beginning work on facilities under the CSC jurisdiction, an application for a Certificate must be submitted if the facility may have a "substantial adverse environmental effect." While the criteria for evaluation are listed, there is no clear explanation of the process for making this determination. Who is responsible for determining whether a

facility may have a substantial adverse environmental effect? Once this determination is made, what process is followed for evaluating and issuing approvals?

The process for determining substantial environmental effect should also be clarified for Petitions. It is essential to understand the steps involved in making such a determination.

PP. 12-13 – Core Forest and Other Forested Areas

While the effort to add clarity to how DEEP defines core forest is appreciated, this information raises concerns regarding the exclusion of forested areas smaller than 250 acres. Connecticut's forests are highly fragmented, yet many smaller forested areas still hold significant conservation value and provide other benefits. Determining substantial environmental effect should include all forested areas, not just those meeting the statutory definition of core forest. Additionally, urban forests should be considered in the evaluation process, even if they do not meet the "core forest" definition.

The report should clarify the evaluation process DEEP follows, including the criteria used to make a finding that there is no material impact. Public input opportunities during DEEP's process for making such determinations should also be clearly outlined.

- This chapter raises the concern that the CSC is not fulfilling its responsibility to promote energy security, a goal set forth by PUESA. Expanding reliance on solar will lead to less energy security - both less reliable generation and more costly electricity (less security for consumers being able to afford electricity). Yes, energy coming out of panels is relatively inexpensive and can be made more reliable - but the overall cost goes up due to added transmission, battery storage, and maintaining other back-up such as with natural gas. These costs are already being seen in electricity bills - mostly in the public benefit portion. Increasing solar increases this - with a relatively small input into overall demand. Solar would have to expand to a much larger area to supply a more meaningful portion of electricity demand, further increasing ancillary costs along with the loss of significant forest and farmland - in direct contradiction to CT goals to preserve such spaces. To the extent that it can, the CTC must apply greater consideration to security and the loss of forest and farmland and limit expansion of solar to areas that are already developed.

P 12: I think it's time to stop worrying about electromagnetic fields.

P. 12 -13: The DoAg and DEEP are too permissive in their evaluations. 2 MW of solar is at a minimum 10 acres - how does this not affect farmland or forest???"

- #3 Minimize damage to scenic, historic, and recreational values. This is a laugh after you took East Windsors scenic route and located Ugly Solar project along bit

Please add your comments about Chapter 2: Siting Council Compared to Other States

- It is notable that, compared to other states, Connecticut has the least representation from agencies. CT DEEP should have at least two representatives - one from the Energy side and one from the Environmental Quality Side.
- I appreciate the effort that CT has made to create a CSC and to provide diverse membership

- Ct. Siting Council has had no regard for Towns jurisdictions or economic devolvement plans until possibly now. You can put all the charts together and the process still feels tainted. Smoke and mirrors, a feel-good thing

Please add your comments about Chapter 3: Overview of Applications and Petitions

- Boy there is a lot more approved than denied. But in all fairness, this report doesn't provide metrics on the scope and size of these projects.

Please add your comments about Chapter 4: Application for a Certificate of Environmental Compatibility and Public Need

- "On the issue of "public need," the Report (p. 37) identifies two types of projects that could benefit from greater input of other agencies: i) transmission line upgrades, and ii) "asset condition" projects "to replace transmission infrastructure."

Comment: The Report overlooks the way in which the Siting Council has allowed the utilities to abuse "asset condition" projects by also seeking transmission line upgrades, rather than simply replacements. In Fairfield Docket No. 516, the CSC relied on UI's claim that the asset condition of the catenary structures required the attached transmission line to be replaced. But UI did not propose a mere replacement project. It took advantage of the alleged need for moving the transmission line based on asset condition by also proposing a massive upgrade in the capacity of the new lines. UI admitted that its 10-year load forecasts projected no load growth. Incredibly, the Council approved both the replacement of the line and a massive upgrade to the line's capacity, which therefore necessitated larger conductors, taller monopoles, and takings of easements over private and municipal property – all with severe environmental impact. This should be unacceptable to DEEP.

Our suggestion: DEEP must educate the Siting Council and require that for any application based solely on "asset condition," where there is no projected load growth, the Council should approve only a replacement of that line and not an unsubstantiated upgrade to its capacity.

- Process Timeline- Certificate of Environmental Compatibility and Public Need.

In the last paragraph on page 31, the rule states.. "Additionally, a municipality may conduct the public hearings and meetings it deems necessary to provide the applicant with municipal recommendations about the proposed project, although only if it chooses to do so during the pre-filing consultation.."

Why are public hearings optional? If only for elected or appointed representatives why so? For example, Waterford's municipal leaders never informed residents of an ongoing petition by Dominion Energy Nuclear Connecticut (Petition 1586). The only way we found out about it was to conduct our own fact finding, grassroots meeting attended by 68 residents. Working together, we discovered Dominion's petition three weeks after it was filed leaving only a week before the public comment deadline. Thankfully, CSC Executive Director Melanie Bachman granted an extension. Unless the definition is strengthened to include the word "mandatory," then both the CSC and residents will be subjected to the same local leadership shenanigans that we encountered. Now, I do understand that the

petition was not for a Certificate but, the lack of transparency by local officials was damning and a disservice to Waterford's residents. It also damaged locals trust in the process.

Similarly, the process timeline for a Declaratory Ruling (Petition) has features that undermine transparency. Per page 32," Unlike for the certificate process, a petition does not require a pre-filing consultation with municipal leaders and state legislators within 30 days after receipt of a petition for a declaratory ruling, the council will also provide notice to all persons whoever requested notice. The notice provided by the council includes contact information for the council, a timeline for public involvement and the date, place, and time for any scheduled field review of the proposed project." While this paragraph mentions a timeline for public involvement I believe it is in regard to whether or not the CSC decides to have a public meeting not an automatic public meeting. It is optional. From our shared experience with PE1586, it was only transparent when residents were able to follow the process through the CSC web site. Waterford's First Selectman flatly refused to conduct a public questions and answers information meeting even though he was petitioned to do so by hundreds of residents. Optional public hearing by CSC? Okay, but if the State wants there to be greater transparency then the rule should be changed to encourage public participation to raise awareness. Leaving transparency to the whim of municipal leaders is a disservice to everyone. As a taxpayer funding the good work of the CSC I object to there not being mandatory public notice including means for disseminating the information as what is outlined in "Public Hearings related to Applications or Petitions" found on page 33. (Public signage posted in the vicinity of the petition site that would be visible to the public, public notice in local newspapers, etc)

From our experience in Waterford we learned that local municipal leaders, trade unions and rich corporations manipulated time and information in an attempt to avoid transparency. Irresponsibly risking our energy security to obtain their single-minded objectives. It is outrageous that all of the years of critical thinking and decision making is able to be undermined because municipal leaders are not held accountable for transparency. That MUST end for the good of us all.

- The title here is somewhat Orwellian: Environmental Compatibility - strikes me as a little greenwashing. Suggest replacing "Compatibility" with "Impact" or something along that line. I don't see how the objects being discussed are compatible with the environment.
- I hate to sound negative but the (Environmental Compatibility) part doesn't hold a lot of water with me. Example Long Ear Brown Bat: there was a nice population in the Gravel Pit Solar area. I cannot find any records of any study being done on their disturbance. That is concerning, when I have watched our (Wetlands Agency) go to great lengths to ensure compatibly and I'm not seeing it with the CSC. CSC failing to address the close proximity to major aquifer. Living in close proximity and see the Wildlife patterns have changed drastically with no mitigation. The construction oversite portion is a farce, during the Gravel Pit Solar Project. I was in contact with CSC staff and the best that could be provided me was a (Draft of the Construction Oversight). But the sad part is the project was well under way

Please add your comments about Chapter 5: Petition for a Declaratory Ruling

- "Process step 3: CSC should hold public hearings upon request for all petitions with timely notifications to the public.

Municipal governments also should be required, upon request, as part of the petition process, to hold public hearings with opportunities to question, comment and raise concerns about the petition.

- Concerning Dominion Energy Nuclear Connecticut's (DENC) petition 1586, let's face it, it is a data center Host Fee Agreement with Waterford that is the driver of the petition NOT a DENC proposal to build a new reactor. Nor is it a petition to build or expand for other more benign property use. Credit to the CSC for asking detailed questions. The vagueness and outright exclusion of information by the applicant was an obvious attempt to conceal the truth. The denial was made ""without prejudice"" and left to loom over the extensive residential neighborhoods surrounding Millstone Point including those in East Lyme. Please consider implementing DEADLINES for petitioners so this doesn't happen. Consider imposing a quality of information standard for completeness, accuracy, and transparency to prevent the kind of stringing along as experienced with petition 1586. I realize it was unintended but, a ruling without prejudice rewards DENC for their intentionally shoddy answers!

- 1) Petitions should undergo a process if not similar to Certificates, then something much closer to it to provide more information and opportunity for comment.

An significant concern with regard to solar farms: The CSC should have jurisdiction when solar farms under 2 MW are being proposed. When under 2 MW projects are adjacent or nearby, they should be treated as greater than 2 MW and require a decision. I'm concerned about this loophole.

2) p 27: Seems to say that solar is not able to go through a petition unless sited on land ""where an electricity generation facility has been in operation prior to July 1, 2004"". My perceptions is declaratory rulings have allowed solar on forest and farmland. My apologies if I'm not reading this correctly."

- The "Optional Public Hearing" should be stricken and made say "Permeant Public Hearing"

Please add your comments about Chapter 6: Siting Council Project Oversight Post-Approval

- Concerning fuel cells, what is the definition of substantial adverse environmental effect? When would a fuel cell that uses Natural Gas as a feedstock NOT have an adverse environmental effect? Especially when a 65MW threshold seems outdated and arbitrary as NEW, smaller fuel cells are MODULAR and can be daisy chained to customize power generation. The 65MW threshold was likely made before the significant design improvements that exist today. Incremental, modular designs that are much smaller but equally impactful as data centers will burn through natural gas as feed stock. It would be easy to circumvent the rule of 65MW, 5 or 10MW at a time! If we understand that the additive results will cause harm then it stands to reason that nearly EVERY fuel cell will pollute. So, lower the threshold to meet the advancements in fuel cell technology. The 65MW is too old a standard! We do want to monitor fossil fuel use don't we?! Lastly,

consider modifying the application fee(s) to align more fairly with "modular" incremental project(s).

- I hope the CSC has enough resources for this important part of their role.
- In the lower section of my comments, I talk about Construction Oversight. During the Gravel Pit Solar, all I could see was very little post-approval phase. Any reaction was knee jerk after complaints had been voiced. Example equipment being brought in during the dead of night, work site work being conducted out of proposed hours, extreme size equipment being brought in outside of proposed times and being told that it never occurred.

Please add your comments about Chapter 7: Opportunities for Public Participation in Siting Council Work

- Residents of Fairfield nearly missed an opportunity to participate in the hearings on Docket Number 516. Neither affected residents nor the district's State Representative had been unaware that UI intended to install massive monopoles along a 7.3 mile stretch just south of the train tracks, through historic properties including Pequot Library, Southport Congregational Church, some of the oldest homes in Fairfield, and historic sections of Bridgeport. This plan ("Plan") also included the taking of permanent easements over 19 acres of private and municipal property to the south of the Metro-North tracks. UI testified in front of the CSC about what it did to notify abutters and the CSC appeared to accept UI's assertions at face value, ruling that UI had fulfilled its legal obligations. Affected parties, including the Town of Fairfield, scrambled to hire attorneys and petitioned the CSC successfully to be accepted as interveners in the process after the initial deadline. The Fairfield intervenors, at a significant cost, made strong arguments, with the result that not a single CSC member voted for UI's Plan. Inexplicably however, the CSC deemed it appropriate, and legal, to grant a Certificate allowing United Illuminating to install its monopoles on the north side of the train tracks, a route for which no plan had been designed or filed. The due process (including public participation) that was nearly denied to the south-side abutters owing to the applicant's insufficient notification was completely denied to abutters on the north side of the railroad track by the Siting Council itself. Put another way, the CSC sanctioned United Illuminating's lack of sufficient public notice and then, itself, denied the public opportunities for participation.
- Improve stakeholders' on-line participation, information and communication via simple tutorials and menus on the CSC webpage. For example, simplifying the intervenor process, adding links/reports from DEEP, PURA other state agencies regarding the petition.
- Need more opportunities for public participation and better notification of events.
- I applaud seeing the "Public Participation and Meeting with Municipality of Jurisdiction"

Please add your comments about Chapter 8: Public Concerns – Noise, Visual, and Community Impacts

- I am viewing the current siting process with respect to the individual, or singular project. My comments refer to multiple Solar Field projects in particular. Meaning from my view point in example; A large solar project in East Windsor on 450 acres was approved and is in operation a few miles from me.

Another project is in operation slightly to the Southwest of me within a mile or 2 on Middle Road, in Ellington. An additional solar field has been approved on Middle Road again a couple of miles to the East of me.

Due to this rapid, recent proliferation of solar projects, I feel the cumulative effects on this micro geographical region are extensive and beyond the weight of what one country ""block"" should bear.

So my request for modification of the siting process would include the total consideration for all projects that impact a local geographical area; meaning, spatial geographical distribution of solar fields, such as, if a solar project already existed in the area proposed for a new solar farm, the existence of the solar field in operation would ""bump"" the proposed location of new solar field out to an area farther from the solar field already in operation.

How this would be done fairly, I do not know, due to the rights of property owners. I could imagine a lottery system in certain geographical areas that would allow only the ""winners"" to develop solar fields. Over time this approach could distribute the solar fields over larger geographical areas, shifting the ""burden"" to all, resulting in less localized more dramatic negative impacts.

But also, in summary the siting process is already ""extensive"", so I regret adding more regulation to it, but if added, maybe something else in the siting process could be streamlined."

- PUESA requires that there be a representative of DEEP on the Siting Council for good reason, since the statute was intended to be an environmental protection law. And yet, as we just saw in Docket No. 516, the Council did not take seriously the environmental oversight that PUESA requires. The process is broken.
- Regulate noise, visual and other community impacts of any ancillary activity or use of an electrical generating facility. Require comprehensive environmental assessment of any ancillary activity or use such as (behind the meter, collocated) data centers.
- "Page 35, Chapter 8: Public Concerns – Noise

Since it serves their purpose, the town of Waterford keeps slapping a vague standard on noise by relying too much on "no greater than existing ambient noise.." Existing ambient noise is all over the place and therefore, is NOT a standard. In fact, Waterford's noise ordinance is less restrictive than most towns. Even then, the Chief of Police says it is unenforceable as it is written. How lazy is that?

Where is the State of Connecticut in all of this? Why is Waterford or any municipality allowed to subject it's residents to UNENFORCEABLE standards that only serve the whims of local officials and developers? Ruinous to quality of life. DEEP needs to do something about it. One need only bend an ear to hear the blatant, disruptive noise being emitted by lawless automobile drivers to realize that government isn't doing their job to curb and eliminate the problem. The impacts to our communities and natural environment are horrendous and being ignored by those in power to help.

- P. 36 – Filing Guides for Certificates and Petitions

The requirement for a comprehensive environmental assessment is important, especially for those concerned with community environmental impacts. However, the discussion of this requirement appears to be an afterthought in this chapter. In addition to referring readers to the filing guides (which many may find complicated and confusing), the report should include a summary of this requirement, explaining the process for evaluating the assessment.

Additionally, while we support the recommendations to enhance public input, the report should also provide a recommendation for further insight and some opportunity for public input during the process by which DEEP issues its letter of no material effect. At a minimum, the report should detail DEEP's process, the criteria used in its evaluation, and the role of the comprehensive environmental assessment in this process."

- The CSC should place much more emphasis on the what is conveyed in the final paragraph of this chapter when considering solar. In essence factoring environmental impact and the overlooked problems with solar.
- This is a good start but, No One has looked at "EMI" Issues or Radar attenuation near major airports. Also having spent quite a few hours to have Deveopment rights obtained to keep open space for farming. Then to see adjacent farmland turned to useless Solar, blows my mind. You can't eat solar, you can't milk it either.

Please add your comments about Chapter 9: Recommendations from Stakeholders

- Technical Assistance. On pp. 37-38, there is a recommendation to utilize “technical assistance from an outside consultant,” or with PURA, on certain issues.

Comment: There are many other areas where there is ineffective oversight by the Siting Council, resulting in improper reliance by the CSC solely on the utilities’ opinions. The primary example is determination of “public need.” The Council lacks the expertise to competently evaluate whether there is a public need for many of these projects.

Our suggestion: Require that an independent third-party expert perform a technical review of any proposed application and an assessment as to whether there is a “public need” for any transmission line project – before an application is filed. This would not replace the Siting Council’s duty to balance need versus environmental impact, but would serve as a threshold review of need before an application is permitted to be filed. This should be funded by the Applicant.

Cost. The Report (p. 38) identifies that the Siting Council has a responsibility to investigate the costs of overhead and underground alternatives every 5 years.

Comment: The CSC did perform this investigation (2022 Connecticut Siting Council Life-cycle Cost Analysis of Overhead and Underground Electric Transmission Lines) which concluded a 115-kV underground mile costs about \$20.8 million. United Illuminating, in its Fairfield application provided an outrageously inflated estimate for a 115-kV underground alternative- more than \$100 million per mile! The Siting Council ignored the absurdity of UI’s inflated estimates, clearing a path for UI to reject a viable underground alternative. In

other words, while the CSC did fulfill its obligation to investigate the costs of underground alternatives prior to Docket No. 516, it subsequently relegated its own report to the trash bin. This should be unacceptable to DEEP.

Suggestion: Require that an independent third-party review the costs of a proposed project and all alternative proposals, and attest to the accuracy of the costs – before an application is filed. This should be funded by the applicant.

Valuation. The Council failed to require the applicant to properly identify the costs of proposed easements in the calculation of the cost of overhead transmission lines.

Comment: In the Fairfield Docket No. 516, UI provided “high-level” estimates of the costs to acquire easements over more than 19 acres over private and public property. The Siting Council did not require UI to provide appraisals for its estimates. Instead, the Town bore the burden of obtaining appraisals, which proved UI significantly lowballed this expense. The Council chose to ignore the Town’s appraisers and instead relied on UI’s unsubstantiated estimates. By doing so, the Council sanctioned UI’s undervaluing of the costs of an overhead transmission line. This should be unacceptable to DEEP.

Suggestion: In any application that would necessitate new easements, require an independent third-party appraiser to value the cost of the easements/takings – before an application is filed. This should be funded by the applicant.

The overall theme of our comments is as follows: While the CT Siting Council may have positive and well-described goals and duties, it does not execute its responsibilities in a way that achieves those goals and duties. It acts arbitrarily, even counter to its own research, and does so with impunity. As a result there is a failure of meaningful oversight of the utilities, and the CSC does little more than rubber stamp the utilities’ applications. "

- I support most of these excellent recommendations. However, the opt out option for municipalities to avoid public hearings should be deleted.

I believe ordinary citizens have a right to information that is clear and understandable.

My local government, despite many citizen petitions and requests, declined to hold a public hearing to provide information or answer questions about an extremely large and impactful facility connected to the nuclear power plant.

- I am grateful for the office of the CSC. I trust their judgement and diligence in rendering their decisions. I am though, asking DEEP to consider changes to the initial phase of “pre application” processes for both Certificate and Declaratory rulings to establish transparency (for local residents) about the intentions of an applicant and do so with ample time for the public to become better informed. (SEE 11 & 12 ABOVE)

I also ask that the CSC implement rules to prevent foot dragging, delaying, deflecting and confusing people only to reward that behavior with open-ended decisions. (SEE #12, ABOVE)

- A recommendation that is missing is to increase representation of DEEP. As suggested earlier, DEEP should have at least one rep from Energy and one rep from Environmental Quality. In addition, the section that address's agency expertise stresses only energy

expertise from DEEP. The RFP and selection process for large-scale solar facilities lacks incentives for siting on disturbed land and still strongly favors cost as a primary factor for selection. Until this is rectified, impacts on environmental quality should be more closely examined in the CSC process.

Rivers Alliance supports all of the recommendations for transparency and public engagement. CSC processes are nearly impossible for the average person to engage. Yes! Please provide flow charts and pictures to help us understand! Allowing the public to provide comments without having to register 24 hours in advance is essential. I would also recommend that there be an opportunity for public comment at the end as well as beginning.

We also strongly support ""Opt out vs Opt in"" and restoring field reviews.

- P. 40 – Criteria Used by the CSC in Evaluating Applications

In line with previous comments, more work is needed to improve transparency regarding the criteria used by the CSC and DEEP when evaluating project impacts. Clearer information about how these evaluations are conducted will ensure greater public understanding and confidence in the siting process."

- Aligned with most. One to point out is relying on expertise. I am very sympathetic to the complexity of this issue and the legislative constraints. Please let experts and data help drive decisions - particularly with regard to what we can truly expect from various energy sources (for example consider capacity factors) and careful assessments of tradeoffs and total system costs.
- I think it needs to have more accountability to keep cost down to the rate payers of the state of Conn. and from my understanding the power from these projects is being shipped out of State. If this is true, there should be some guard rails put in place, so an entity that makes money off of our land and so the power does stay within the community that is hosting it.

Please add your comments about any of the Appendices

- "Re: Appendix 19 - Connecticut's Climate Goals and Solar Siting

If Connecticut continues to look solely at reduction in emissions in terms of climate goals, we will continue to lose resources and natural processes necessary for climate mitigation and adaptation. We must also ensure that siting of clean energy does not adversely impact high-quality cold water habitat that we are losing at a fast pace due to land conversion, that our drinking water sources are not impacted by large-scale projects, and we are not further fragmenting habitat by converting natural lands. We need our open space and forested lands (not just core forests) to absorb 1,000 year floods.

When finalizing the report, I strongly urge you to look to other climate goals aside from meeting carbon reduction that exists in the GC3 reports."

- Thank you for the details.

3. Other written comments



Connecticut Council on Soil and Water Conservation

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Denise Savageau
Chair

Lilian Ruiz
Executive Director

December 12, 2024

Commissioner Katie Dykes
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Subject: Connecticut Siting Council (CSC) Review

Dear Commissioner Dykes,

On behalf of the Council on Soil and Water Conservation, we are submitting the following comments and recommendations on the Draft 2024 CT Siting Council Report. The Council has been directly involved in the STEPS for Solar Development stakeholder meetings and submitted comments on July 26, 2021. The Council is also on the Governor's Council on Climate (GC3) with many of its members active participants in its subgroups. We recognize the important ecosystem services provided by our working and natural lands that are necessary to both mitigate and adapt to climate change and acknowledge the imperative need for expansion of renewable energy.

As such, the Council aims to make recommendations that enhance the Siting Council's alignment with sustainable energy goals while protecting water resources, preserving local food systems, ensuring environmental and social equity, and balancing economic considerations. The following recommendations are offered for your consideration:

1. Strengthen Environmental Considerations

- **Include Ecosystem Services in Decision-Making:** Integrate the valuation of ecosystem services such as biodiversity preservation, carbon sequestration, and watershed health into CSC decision-making.
- **Enhance Forest Protection:** Extend protections to all forests, recognizing their critical role in maintaining biodiversity, protection and regulation of water resources, and climate change mitigation.
- **Prioritize Source Water Protection:** Require early identification and safeguarding of drinking water sources during project planning to prevent long-term impacts.
- **Protect Prime and Important Farmland:** Avoid large scale solar on prime and important farmland soils.

The Siting Council does not require in its submission documents that source water protection areas be mapped, only APA areas. This is a remarkable oversight that jeopardizes the integrity of our drinking water.

The CT Council on Soil and Water Conservation, in collaboration with UCONN CLEAR and the NRCS has produced a tool that can rank any parcel in the state's drinking water watersheds in terms of its priority for drinking water protection, which can help government agencies determine the environmental impact of solar installations in working and natural lands.

2. Promote Sustainable Energy Siting

- Adopt a Preference Hierarchy: Encourage solar development on degraded lands, rooftops, and parking lots while avoiding prime farmlands, forests, and other environmentally valuable areas.
- Support Distributed Generation: Increase solar projects in urban and Environmental Justice (EJ) communities to enhance equity and minimize energy sprawl.
- Uphold the Governor's Council on Climate Change recommendations to protect forests, wetlands, and soil health, ensuring overall watershed resilience.

3. Foster Modern Energy Infrastructure

- Modernize Grid Planning: Expand planning scope to integrate resilient grid systems, including microgrids and energy storage, while avoiding reliance on outdated infrastructure.

4. Improve Stakeholder Engagement

- Diverse Representation: Include representatives from conservation organizations, agricultural experts, and EJ advocates in CSC decision-making processes.
- Dedicated Focus Groups: Establish focus groups to address agriculture, water resources, and environmental justice comprehensively.
- Cross-Agency Collaboration: Foster coordination with DEEP, the Department of Public Health, and water utilities to comprehensively evaluate and mitigate project impacts.

The CT Council on Soil and Water Conservation is the authority on erosion and sediment control in the state, assisting the DEEP and the conservation districts with technical assistance and outreach programs on stormwater management, nonpoint source pollution control and inland wetlands protection. As such, we must be part of the decision process for solar installations that impact soil and hydrology. The criteria adopted by CSC to evaluate projects from the standpoint of erosion and sediment control needs to address not only stormwater runoff but also impacts on water quality in all projects located in drinking water watersheds.

5. Advance Transparency and Accountability

- Holistic Cost-Benefit Analysis: Assess projects using a comprehensive approach that includes economic externalities and ecosystem service losses, and not the lowest dollar-value option:
 - Consider the impacts to consumers fairly and wholistically by assessing all costs/benefits of a project both short and long term, including economic externalities and the ecosystem services provided by natural and working lands. Ensure that environmental justice communities are not negatively impacted nor left out of the benefits of energy generation/storage including renewable energy.

6. Update Legislative Framework

- **Revise Statutory Language:** Update statutes such as Sec. 16-50g to broaden economic analyses, explicitly include all drinking water supply watersheds, and promote equitable access to renewable energy benefits.

These reforms aim to align CSC operations with modern environmental standards, support equitable energy transitions, and safeguard Connecticut's environmental and community health.

We trust these recommendations will serve as a constructive foundation for advancing the CSC's mission while addressing the pressing challenges of climate change and sustainability.

Thank you for your leadership and commitment to a resilient and sustainable Connecticut. We are happy to discuss these recommendations further or provide additional information as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lilian Ruiz". The signature is fluid and cursive, with the first name "Lilian" written in a larger, more prominent script than the last name "Ruiz".

Lilian Ruiz
Executive Director

December 12, 2024

Dear DEEP Reviewers of the Connecticut Siting Council,

The Connecticut Botanical Society (CBS) appreciates the opportunity to provide input on the draft Department of Energy and Environmental Protection (DEEP) report for the State Legislature regarding Public Act 24-144. We recognize the efforts of the Connecticut Legislature and the Connecticut Siting Council (CSC) to balance the need to provide safe and sustainable power to our citizens while protecting the environment and the unique ecology within utility rights-of-way (ROWs).

The mission of CBS is to increase knowledge of the state's flora, accumulate a permanent botanical record, and promote conservation and public awareness of the state's rich natural heritage. To that end, the CBS Ecology & Conservation Committee focuses on the education of citizens, public officials, and organizations about plant conservation, rare plant populations and critical habitats. **CBS has a long history of working with electrical utility companies to develop sustainable vegetation management strategies that protect the unique ecology in ROWs.** For the last seven years, the CBS Ecology & Conservation Committee has provided guidance on ways to mitigate the destructive impact of large gravel work pads and use of heavy equipment on these areas.

The CBS Ecology & Conservation Committee formally submitted **detailed recommendations to Eversource about modifying current construction and maintenance methodologies to better protect the unique ROW environment.** The Committee also provided recommendations from the Connecticut Invasive Plants Council to reduce the spread of invasive species caused by new practices. Unfortunately, these suggestions **have been largely ignored.** The CBS recommendations, as well as recommendations for ROW landowners to protect the environments within their ROW easements can be found on our website at <https://www.ct-botanical-society.org/cbs-right-of-way-documentation/>.

Considering the above, CBS would like to comment on the following elements of the DEEP report as presented in Chapter 9 in the order of P.A. 24-144 requirements.

(1) Clarifying jurisdiction and scope of CSC powers, duties, role and responsibilities

CBS agrees that CSC needs to do more to clarify its actions by providing clear environmental quality standards and criteria. As explained in Chapter 1, a major goal in creating the CSC was to “provide environmental quality standards and criteria for the location, design, construction and operation of public utility facilities...”. We believe that these standards have not been established and/or are not transparent. Further it is unclear how the CSC determines when/if standards are met. Clear documentation of environmental standards and criteria would go a long way to clarify what is required

CBS is a 501(c)3 organization founded in 1903. Its goals are to increase knowledge of CT's flora, to accumulate a permanent botanical record, and to promote conservation and public awareness of the state's rich natural heritage.

by public utilities and what can be expected by the public. It would be useful to also identify DEEP's role in setting, monitoring and enforcing environmental standards and criteria in this report.

(2) *The effectiveness of the CSC's structure*

The most important role of the CSC is to balance environmental concerns with public need in its rulings on utility projects, whether it is reviewing an Application for a Certificate of Environmental Compatibility and Public Need or a Petition for a Declaratory Ruling to request that no such Certificate is needed. CBS notes that there is presently insufficient expertise on the Siting Council to make sound decisions about the ecological impacts for proposed projects. The original legislation creating the CSC and Public Act 24-144 requires that at least two CSC board members have ecological expertise (in addition to the designee of the Commissioner of DEEP). The CSC should have adequate ecological competency within its ranks so that it is not dependent on the expertise provided by utility companies to inform decisions about environmental compatibility.

(3) *Processes for issuing a Certificate of Environmental Compatibility and Public Need or approving a petition for a Declaratory Ruling*

CBS believes that public hearings should be required for Petitions for Declaratory Rulings to give the public an opportunity for input on proposed utility work. The public hearing process should only be bypassed if CSC provides written rationale for not having a public hearing (refer back to setting clear environmental quality standards and criteria). This would not require legislative action and would restore the public's confidence in the review process.

CBS notes that the report does not provide any detail on the sub-petition process used by electric utilities regarding the need for a Certificate of Environmental Compatibility and Public Need. CBS feels that the current sub-petition process results in minimal review by the CSC and the assumption that the scope and impact of a sub-petition is the same as the original petition being referenced. Further, the conditions under which a declaratory ruling is made in a parent petition are not always outlined in a sub-petition. We think this process is not transparent and depends too much on the utility's assessment of a project's scope and impacts.

(4) *The CSC's oversight of completed projects.*

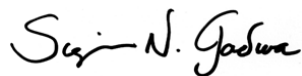
As the FairwindCT, Inc. v. CSC case determined that CSC has authority to attach conditions to declaratory rulings in addition to its enforcement authorities associated with Certificates, CBS believes that the CSC or another authority should be required to ensure that conditions set in declaratory rulings are realized. We recognize this may require legislative clarification.

Thank you for the opportunity to comment on this important report and legislation.

Sincerely,



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Comments
Elizabeth Gara
Connecticut Water Works Association (CWVA)
December 13, 2024

RE: Public Act 24-144 – Connecticut Siting Council Report

The Connecticut Water Works Association (CWVA), which represents municipal, private, and regional water companies throughout Connecticut, appreciates the opportunity to comment on the state Department of Energy & Environmental Protection's (DEEP) draft report regarding the Connecticut Siting Council activities.

CWVA urges DEEP to incorporate issues and recommendations relating to the protection of drinking water sources in the report.

Source water protection is critical to protecting the quality and availability of public water supplies to meet the state's public health, safety, and economic development needs. Forest land is a vital component of source water protection efforts because they act as a natural filter intercepting precipitation, promoting water infiltration, regulating stream flows, and reducing stormwater runoff.

Recognizing the importance of source water protection, anyone pursuing development, including minor activities, on water company-owned public water supply watershed and Aquifer Protection Area (APA) lands must obtain approval for a Water Company Lands Permit from the state Department of Public Health to ensure that activities do not compromise water quality and/or quantity in any way.

Surprisingly, however, no such approval is required for activities on watershed lands that are not owned by the water company. Water utilities are required to be apprised of proposed developments on non-water company owned watershed lands before local land use commissions to ensure that they can provide input on how the proposed project may impact water quality and quantity. This has ensured that the impact on water quality and quantity is appropriately considered when decisions are rendered.

Similarly, we believe the Connecticut Siting Council should be required to perform an environmental assessment that fully considers the impact of a proposed solar installation on the public water supply watershed, including the extent to which the project may impair water quality and/or quantity. The process should also require input by the affected water utility and the Connecticut Department of Public Health. This would be consistent with other state laws and regulations aimed at protecting drinking water quality and availability.



It is important to note that CWNA supports efforts to encourage and support the use of renewable energy facilities to improve energy efficiency and reduce carbon emissions. Treating and distributing public water supplies is very energy intensive and many water utilities have turned to renewable energy in an effort to control costs, promote water conservation, and maintain affordable customer rates. This includes utilizing solar installations, wind power applications, energy efficient lighting, and participating in power purchase agreements, the state's Renewable Energy Credit (ZREC) program and other energy efficient programs.

However, renewable energy projects, including solar installations, should not be permitted in public water supply watersheds if they may compromise the integrity and quality of Connecticut's public water supplies. Given the absence of adequate environmental assessment, solar installations may raise significant concerns that water quality and quantity may be impaired due to: 1) the clearcutting of forestland; 2) disturbance of wetlands and steep slopes; 3) erosion and sedimentation during construction; 4) potential contamination concerns resulting from servicing and refueling of construction machinery and vehicles and storage of fuel within the watershed; and 5) lack of adequate inspection requirements to address potential water quality impairments.

Thank you for your consideration.



December 13, 2024

Connecticut Department of Energy & Environmental Protection
Bureau of Energy
79 Elm Street
Hartford, CT 06106
Sent via Email

Re: Public Act 24-144 – CT Siting Council Report

The Connecticut Council of Small Towns (COST), which represents 115 small towns throughout Connecticut, appreciates the opportunity to comment on the draft report on the Connecticut Siting Council (CSC). In particular, COST would like to focus on issues relating to the impact of CSC decisions on many of the state's rural communities.

As the report acknowledges, Public Act 24-144 includes provisions expanding the role of the affected municipality in the siting process by 1) ensuring that an applicant exercise good faith in meeting with the legislative body of the municipality and each legislator in the affected municipality; 2) increasing the municipal participation fee for Certificates to better align with current costs; and 3) municipalities prevailing in any judicial review of an order issued on an application to be awarded reasonable attorneys' fees and costs.

PA 24-144 also provides greater consideration to property owners, including simplifying the process for obtaining intervenor status, requiring notification to abutting landowners, and evaluating potential noise levels.

These changes and others incorporated in PA 24-144 recognize that the CSC process may impose significant burdens on communities and/or natural resources. Although we recognize the importance of the CSC process in advancing the state's energy goals, COST remains concerned that the CSC is approving several facilities in a handful of towns which is placing a disproportionate burden on these communities. ***To address this, COST recommends that the CSC be required to consider the number of facilities within a municipality, the size of the municipality, and limit the approval of any additional facilities accordingly.***

In addition, the report should include additional recommendations to strengthen the opportunity for input from municipalities and other stakeholders to ensure that the CSC fully considers the potential impact of proposed facilities on wetlands, core forests, and wildlife habitats.

For example, a proposed 9.9 megawatt solar field in North Stonington would have required the clear cutting of 44 acres of forest and negatively impacted wetlands. The proposal was rejected by the CT Siting Council only after the resignation of one of its members resulted in a split vote.



Although the project was later scaled back, residents continue to have concerns regarding the impact of the solar farm on the area's wetlands.

In addition, COST supports additions to the CSC Report relative to the impact of the siting of renewable energy facilities on public water supply watershed land.

Protecting watershed lands is a critical component of source water protection efforts. Given the importance of protecting the quality and availability of the state's drinking water supplies, the state Department of Public Health require anyone seeking to perform certain activities on water company-owned public water supply watershed and Aquifer Protection Area (APA) lands to obtain a permit to determine whether the proposed activities may compromise water quality and/or quantity. Unfortunately, these protections are not extended to watershed lands not owned by the water company.

Accordingly, COST recommends that the Connecticut Siting Council be required to perform an environmental assessment to fully consider the impact of a proposed renewable energy facility, including solar PV systems, on the public water supply watershed.

The draft CSC Report notes that "Connecticut appears to be the only state where an applicant is statutorily required to use good faith efforts to meet with multiple levels of government representatives prior to the application being filed." COST appreciates that Connecticut recognizes the importance of partnering with other levels of government in making decisions that may have significant impact on other entities.

The CSC Report further provides information on the statutory guidelines of what the siting body must consider in evaluating a project. This information is valuable in determining whether Connecticut could expand on the criteria required to be considered to better protect the state's natural resources. COST urges DEEP to reflect on whether some of guidelines from other states would prove beneficial in providing greater balance between the need to meet the state's renewable energy goals and the need to protect core forests, wetlands, watershed lands, and wildlife habitats.

Thank you for the opportunity to comment.

Very truly yours,

Betsy Gara

Betsy Gara

Executive Director

Tel. 860-841-7350/bgara@ctcost.org

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. COST champions the major policy needs and concerns of Connecticut's suburban and rural towns.



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December 13, 2024

Via Email (DEEP.ERSI@ct.gov)

Connecticut Department of Energy & Environmental Protection

Re: Comments on the Draft CSC Report

Save the Sound is a nonprofit organization representing 4,400 member households and 19,000 activists throughout Connecticut and the Long Island Sound region. Our mission is to protect and improve the region's land, air, and water. We use legal and scientific expertise and bring communities together to achieve results that benefit our environment for current and future generations.

On behalf of Save the Sound, we respectfully submit the following comments on the Draft Connecticut Siting Council ("CSC") Report, prepared pursuant to Sec. 12 of Public Act 24-144. Please note that these comments generally follow the structure of the Draft Report, with any policy recommendations for potential inclusion in Chapter 9 of the CSC Report listed in blue font in respective sections below.

Chapter 1: Siting Council History, Jurisdiction & Responsibilities

Role of Municipalities

Chapter One of the Draft Report provides a very clear and comprehensive summary of the role of other state agencies in the siting process.¹ However, it does not describe the role of municipalities in the application process. While this information is provided later in the Draft Report, Save the Sound respectfully submits that a summary of the municipalities' role in Chapter One would help clarify the CSC's jurisdiction and responsibilities.

Member Composition

As the Draft Report highlights, the CSC has strong public representation, relative to other New England states.² However, there is no requirement that the CSC's public members represent communities that have been historically marginalized. Because representation of marginalized communities at the decision-making table promotes both procedural and distributive justice, we urge DEEP to further explore how the CSC could be restructured to better represent marginalized communities.

¹ Draft CSC Report at 7-10.

² *Id.* at 11.



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Policy Recommendation: Restructure the CSC in a way that reflects a provision within Executive Order 21-3 that formed Connecticut's Equity and Environmental Justice Advisory Council within DEEP.³

Duties

The Draft Report lists the issuance of certificates and approvals as a duty of the CSC.⁴ However, this section does not discuss the CSC's authority or, in some cases, obligation to deny, modify, or consider alternatives for projects that are presented to the CSC via petition or application. This omission makes it appear that the CSC's duty is merely to approve projects, when in fact, the CSC also has the discretion and duty to deny and modify projects, when appropriate.⁵

The Public Utility Environmental Standards Act provides that the CSC shall approve by declaratory ruling certain projects only if the council does not find a substantial adverse environmental effect.⁶ If there will be a substantial adverse environmental effect, a certificate of environmental compatibility and public need is required.⁷

In a certification proceeding, the CSC can grant, deny, or grant an application "upon such terms, conditions, limitations, or modifications of the construction or operation of the facility as the council may deem appropriate."⁸ However, it cannot grant a certificate, "either as proposed or as modified by the council," unless it determines (among other things) that a public need for the facility exists, and that the adverse effects or conflicts are "not sufficient reason to deny the application."⁹

These provisions give the CSC authority not to merely approve petitions and applications, but to deny or condition the approval of a project to minimize their impact, when appropriate. This is a critical duty of the CSC. Save the Sound respectfully submits that the Draft Report should discuss this as well in Chapter One.

³ EO 21-3 authorizes the Commissioner of DEEP to appoint members of the CEEJAC, including at a minimum, the following non-agency members:

- five (5) representatives of Environmental Justice Communities, which for purposes of this order shall be defined as members of communities of color, members or representatives of low-income communities, representatives of community-based organizations, or academics with knowledge about or experience in environmental justice, climate change, racial inequity, or any other area determined by the Commissioner to be of value to the CEEJAC; and
- three (3) representatives of Connecticut-based environmental advocacy organizations.

⁴ Draft CSC Report at 11-12.

⁵ See Conn. Gen. Stat. § 16-50p(a)(1) ("In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate); Conn. Gen. Stat. § 16-50k(a) (the council shall "approve by declaratory ruling [the construction of certain facilities]. . . unless the council finds a substantial adverse environmental effect . . .") (emphasis added).

⁶ Conn. Gen. Stat. 16-50k(a).

⁷ *Id.*

⁸ Conn. Gen. Stat. § 16-50p(a)(1).

⁹ Conn. Gen. Stat. § 16-50p(a)(3).



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Consideration of Core Forests

The Draft Report notes that DEEP must provide written assurance that solar photovoltaic facilities with a capacity of two or more megawatts located on a “core forest” would not “materially affect the land’s status as core forest.”¹⁰ It further points out that DEEP’s “finding of no material impact . . . is based on a map that only includes continuous blocks of forest that are approximately 250 or more acres”—a significantly larger tract than the minimum “core forest” tract defined by statute (300 feet).¹¹ In sum, DEEP does not provide assurance for facilities located on a core forest smaller than 250 acres (referred to here as “small core forests”).¹²

This approach may have considerable consequences. Small core forests make up nearly a third of the core forests in Connecticut.¹³ As DEEP has noted in its Forest Action Plan, these forests “have great value in terms of resiliency, carbon storage and sequestration, habitat, and forest management,” and “the importance of these small parcels and their effect . . . should not be overlooked.”¹⁴ Industrial development, including solar array development, exerts significant pressure of conversion of forestland in Connecticut.¹⁵ Such conversion and fragmentation are the “greatest threats to species that use forestland,” and they can also have grave impacts on resiliency and carbon storage.¹⁶

Connecticut CEQ’s 2023 Annual Report has found that “total core forest area has declined by more than 15 percent over the last 35 years.”¹⁷ In this time, Connecticut has lost 4% of its small core forests.¹⁸ While Save the Sound understands the value of solar energy and strongly supports its development in the state, this development should not cost the preservation of core forests in Connecticut.

Considering the value and vulnerability of small core forests, Save the Sound urges DEEP to explain, in the Draft Report, why DEEP relies on the threshold of 250 acres and the implications of its approach. For instance, it would be helpful to know how many projects DEEP considers as potentially affecting core forest, how many it would consider if it relied on a broader definition of core forest, and how many acres of core forest have been impacted by the siting of facilities over the years.

***Policy Recommendation:** Require an evaluation of the impact of solar photovoltaic facilities on small core forests.*

¹⁰ Draft CSC Report at 12-13.

¹¹ See Conn. Gen. Stat. § 16a-3k (defining a “core forest” as “unfragmented forest land that is three hundred feet or greater from the boundary between forest land and nonforest land”).

¹² Draft CSC Report at 13. Connecticut’s Forest Action Plan refers to core forests under 250 acres as “small core forests.” DEEP, 2020 Forest Action Plan at 108.

¹³ DEEP, 2020 Forest Action Plan at 18-19 (small core forests total almost 300,000 acres in Connecticut, while there are approximately 950,000 acres of core forest in the state).

¹⁴ *Id.* at 18, 62.

¹⁵ *Id.* at 104.

¹⁶ *Id.* at 24.

¹⁷ CEQ, Environmental Quality in Connecticut, 2023 Annual Report at 15.

¹⁸ *Id.* at 14.

Chapter 2: Siting Council Compared to Other States

New York & New Jersey

The Draft Report compares the CSC with the structure and processes of bodies in other New England states responsible for siting—namely, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine.¹⁹ However, it does not consider, or even mention, New York or New Jersey. While New York and New Jersey are not considered New England states, they both have boards responsible for siting, and they are geographically closer to Connecticut than some other New England states. As such, Save the Sound respectfully urges DEEP to include these states in its comparison.

Chapters 3-5: Applications & Petitions

Timeline for Different Types of Facilities

Chapters Four and Five of the Draft Report show the average number of days that it has taken the CSC to render a decision on Applications and Petitions received, respectively, for each type of facility.²⁰ Notably, the average number of days it has taken the CSC to render a decision on petitions varies widely by the type of facility, with wind-jurisdiction facilities taking an average of 199 days, and FERC-jurisdiction facilities taking an average of 49 days. However, the reasons for this difference are not included in the Draft Report. To the extent that any reasons are discernable, Save the Sound urges DEEP to discuss them. Additionally, it would be helpful to break down what types of facilities are “FERC Jurisdiction” facilities, as the report does not specifically discuss FERC jurisdiction elsewhere.

Criteria for Evaluating Impacts & Public Need

As described in the Draft Report, the decision of whether a project follows the application or petition process hinges on whether the facility would have substantial adverse environmental impacts.²¹ The decision on whether an application is granted can hinge on whether there is public need for the facility.²² However, these key terms are not defined. While the statute provides that the evaluation of adverse environmental impacts may include, but is not limited to, electromagnetic fields; ecological balance; public health and safety; scenic, historic, and recreational values; agriculture, forests and parks; air and water quality; and fish, aquaculture and wildlife, it does not provide factors or criteria that that the CSC should use in considering them.²³

¹⁹ Draft CSC Report at 16-21.

²⁰ *Id.* at 24, 28.

²¹ *See id.* at 23; Conn. Gen. Stat. § 16-50k(a) (the council shall “approve by declaratory ruling [the construction of certain facilities]. . . *unless* the council finds a substantial adverse environmental effect . . .”) (emphasis added).

²² *See id.*

²³ *See* § 16-50p(a)(3)(B).



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Save the Sound urges DEEP to further explore how the CSC reaches determinations of adverse environmental impact and public need to ensure that CSC's decision-making process is transparent and fully considers impacts. If the CSC does not rely on explicit criteria or factors to make these determinations, or if there are gaps in the criteria/factors it considers, Save the Sound urges DEEP to discuss that in the report.

***Policy Recommendation:** Develop criteria for determining whether there exist cumulative impacts, environmental impacts, environmental justice impacts, and public need.*

The Global Warming Solutions Act & Other Policies of the State

The Global Warming Solutions Act requires the state to reduce carbon emissions by 45% below 2001 levels by 2030 and by 80% 2001 levels by 2050.²⁴ Save the Sound appreciates that DEEP “takes into consideration that developing grid-scale renewables is imperative to the state’s success in achieving” these targets.²⁵ We further appreciate DEEP’s inclusion of Appendix 21, discussing Connecticut’s climate goals and solar siting.

However, we urge DEEP to further evaluate whether/how the CSC considers these goals in its decision-making process. While the CSC has a critical role to play in ensuring that the state meets its climate targets under the Global Warming Solutions Act, the CSC does not routinely consider these targets (or other state policies, for that matter).

***Policy Recommendation:** Expressly require the CSC to consider the state’s climate targets, as well as other policies of the state, when determining the nature of the facilities’ environmental impact.*

Chapters 7: Opportunities for Public Participation in Siting Council Work

Public Participation in the Petition Process

As the Draft Report highlights, most siting decisions follow the petition pathway. However, a petition does not *require* a public hearing.²⁶ As a result, many, if not most, siting decisions may be relatively closed off to public participation.

***Policy Recommendation:** Require the CSC plan to hold a public hearing on every petition by default, while retaining the option of “opt-out” of a public hearing, upon a vote to do so. Alternatively, require the CSC to hold a public hearing upon receipt of a petition for a hearing.*

²⁴ Conn. Gen. Stat. § 22a-200a(a).

²⁵ Draft CSC Report at 8.

²⁶ *Id.* at 23.



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Public Education and Engagement

Save the Sound strongly supports the recommendations provided in the Draft Report for public education and engagement.²⁷ In addition, we offer the following suggestions:

***Policy Recommendations:** Expand the General Fund's "Municipal Participation Account" into a "Public Participation Account" that allows for the training of concerned residents in the CSC's decision-making process.*

Hire a CSC Director of Community Engagement and Governmental Affairs to provide residents with a comprehensive understanding of how to participate in CSC's decision-making process.

Environmental Justice Communities

As we have noted in earlier comments, it is imperative that the CSC considers and prioritizes environmental justice. Save the Sound greatly appreciates the Draft Report's focus on environmental justice communities and its discussion of how the EJ Law intersects with the CSC.²⁸ As the Draft Report notes, the EJ Law is the "main statute that places requirements on CSC applications relevant to environmental justice communities."²⁹ Because this law is not targeted toward the CSC in particular, and it does not address all environmental justice concerns related to the siting of facilities, we offer the following suggestions:

***Policy Recommendation:** Add provisions addressing environmental justice communities into the Public Utility Environmental Standards Act or other CSC-specific statute. These provisions should include the following:*

- *A grant of express authority to CSC to deny applications and petitions for affecting facilities if it determines there are less harmful alternatives. This authority should ensure equal protection of communities of various population sizes from potential affecting facilities;*
- *Classification of solid waste transfer stations, chemical recycling facilities, and related hazardous facilities as "affecting facilities," in recognition of their adverse impact on public health; and*
- *Requirement for CSC to provide written responses that specifically address any environmental justice concerns raised by any public commenter, in addition to those raised by agencies and intervenors.*

Chapter 8: Public Concerns – Noise, Visual & Community Impacts

²⁷ *Id.* at 37-45.

²⁸ *Id.* at 33-35.

²⁹ *Id.* at 35.



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Other Community Impacts

The Draft Report lists noise, concerns, visual impact, and “other community impacts” as “common public concerns related to siting energy projects.”³⁰ Because the category of “other community impacts” is quite broad, Save the Sound recommends further parsing out and describing the concerns that fall into this category, such as public health and safety, environmental degradation, and loss of agricultural or recreational areas.

Thank you very much for this opportunity and for your consideration of these comments.

Sincerely,

/s/ Jessica Roberts

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/s/ Alex Rodriguez

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³⁰ *Id.* at 36.



Connecticut Association of Conservation Districts

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December 13, 2024

Katie Dykes, Commissioner
Department of Energy and Environmental Protection

Re: Siting Council Review

Dear Commissioner Dykes,

Thank you for the opportunity to comment on work of the Siting Council in siting public utilities, including the siting of large scale solar in Connecticut through the expedited Declaratory Ruling process. Connecticut's Conservation Districts recognize the importance of moving towards a clean, renewable energy future. Simultaneously, we understand the critical role that our natural resources play, in both mitigating climate change and adapting to the impacts of climate change that we are already witnessing in the field. A sustainable and resilient Connecticut is dependent upon protecting and maintaining our natural and working lands and the ecosystem services that they provide.

Connecticut's conservation districts provide technical assistance and education to farmers, municipal officials and staff, state agencies, and private landowners on soil and water conservation across the state. Much of our work is centered around protecting and improving watershed health on a landscape scale, but often working at the local level. We work closely with local municipalities on wetlands protection, stormwater management, nonpoint source pollution control, and source water protection, helping to implement proper erosion and sediment controls and stormwater management best management practices on construction sites. As part of our work, we are active members of Connecticut's Water Planning Council Advisory Group, the Long Island Sound Study (LISS) Citizens Advisory Group, LISS Watershed and Embayment Work Group, and Connecticut's Environmental Justice Advisory Council's Water Subcommittee. We also assist DEEP by providing inspections for stormwater permits on solar installation sites and have first-hand knowledge of the impacts of constructing these facilities on our soil and water resources.

As currently designed and implemented, large scale solar projects have negatively affected the health of our watersheds, impacting local streams, drinking water supplies, and Long Island Sound. These impacts occur both during and post construction. The timing and intensity of construction makes it difficult to control erosion, resulting in large movements of sediment into wetlands and watercourses. The compaction of soil from heavy equipment creates an impervious surface. This combination of sedimentation and compaction is permanently changing the hydrology of our watersheds by filling wetlands with sediments, reducing infiltration to groundwater, and increasing flash flooding and low flow conditions in nearby streams. Reducing the impact of large scale solar and utility infrastructure on our water resources should start with the Connecticut Siting Council, and proper planning and siting of such facilities. Additionally, as part of a sustainable future, we need to protect our local food systems and especially our prime and important farmland soils. It is within this context of watershed

and foodshed health that the following comments are offered for your consideration.

1. **Water Resources and Land Use Planning**

There is a direct correlation between land use and water quality/quantity. Ensuring that watershed health is protected and/or restored should be a key consideration of any land use permitting agency, including the Siting Council. It is understood that there are numerous environmental concerns that must be taken into consideration when evaluating the impacts of clean energy development. Water resources, however, are being uniquely challenged by a warming climate, resulting in increases in flooding, drought, and water quality issues.

The Siting Council was established to provide statewide coordination for the proper siting of utilities in our state. The Council currently supersedes local land use boards in authority. It should, therefore, be charged with the same standards that Planning and Zoning Commissions adhere to, with an overall mission to protect public health, safety, and welfare. This is critically important as it relates to water resources management and balancing utility needs with other environmental and public health concerns.

Currently, the Siting Council does not do a thorough evaluation of environmental impacts related to water resources. This is especially problematic when it comes to siting large scale renewable energy such as solar through the Declaratory Ruling process. The Siting Council adopted new guidelines as recently as October 1, 2024 that still are inadequate to maintain watershed health ([Siting Council Guidelines - Oct 2024](#)). The guidelines should be updated to include the protection of all drinking water supplies, not just Aquifer Protection Areas. The Siting Council should also look at the impacts on long-term watershed health that affect hydrology, including the potential for flash flooding, flash drought, and development of water quality concerns related to harmful algal blooms.

Specifically, in addition to what is already listed, the document should require the following:

- a. Name and delineation of the watershed where the development is taking place.
- b. Indication of whether it is in a public drinking water supply watershed as established by the CT Department of Public Health, as well as in an Aquifer Protection Area. As with local land use applications, any project in a public drinking water supply watershed should be referred to both the CT DPH and the water utility.
- c. A soils map with interpretations for land development (e.g., potential for severe erosion, shallow to bedrock, hydric soil).
- d. A narrative on how the design meets low impact development requirements of the newly revised Stormwater Quality Manual.
- e. Reference to the newly updated 2024 Erosion and Sediment Control Guidelines (instead of 2002)

DEEP recognized that water resource management is a major concern, and in 2023 updated the RFP for renewable energy to include the following language. “ Impacts to water resources, including but not limited to, wetlands and wetland soils, waterbodies, watercourses, groundwater, drinking water and public water supplies, and how those impacts will be avoided, reduced, and mitigated, if necessary, consistent with federal policy on no net loss of wetlands. If an impact is likely to occur, plans to reduce and mitigate must be clearly documented. The assessment for drinking water supplies should refer to source water protection mapping conducted by the CTDPH. The assessment for wetlands should include a vernal pool assessment, proposed setbacks from wetlands and vernal pools, and avoidance or mitigation.” The Siting Council should follow this lead and implement similar language into their environmental review and considerations, especially in the declaratory ruling process.

The Siting Council is now required to send applications on farmland to the CT Department of Agriculture. This is a good step, but more needs to be done. Healthy productive soils are

critical for maintaining a viable local food system in our region. Agrivoltaics is possible if done correctly but the siting of large scale solar for commercial purposes should be avoided on prime and important farmland soils. This is in keeping with the State's investment in farmland preservation and is important to the economic and environmental sustainability of Connecticut's local food system.

In keeping with work done by the Governor's Council on Climate Change Working and Natural Lands Group for a resilient Connecticut, there should be a focus on protecting ecosystem services by all land use boards, including the Siting Council, by adhering to these principles:

- Keep Forests as Forests
- Protect and restore wetlands and riparian areas
- Protect drinking water supplies at the source
- Protect and restore soil health across all landscapes
- Protect and restore prime and important farmland
- Protect and restore watershed health as an overall strategy for resiliency

2. Economic Considerations

The Siting Council must balance cost to consumer with environmental considerations. Unfortunately, this is done as a simple analysis, looking only at direct costs passed on through utility bills and other costs to consumers or the community at large, which must bear the burden of external costs associated with development that significantly impacts resources. A true economic analysis should also include evaluation of the external costs of installation relating to the loss of ecosystem services provided by the resource, including loss of carbon storage/sequestration, long term impacts of changes in hydrology, impacts on watershed health and water quality, impacts on air quality, and heat island effects.

3. Environmental Justice

Environmental justice impacts should be looked at holistically. Although the exact location of the utility siting may not be in an EJ community, an EJ Community may indeed realize the impact. Water and air resources are flow resources and are not geographically static. Impacts to a watershed or airshed may impact EJ communities downstream or down wind. Additionally, only looking at utilities from an affecting facility perspective does not recognize the unrealized benefits of having renewable energy in an EJ community. Siting all renewable energy on the "cheapest" land, which includes our rural farms and forests, excludes our cities and EJ communities from taking direct advantage of clean energy. An analysis is needed to take distributed generation and storage into consideration. Does the utility advance development of a modern grid that benefits EJ communities? Or does it reinforce the old grid system at the expense of bringing clean renewable energy generation and storage to the people? Also, why not encourage development of rooftop solar in developed urban areas in EJ communities?

In closing, I offer revised language below to the Siting Council statute. This would broaden the economic analysis of any proposal, explicitly include all drinking water supply watersheds, and broaden the scope of protecting EJ communities to include benefits of renewable energy projects.

"Sec. 16-50g. Legislative finding and purpose. The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and

towers, if not properly planned and controlled, could adversely affect the quality of the environment and the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: To provide for the balancing of the need for adequate and reliable public utility services **[at the lowest reasonable cost to consumers]** with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; **to consider the impacts to consumers fairly and wholistically by assessing all costs/benefits of a project both short and long term, including environmental externalities and the ecosystem services provided by natural and working lands; to ensure that environmental justice communities are not negatively impacted nor left out of the benefits of energy generation/storage including renewable energy;** to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to promote energy security; to promote **distributed generation, reduce energy sprawl, and promote** the sharing of towers for fair consideration wherever technically, legally, environmentally and economically feasible to avoid the unnecessary proliferation of **energy and telecommunication facilities** towers in the state particularly where installation of such **facilities** towers would adversely impact **drinking water supply watersheds including but not limited to** class I and II watershed lands, and aquifers; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes.”

Thank you in advance for your consideration of these comments. As partners in soil and water conservation, we look forward to working with you in the future to ensure that solar facilities are developed sustainably and equitably.

Sincerely,

A handwritten signature in cursive script that reads "Denise Savageau".

Denise Savageau, President
CACD



December 13, 2024

Commissioner Katie S. Dykes
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

The United Illuminating Company’s Comments on the Draft “2024 Connecticut Siting Council Study Report”

Dear Commissioner Dykes,

Thank you for the opportunity to comment on the draft *2024 Connecticut Siting Council Report (Report)*. The United Illuminating Company (“UI”) understands that the goal of this report is to “examine the Connecticut Siting Council, with a focus on the council’s ability to balance the need for the facilities that the council oversees and the need for timely and thorough administration of the council’s duties with the need to protect the environment, public health, and safety”¹.

As part of UI’s commitment to prioritize reliable public utility service aligned with sustainability goals, while prioritizing the well-being of the public, and consistent with the Siting Council’s purpose to objectively balance the public need for adequate and reliable public utility services along with the need to protect the environment, public health, and safety of the State, UI welcomes the study conducted by the Connecticut Department of Energy and Environmental Protection (“DEEP”), and the opportunity to review and provide feedback.

Upon review of the draft *Report*, UI commends the DEEP and stakeholders involved in this study for the swift and thorough compilation of the information presented. UI recognizes the effort involved in producing a comprehensive report within such a short timeframe and believes that the depth of the analysis presented reflects a commitment to addressing intricate and important issues. As part of its feedback, UI proposes the following suggestions and areas of clarifications for DEEP consideration:

I. Environmental Justice Communities

Environmental Justice (“EJ”) continues to be at the forefront of regulatory changes across the nation, including Connecticut. UI is committed to hearing the voices of all communities, in including those historically marginalized as it moves forward with critical infrastructure projects. UI suggests that if there are any regulatory changes related to the Siting Council process

¹ State of Connecticut. (2024) *Substitute House Bill 5507-Public Act No. 24-144: An Act Concerning Certain Proceedings Relating to Electric Transmission Lines and the Membership and Processes of the Connecticut Siting Council*. Retrieved from <https://cga.ct.gov/2024/ACT/PA/PDF/2024PA-00144-R00HB-05507-PA.PDF> .



concerning environmental justice, those changes must take into consideration the Federal Energy Regulatory Commission (“FERC”) guidelines.

UI facilities are currently located within UI’s existing right of ways (“ROWs”) and utility corridors. A number of these facilities are located in high density, urbanized areas that have been designated as EJ communities (the location of which UI’s facilities predate some of these community designations). Any future proposed regulatory or statutory changes made pertaining to EJ need to be assessed, as they could result in serious conflict with FERC guidelines.

II. Expansion of Public Education and Training is Necessary

In comparison to surrounding states, the Siting Council has the highest representation of public members, as indicated in the draft *Report*². Such robust public involvement highlights the Siting Council’s responsibilities for assessing the public need for adequate and reliable public utility services with protection of the environment, public health, and safety of the State.

Moreover, recent updates have increased applicant support to municipal participation in the siting process in the form of financial compensation (an increase from \$25,000 to \$40,000, and sometimes \$80,000³). Additionally, there are opportunities for the public and stakeholders to participate in the Siting Council processes, including but not limited to pre-application notices to municipalities from the applicant, public hearings and meetings and opportunities to comment.

Although there is a significant amount of opportunity for public participation in comparison to surrounding states, local community groups and municipalities have expressed their confusion and frustration with the process of participating in the Siting Council processes. Their concerns with the Siting Council processes have been well-articulated within the stakeholder recommendations, summarized in *Chapter 9-Recommendations from Stakeholders*.

UI supports the expansion of community and public education related to the Siting Council proceedings. Furthermore, UI believes that it is valuable to recommend that municipalities with EJ communities collaborate closely with relevant stakeholders (e.g., interest groups, community organizations, and citizens) to promote a transparent, inclusive, and responsive process throughout CSC proceedings.

III. Chapter 9 Recommendations can be Expanded and/or Improved Upon

² Connecticut Department of Energy and Environmental Protection (DEEP). (2024) *Draft 2024 Siting Council Report*. Retrieved from <https://portal.ct.gov/deep/planning/connecticut-siting-council-report> .

³ State of Connecticut. (2024) *Substitute House Bill 5507-Public Act No. 24-144: An Act Concerning Certain Proceedings Relating to Electric Transmission Lines and the Membership and Processes of the Connecticut Siting Council*. Retrieved from <https://cga.ct.gov/2024/ACT/PA/PDF/2024PA-00144-R00HB-05507-PA.PDF> .



*A. DEEP Technical Opinion and Recommendations or Endorse Stakeholder
Recommendations Relating to the 14 Issues Identified in Public Act 24-144*

Valuable insights and recommendations were provided in the *Report*. UI understands the recommendations presented in the draft report in many cases reflect the opinions of stakeholders, and not those of DEEP. However, it remains unclear whether or how the insights and/or recommendations could be implemented, by whom, and the overall effects on the processes of the Siting Council decisions, timelines, cost of applicants, and many other implications these recommendations may have.

Considering the technical expertise DEEP provides on many different fronts throughout Connecticut policy making and studies, as well as their commitment to addressing intricate and important issues, UI looks forward to seeing DEEP's technical recommendations in the final report. Additionally, UI suggests that the Agency considers offering technical opinion of recommendations made by stakeholders.

B. Further Analysis of Recommendations from Stakeholders

Chapter 9-Recommendations from Stakeholders include many key points that may improve the effectiveness of the overall Siting Council processes, provide further expertise on environmental impacts, energy markets and infrastructure, and increase overall public awareness and comprehension of the Siting Council's roles, responsibilities, and jurisdiction.

UI understands that this report will be provided to joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, government administration and elections, energy, and the environment. UI highlights the necessity of further analysis of the recommendations made within the *Report* to support any future crafting of regulatory or statutory improvements made by the General Assembly.

Further analysis of the recommendations provided in *Chapter 9-Recommendations from Stakeholders* would provide deeper insights and strengthen the understanding of any implications these recommendations (and any future regulatory or statutory changes) may have to the Connecticut ratepayers and other participating state agencies or stakeholders.

UI suggests that recommendations are made to the General Assembly to conduct further analysis within the finalized Report. UI provides the following suggestion in support of further analysis of the recommendations provided in the draft *Report*:

1. The consolidation of recommendations into similar and/or related themes by DEEP;
2. For each theme, the promulgation of an action-oriented collective working group, represented by the Siting Council and other state agencies, utility companies, legislative leaders, and other local community groups that can provide valuable insight for each theme. UI recommends DEEP be the lead agency/organizer for each theme. UI supports a third-

party compile, analyze, and complete the studies with input from the stakeholders, which would provide valuable impartiality.

3. For each working group;
 - a. Develop a Scope of Work (“SOW”) for each study, which could include but not be limited to;
 - i. Financial implications to utilities, rate payers, state agencies, and other applicable entities, if any;
 - ii. Environmental and public safety implications, if any;
 - iii. Analyzing and determining the feasibility of the implementation of the recommendations and/or proposed alternatives;
 1. The studies should clearly state whether the recommendations and/or alternatives in the *Study* are or are *not* feasible, and why.
 - iv. Clearly define potential implementation process(es) of the recommendations and/or alternatives proposed.

IV. Expansion of PURA Involvement in Siting Council Decision-Making Could Unintentionally Infringe on Other Federal and State Agency Jurisdiction or Cause Conflicts

As a significant stakeholder in the Siting Council processes and procedures, UI has concerns with the proposed expansion of PURA’s role in the Siting Council process, identified in *Chapter 9-Recommendations from Stakeholders*. Specifically, UI is concerned about the statement on Page 37 which states that “*PURA’s ratemaking expertise, and the associated knowledge of transmission and distribution infrastructure that comes along with it, could provide value to the siting process when the CSC reviews the need either for transmission line upgrades that will impact ratepayer costs, or for “asset condition” project proposals to replace transmission infrastructure that a transmission owner asserts is damaged or deteriorated to the point of replacement, which projects, as noted above, do not have an entity providing effective oversight or scrutiny over the decision to bring forward.*”⁴

Asset condition projects are different from transmission line upgrades that arise from the transmission planning processes. For clarity, the ISO-NE transmission planning processes identify transmission needs associated with expected future load, generation, and market economics (and do not review asset condition), whereas asset condition projects are undertaken to address deteriorating infrastructure that poses reliability and safety risks. The decision is based on the need, scope, and timing of asset condition projects is based solely on the transmission owner’s inspections, analysis, and internal utility standards utilized to safeguard the public and utility workers, all to ensure that the transmission owners’ assets are in a condition where it can provide

⁴ Connecticut Department of Energy and Environmental Protection (DEEP). (2024) Draft 2024 Siting Council Report. Retrieved from <https://portal.ct.gov/deep/planning/connecticut-siting-council-report>



safe, reliable utility service. This right of sole determination by the transmission owner is inextricably linked to the transmission owner's liability should an asset fail due to deterioration.

The transmission owner bears the risk that investment in an asset condition project could later be deemed imprudent in a FERC rate proceeding. If the Siting Council were to overrule a transmission owner's determination of need for an asset condition project, and the asset fails, the transmission owner may have grounds to disclaim liability for any adverse reliability or safety impacts that occur.

PURA's Chairperson is already a member of the Siting Council. It is not clear how expansion of PURA's role in the siting of asset condition projects benefits the process. Chapter 9 seems to contemplate that PURA would have an expanded role in the Siting Council's determination of a public need for an asset condition project. The construction of new electrical transmission lines requires a certificate of environmental compatibility and public need from the Siting Council pursuant to the Public Utilities Environmental Standards Act (PUESA), Chapter 277a, General Statutes § 16-50g et seq. The Siting Council has a legal obligation to issue that certificate – if appropriate. The Company respectfully submits that the statute clearly delineates that this role is for the Siting Council and does not include PURA as part of that certificate approval process.

We understand that under Connecticut law, the Siting Council's role does not involve ratemaking, but instead is limited to issuing certificates of environmental compatibility based on the public's need for the construction, operation, and modification of facilities that will not have a substantial environmental effect. This includes electric transmission lines, fuel transmission facilities, electric generating or storage facilities, electric substations or switchyards, community antenna television towers, and telecommunications towers. See C.G.S.A. § 16-50i. Rate authority for transmission related projects is vested with FERC and under their jurisdiction. An expansion of PURA's role into the Siting Council as described in the stakeholder recommendation would raise serious concerns of an overlap between federal and state jurisdiction.

We appreciate the opportunity to provide stakeholder involvement in the draft *2024 Connecticut Siting Council Study*. UI will welcome the opportunity to continue its participation in future studies and or working group sessions to provide feedback and recommendations as appropriate. Thank you for your time and consideration of these comments. Please let us know if you would like to discuss these comments further.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Todd Berman', is written over a light blue horizontal line.

Todd Berman

AVANGRID

Sr. Director - Environmental & Permitting
100 Marsh Hill Road, Orange CT 06477

December 13, 2024

Eric Hammerling
Diego Merizalde
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: Eversource Comments to the Draft 2024 Connecticut Siting Council Report

Dear Mr. Hammerling and Mr. Merizalde:

Thank you for the opportunity to provide comments on the subject draft Report. The Company very much appreciates the inclusion of stakeholders in the process to develop the draft Report and would like the continued opportunity to remain engaged in the execution of final recommendations, as determined by DEEP. Eversource acknowledges that the recommendations proposed in the draft Report were gathered from conversations with stakeholders and have not been reviewed or adopted by DEEP.

The Report provides a good summary of the Siting Council's jurisdiction, structure, history, and processes, and also provides some insight as to how siting reviews are undertaken in other states and particularly in New England. Eversource comments are primarily limited to recommendations regarding asset condition projects (1) and meaningful public engagement (11). To increase the utility of the report as a reference, a list of refinements or clarifications to the Report are attached for your consideration.

Recommendation (1)

The decision to replace an asset that has been determined to be at risk of failure is not at "the transmission owner's discretion," as stated in footnote 118. Eversource utilizes long-held industry standard metrics including, for example, criteria developed by the Electric Power Research Institute for visual inspection of overhead transmission line structures to determine priority rating/risk category of its structures and prioritizes replacement of those that are rated as needing immediate replacement. Most asset condition projects require filings with the Siting Council. Eversource's filings for each of its asset condition projects routinely append photo documentation with the submittals, but inspection

summaries are also available for each asset proposed for replacement. The final report should clarify the Siting Council’s review process for asset condition projects.

The Report has the suggestion that the Siting Council utilize an outside consultant to review asset condition projects and engage in greater collaboration “with other agencies like PURA with expertise in this area.” Eversource suggests that the report identify these other agencies and be more specific about their expertise in asset condition projects.

Further, asset condition projects are not a “preference” and the need for transmission structure replacements – which are essential to providing safe, reliable service – cannot and should not be factored in or balanced against other cost line items in the electric bill.

The recommendation that DEEP coordinate with the Council regarding load forecasting and long-term planning including providing reviews of applications or petitions is unnecessary as DEEP is a member of the Council and can participate in these types of reviews.

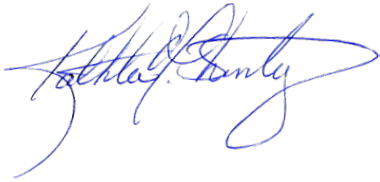
Collaboration with PURA to utilize its rate making expertise for a project proposed for the purpose of replacing deteriorating or aging infrastructure determined to be an unacceptable risk to reliability is not necessary, as the rate structure for these projects is already established.

Recommendation 11

Eversource prides itself on the degree of public outreach and engagement that typify Eversource projects and supports a more formal expanded outreach process, as suggested by this recommendation. The fourth bullet suggests the Council use the existing public participation requirements in C.G.S. Sec. 22a-20a as a “guide” for the Council’s public notice requirements. However, draft language proposed for PA 44-124 should be reconsidered. This language mirrored the requirements of this statute and proposed that expanded public notice and public engagement, include consideration of impacts to community services and planned development, and be a requirement of all applicants *in all instances*, including Environmental Justice communities. Although this draft language was not challenged by the Council or the regulated community, this proposed language was later removed from the bill. Eversource suggests this recommendation would be enhanced by including this draft language in the statute as a requirement, rather than a guide. For your convenience, the draft language is included in the list of suggested clarifications and refinements below in the item that references Page 42.

Thank you for the opportunity to provide comment on the draft report. If you have any questions, please contact me at kathleen.shanley@eversource.com or 860-728-4527.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Shanley". The signature is fluid and cursive, with a large loop at the end.

Attachment

SUGGESTED REFINEMENTS & CLARIFICATIONS

Page 2: Suggest a clarifying addition to the end of the second paragraph so the sentence reads, “...though the statute ~~carves out~~ does not apply to renewable energy and transmission line projects ~~from coverage~~ as these are not sources of air emissions.” *The use of the phrase “carves out” sounds deliberative, however these resources simply do not fall into the qualifying criteria of the statute.* Note: duplicate reference on page 34.

Page 4: The graphic should include the Legislature as one of the “Key State Partners” and note that this body appoints two members of the Council, avoiding confusion that the Siting Council is made up of 7 members (as suggested by the graphic) instead of 9.

Page 6: Telecommunications was not part of the original PUESA in 1971 but was added later.

Page 8: The final bullet under the description of PURA ends with the phrase “through the distribution side.” Suggest replacing with “through PURA’s jurisdiction over retail rates.”

Page 12: Suggest reordering the list of potential environmental impacts as the evaluation of electric and magnetic fields is not universally applicable to all applicants.

Page 13: The beginning of the last paragraph refers to a graphic that is not provided.

Page 19: The MA DPU has exclusive siting jurisdiction over some transmission projects that do not qualify for filing with the EFSB. The DPU also has jurisdiction over substations and/or switchyards when petitioned for a zoning exemption.

Page 20: Similar to the Rhode Island EFSB, the Siting Council also has a 30-day completeness review.

Page 26: The graphic depicts a 60-day municipal consultation period when elsewhere this is correctly defined as 90 days, per PA 14-144. Also, it depicts a “Maximum 180 days” for the Council to render a Decision, when elsewhere the report correctly identifies that the Council has up to 1 year for electric transmission projects.

Page 29: The graphic seems to suggest that a municipal evaluation and comments are required for all petitions. However, they are not. Municipalities can submit comments and participate in the petition process, but they are not universally required to do so.

Page 31: The language regarding the Siting Council’s exclusivity in New England for pre-application requirements with a “municipal notice procedure” is accurate in the strictest sense, though the SEC in New Hampshire also has pre-application requirements for community outreach – this distinction is not noted in the draft report’s comparisons of siting processes among the New England states.

Page 33: Under the second complete paragraph with the sub-heading “**Applications**” suggest distinguishing between the Council’s customary practice of holding a public comment session as well as a public evidentiary hearing(s).

Page 36: The text should note the Council’s frequent imposed condition for an applicant or petitioner to develop landscaping plans, most of which require approval by the Council.

Page 37: The sentence to which footnote 118 is attached includes the text “as noted above” but it is not clear which section the text refers to.

Page 39: The terms “public hearing” and “public meeting” appear to be used interchangeably. The Council holds public comment sessions at night for the convenience of the public. The Council’s regularly scheduled meetings are public meetings, are typically held during the day and limited to Council discussion and votes on projects.

Page 41: Cost information submitted to the Council under a protective order is reviewed by the Council although it is not disclosed to the public.

Page 42: Suggested language as it appeared in Proposed Substitute Bill 5507 under Sec.3 Section 16-50l (2)(e):

.....[facility to be located] with (1) *a public engagement plan that shall include the effect of the project on community services and infrastructure and the impact of the project on proposed development and the municipal tax base*”.



For a thriving New England

CLF Connecticut
www.clf.org

Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Submitted via email to DEEP.ERSI@ct.gov

December 13, 2024

Re: Comment on Siting Council Report as Required by Public Act 24-144

To Whom it May Concern:

Conservation Law Foundation (CLF) is a regional environmental nonprofit dedicated to creating a thriving New England for all, and we submit these comments in response to DEEP's Updated December 2, 2024 Notice of Public Meeting and Request for Public Comments on the Draft Connecticut Siting Council (CSC) Report ("Draft Report"). These are in addition to our oral remarks, delivered by Kendall Keelen, at the December 5, 2024 Public Meeting.

CLF is grateful for DEEP's efforts to develop a comprehensive draft report as required by Public Act 24-144. We appreciate DEEP's efforts to use plain language and graphics throughout the report and think this provides a helpful model for communication about the siting process moving forward. There are several areas where more information or deeper analysis is necessary to address the topics specified by the legislature. We also have additional suggestions on how to improve the siting process. Our comments are organized according to the structure of the Draft Report.

Chapter 1: Siting Council History, Jurisdiction & Responsibilities

- The Draft Report's discussion of roles that state agencies other than the Siting Council play in siting notes that DEEP "takes into consideration that developing grid-scale renewables is imperative to the state's success" in meeting the state's statutory climate goals under the Global Warming Solutions Act to reduce carbon emissions by 45% below 2001 levels by 2030, by 80% below 2001 levels by 2050, and to achieve a 100% zero-carbon electric sector by 2040.¹ We would appreciate more detail on how DEEP considers these obligations; how heavily a project's carbon impact is weighed in the siting process, and how DEEP's consideration of this factor influences the siting council's decision-making.

¹ Draft Report at 8, Appendix 21; Conn. General Statutes Sec. 22a-200a(a)(3).

- The Draft Report includes a partial list of factors that may be evaluated in determining whether a facility may have an adverse environmental impact. DEEP should include more clarity on how the CSC determines which impacts to evaluate; how that evaluation is conducted; how a determination is made as to whether a project will have a “substantial adverse environmental effect in the state[;]” and how the public is included in that determination.
- We appreciate the clarification of the differing definitions of “core forest” under statute and within DEEP.² We request further clarity on why DEEP relies on a narrower definition of core forests in making determinations of no material impact.

Chapter 2: Siting Council Compared to Other States

- We appreciate that DEEP included comparison to other New England states’ siting processes. DEEP should also include analysis of New York’s Office of Renewable Energy Siting and Electric Transmission (ORES) model for siting renewable energy projects. This model creates uniform, basic standards for renewable projects absent unusual circumstances. Connecticut should consider implementing uniform standards for renewables siting to increase fairness, efficiency, and cost-effectiveness. Connecticut can also learn from New York’s approach to public participation both prior to and after creating ORES. Under the prior regulations, New York required developers to submit a Public Involvement Program Plan (PIP) as part of an application.³ These plans included consultation with agencies and stakeholders, pre-application activities to encourage early stakeholder engagement, public education regarding the specific proposal and the approval process, online dissemination of project information, and other activities to encourage stakeholder engagement in certification and compliance processes. These pre-application plans helped to create better public process and stakeholder engagement, leading to better siting decisions. Under ORES robust pre-application requirements for public participation were continued.⁴ Connecticut should consider these examples in evaluating its approach to public participation.
- DEEP included the Massachusetts Energy Facilities Siting Board in its analysis of other states’ approaches. However, the information provided did not appear to integrate the recent changes to siting in Massachusetts.⁵ DEEP should update its analysis and description to include the recent changes to the siting process in Massachusetts. Some of those updates include integration of cumulative impacts analysis into siting decisions and a streamlined

² Draft Report at 13.

³ See, e.g., Invenergy, *Public Involvement Plan: Number Three Wind Farm* (May 27, 2016), [{917054DF-5987-4D16-8E8E-BF524E6E8E98} \(4\).pdf](#); Eight Point Wind, LLC, *Public Involvement Plan: Eight Point Wind Energy Center* (Jan. 2016), [{D49E58BD-9654-47AF-A6A8-A549D84B8B9A} \(1\).pdf](#).

⁴ See Chapter XI, Title 16 of NYCRR Part 1100 at §1100-1.3(a)(b), <https://dps.ny.gov/system/files/documents/2024/08/chapter-xi-title-16-of-nycrr-part-1100-generation-siting-effective-2024-07-17.pdf>.

⁵ Massachusetts Senate Bill No. 2967 (2024); Miriam Wasser, *Here’s what’s in the new Mass. Climate and clean energy law*, WBUR (Nov. 21, 2024), <https://www.wbur.org/news/2024/11/04/2024-massachusetts-clean-energy-bill-solar-wind-batteries-permitting-reform>.

approach that consolidates permitting in one entity. These are both reforms that could be effective in Connecticut as well and deserve consideration in the Draft Report. It would be helpful for the final report to specifically discuss which states (in New England and New York) consolidate permitting into one entity and which states include cumulative impacts analysis in the siting process to inform whether Connecticut should take similar approaches to permitting authority and impacts assessments.

Chapter 3: Overview of Applications and Petitions

- In addition to this information about the CSC process, it would be helpful for DEEP to provide an overview of how the siting process intersects with other state permitting processes. Specifically, it would be helpful to know how long it takes applicants to obtain necessary permits from state agencies other than CSC, particularly from DEEP, and whether there are any overlapping requirements in these permitting processes that could be consolidated or otherwise modified to increase efficiency.

Chapter 7: Opportunities for Public Participation in Siting Council Work

- The Draft Report indicates that the CSC website is comprehensive and “relatively easy” for stakeholders to navigate, especially the search function.⁶ However, other stakeholders including environmental justice community members and professional advocates find the website challenging to navigate. For those unfamiliar with a docket structure it can be confusing and challenging to quickly identify where a project is in the process. The website includes a lot of technical language and few visual aids. The Draft Report should be edited to include these challenges with the website, which are acknowledged in Chapter 9, in addition to positive experiences in this chapter.
- The Draft Report should also include more detailed information about the various pathways for public participation including intervention, public comments, and testimony at hearings. The Draft Report should address the applicable timelines, burdens (time and financial), and necessary expertise for all these pathways. It should also address the different results associated with various pathways for participation, such as whether public remarks will be a part of the record before the CSC or considered as evidence, how the remarks will be considered by the CSC, and whether the participant has a pathway to submit additional information for consideration or the ability to challenge the decision.

Chapter 8: Public Concerns—Noise, Visual, and Community Impacts

- This chapter identifies three public concerns: noise, visual impact, and “other community impacts.” This third category includes a number of diverse concerns ranging from ensuring proper distancing from schools and other sensitive sites to “effects on local wildlife, air

⁶ Draft Report at 31.

and water quality, and the general ecological balance of the area.”⁷ These concerns need to be separately identified and analyzed in this report, particularly those raised by already energy-burdened communities since that will be a key step in ensuring equitable siting decisions. There are also additional common public concerns that the report fails to address at all. For example, there is widespread concern about impacts to prime agricultural lands and core forests and a desire to ensure that we are protecting these important resources. Many energy-burdened communities are also deeply concerned about the impacts of energy infrastructure on their neighborhoods—impacts that include the physical effects of construction and operation, loss of green space, impacts to historic properties, and economic impacts to name only a few. These impacts accumulate over time and as new projects are built, highlighting the need for cumulative impacts analysis. DEEP must separately identify and analyze these common concerns and should consult with energy-burdened communities in doing so.

Chapter 9: Recommendations from Stakeholders

We appreciate many of the suggestions included in this chapter. Below, we share our reactions to suggestions included in the draft report as well as additional suggestions we hope will be included in the final report. We have organized our comments according to the fourteen factors DEEP was required to address, as the draft report does.

1. *The scope of the CSC's jurisdiction, the composition of the CSC's membership and the CSC's powers, duties, role and responsibilities, as compared to those of other state agencies.*

The legislature should consider assigning the CSC exclusive authority over renewable energy projects above a certain megawatt threshold (including battery storage and the transmission infrastructure needed for the clean energy transition) such that there is a consolidated permitting process, and applicants no longer need to seek additional permits from DEEP and other state agencies. This could increase accessibility and create efficiencies for the review and development of renewable energy projects. Massachusetts recently consolidated permitting for projects of a certain size into its Energy Facilities Siting Board (EFSB) while preserving local authority over smaller projects—however, if those smaller projects do not get permitted in a timely manner the EFSB can assume jurisdiction and put those projects through the consolidated process. New York also has consolidated jurisdiction over renewable projects in ORES. These consolidated processes not only create more uniform, streamlined, and efficient processes for developers, but also make siting decisions more accessible to the public by creating a single process to engage with rather than numerous processes at different levels of government.

2. *The effectiveness of the CSC's structure, with consideration of other structures based on best practices in other states, and any statutory or administrative changes that may be*

⁷ Draft Report at 36.

needed to implement such recommendations.

We agree with the suggestions in the report to increase staff capacity and per diem pay for members of the CSC. Additionally, as identified in our comments on Chapter 2, the legislature should consider adopting elements of New York's ORES process and Massachusetts' recent siting reforms. In particular, we feel that the consolidated permitting processes for renewables in both states could be a useful model for Connecticut. We also think that recent changes in Massachusetts like the adoption of cumulative impacts analysis in siting, which would allow for a more detailed and inclusive analysis of the impacts of adding facilities to historically energy-burdened communities. We also commend the creation of a funding mechanism for intervenors similar to Connecticut PURA's fund, which would allow the public to meaningfully participate in the technical and quasi-judicial siting process. Finally, we support Massachusetts' plans to develop site suitability criteria, baseline standards for approval (which may vary by project type), and standard permit conditions. This strategy of providing standardized guidance in advance, particularly around suitable sites, will help to make the siting process more effective, more efficient, increase meaningful community engagement, and reduce conflict during the application process.

- 3. Processes for issuing a certificate of environmental compatibility and public need (Certificate) or approving a petition for a declaratory ruling (Petition), as described in section 16-50k of the general statutes, including how to better integrate new technologies into such processes.*

We support the proposals in the draft report on improving the processes for issuing certificates and approving petitions. In addition to these measures, we further recommend that public information sessions and meetings be required for petitions for a declaratory ruling on projects in Environmental Justice communities as defined in CGS 22a-20a ("EJ Law"). Given that the vast majority of projects move through the petition process rather than the certificate process, it is important to ensure public engagement in our most vulnerable communities. The public participation regulations currently being developed in association with the EJ law could provide a roadmap for how to structure these information sessions to allow for meaningful participation. We have included some specific suggestions for effective public process below in our response to #11.

- 4. The CSC's oversight of completed projects.*

We support the suggestion that the CSC collect and share geographic information to provide better planning and oversight. We further suggest that this information be made publicly available in the form of a mapping tool to better enable communities to understand the cumulative impacts of siting decisions.

- 5. Criteria used by the CSC in evaluating applications.*

Greater clarity on the criteria the CSC uses, as well as how the CSC determines and balances those criteria, is needed. This is true for the certificate process, the petition process, and for the determination of whether a project is likely to have adverse environmental effects within the state. While the CSC (or partner agencies) currently considers factors like consistency with statutory targets under the Global Warming Solutions Act, public need, and environmental impact, the public often feels that the CSC fails to properly consider such concerns. It may be that the CSC needs better analysis of these elements, that it needs to better respond to comments submitted, or that factors should be weighed differently. More detail on the CSC's current analytical and evaluative process would be helpful in formulating more specific suggestions. Creating a "hard look" standard or more robust alternatives analysis, similar to that required of federal agencies under the National Environmental Policy Act⁸, may be other ways to strengthen the CSC's review.

CLF also suggests that DEEP recommend that the legislature add a cumulative impacts analysis, created in consultation with environmental justice experts and DEEP, to the siting process for facilities proposed in environmental justice communities. The report clarifies that while Connecticut's Environmental Justice Law technically applies to siting, the carve outs in the definition of "affecting facilities" limit its application.⁹ Additionally, the public participation plans required under the law are only applicable to the certificate process,¹⁰ but most projects progress through the petition process.¹¹ This means that the cumulative impacts analysis that will be required under the law (pending regulations) will have limited impact. We encourage DEEP to recommend that legislature consider amending the EJ law and/or other statutes governing the CSC to require a cumulative impacts analysis for all proposed facilities in environmental justice communities.

6. The Council's ability to adhere to statutory timeframes.

Based on the information in the draft Report it appears that the CSC is generally successful in adhering to statutory timeframes.¹² However, there is a significant difference in the time it takes the CSC to process different types of projects. Specifically, CSC takes more time to review renewable energy projects like wind and solar than energy transmission, fuel cell, substation, telecom, and projects under the jurisdiction of the Federal Energy Regulatory Commission (FERC)¹³ DEEP acknowledges the need to accelerate deployment of renewables to meet state climate targets.¹⁴ Further analysis of this gap would be helpful to understand the timeline disparities between renewable energy projects and other projects reviewed by the Council.

⁸ 42 U.S.C.A. § 4321 *et seq.*

⁹ See Draft Report at 34.

¹⁰ See Draft Report at 34.

¹¹ See Draft Report, Chapter 3.

¹² See Draft Report, Chapter 3.

¹³ See *id.* at 28. (FERC regulates interstate transmission of electricity, natural gas, and oil. The draft report did not define the types of facilities the Council reviews that sit within FERC jurisdiction.)

¹⁴ See Draft Report, Appendix 21.

7. *How the council evaluates any economic, conservation, and development impacts of projects that the council approves, including the council's evaluation of (a) a project's consistency with transit-oriented development and other state and municipal economic development objectives, and (b) the degree to which a project forecloses the opportunity for economic development to occur.*

CLF supports the suggestions in the Draft Report. Having pre-filing information with Councils of Government (COGs), allowing petitioners and applicants to request information on whether a proposal would be compatible with transit-oriented development, and requiring the CSC to better explain its findings on cost-benefit analysis are all tools that could help ensure better access to information and ability to coordinate.

8. *The efficacy of the CSC's processes for developing evidence.*

We support the suggestion to restore field reviews as part of the public hearing process. CLF has heard concerns from community leaders that applications and reports do not always match conditions on the ground. Site visits are an important component for ensuring that the CSC is accurately evaluating the potential impact of proposed projects.

10. *The CSC's Relationship with Municipalities and Other Governmental Bodies.*

We agree that further clarification of the roles of municipalities and other state agencies in the siting process would be helpful, and further suggest consolidation of all permitting for renewable energy projects into one process.

11. *Policies, procedures, and processes for inclusive public engagement in council decision-making, including to increase transparency and encourage public participation, especially in environmental justice communities, as defined in section 22a-20a.*

Public engagement with the siting process is one of the biggest challenges with the siting system in Connecticut. CLF appreciates the analysis of this issue in the Draft Report, and in general agrees with the suggestions to enhance education and public engagement, make CSC's web materials more accessible to the public, and to make public hearings less intimidating.

In particular CLF supports adding a CSC staff member dedicated to supporting public involvement by providing information, support, and responding to inquiries. This person could also help to maintain a list of specialists that community members could consult or retain on technical questions and connect the public with informational and financial resources. The quasi-judicial siting process can be challenging to navigate for members of the public and having a staff member serve as a public liaison would provide a much-needed resource for the public. One model for this is the Federal Energy Regulatory Commission's Office of Public Participation.¹⁵ We also support

¹⁵ See <https://www.ferc.gov/OPP>.

development of a public participation fund for certain stakeholders (such as residents of environmental justice communities) similar to the Stakeholder Group Compensation Fund developed by PURA and Community Intervenor Funding programs provided by NYS ORES.¹⁶ Ideally, the CSC will limit participation in the stakeholder compensation fund to affected groups that qualify under the relevant definitions of environmental justice. We feel that, paired with other proposals, this would better allow small local groups to engage with the highly technical, quasi-judicial siting process.

CLF also supports the CSC providing guidance to project applicants on how to provide sufficient and timely notice. Given the strict timelines and formal process, many community members do not find out about proposed projects until it is too late for them to fully participate in the process. Improving notice is a key way the CSC can improve public involvement and the quality of decisions. CLF recommends that notice be provided at least 30 days in advance of opportunities to participate and that notice be posted at the proposed project site, physically throughout the surrounding neighborhoods, in local news media, on the CSC and local municipal websites, on social media, and that notice be provided in any languages spoken by 15% or more of the surrounding neighborhoods within a half mile radius.¹⁷ In addition, we suggest that CSC allow individuals to sign up to receive email notices of any proposed project in their municipality. Where projects are proposed in environmental justice communities, those community members should receive advance notice before an application is filed, and ideally applicants should provide at least two public meetings: one to inform the community of the proposal and a separate, later meeting to receive feedback.

CLF supports in-person public hearings but recommends providing both virtual and in-person meetings or hybrid meetings as the most effective and inclusive. Where meetings are virtual participants should still have the ability to participate fully by asking questions and translation services should be provided if 15% or more of the surrounding neighborhoods within a half mile radius speak a language other than English. In-person meetings should be held in a location that is easily accessible (preferably by public transit) to members of the affected community and ideally should be offered at multiple times to accommodate varying schedules. Meetings scheduled in the evening should provide food and childcare options to best support community involvement. Even if the legislature does not require in-person meetings the CSC could still provide in-person options as a best practice, particularly in environmental justice communities.

¹⁶ PURA initiated Docket No. 23-09-34 pursuant to Pub. Act 23-102 that required the Authority "to establish a program to award compensation to eligible stakeholder groups." See, Pub. Util. Reg. Auth. Dkt. No. 23-09-34, *PURA Implementation of the Stakeholder Group Compensation Provisions of Sect. 15 of Pub. Act 23-102*, p. 1, Jan. 3, 2024, <https://portal.ct.gov/-/media/pura/stakeholder-compensation/230934-fd-pura-implementation-of-stakeholder-group-compensation.pdf?rev=b9ab0b8ef8874c5099f7725151301e66&hash=7DF6084FD1EA037C5D015335E9D2E185>. NYS similarly required ORES to create a community intervenor fund to facilitate involvement from communities adjacent to proposed facilities. N.Y. Comp. Codes R. & Regs. tit. 19, § 900-5.1.

¹⁷ CLF suggests the half mile radius for consistency with the CT EJ law, but also suggests that DEEP seek further feedback on whether this radius should be expanded to fully capture impacted communities.

CLF also supports the suggestions on how to make CSC’s web materials more accessible to the public and recommends adoption of a plain-language requirement for publicly-facing materials. In addition to those suggestions we also recommend that CSC develop a mapping tool that allows the public to see existing facilities as well as proposed and pending facilities. Users should be able to click through information about the status of the project and ways to engage in pending applications. Such visual tools could help the public to navigate to the projects they are most interested in engaging with.

12. Equitable practices and processes in council decision-making for considering community compensation.

In addition to the municipal participation account, the CSC should implement a public participation fund for certain stakeholders (such as residents of environmental justice communities) similar to those facilitated by PURA and ORES. The siting process is incredibly technical, and effective engagement often requires large amounts of time and resources in addition to retention of professionals like lawyers and engineers. While municipal involvement is important it is not sufficient—municipalities often do not fully represent the interests of particular communities, neighborhoods, constituencies, or interests. In addition to using the PURA Stakeholder Group Compensation Fund as a model, DEEP should look to the community intervenor funding program that ORES provides. In New York, to obtain community intervenor funding, community intervenors must apply to the Office.¹⁸ The applicant must provide a statement on the availability of funds; the amount of funds being sought; if possible, the name and qualifications of each expert to be employed; a statement of the services that will be provided by the experts and/or attorneys; a description of any studies to be performed; etc.¹⁹ Community intervenors must reside within one mile of a proposed solar facility or five miles of a proposed wind facility.²⁰ Community intervenors that are non-profits must demonstrate a concrete and localized interest that may be affected by the proposed facility and that such interest has a significant nexus to its mission.²¹ A public participation fund, tailored to communities most affected by facilities, like environmental justice populations, would allow community members and small organizations to better engage with siting decisions.

13. How the Council addresses common public concerns related to siting, such as noise, visual and other community impacts.

The CSC should publish a response to all public comments and should explain how comments are or are not addressed in each decision.

Appendices 4 & 6

¹⁸ N.Y. Comp. Codes R. & Regs. tit. 19, § 900-5.1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

- We appreciate that these appendices provide further detail on the Certificate and Petition processes. However, the Draft Report should provide further detail on one of the topics identified in PA 24-144: Criteria used by the CSC in evaluating applications. Appendix 4 on the Certificate process includes a list of the four statutory criteria that the CSC considers (public need, environmental and conservation effects, economic impacts, and development impacts) along with a narrative description of what each criterion includes. But more detail is needed. For example, DEEP writes that the CSC engages in a cost-benefit analysis to ensure that localized costs to communities are “reasonable and justified.”²² The report should include information as to how the CSC makes these determinations, what criteria or evidence it examines to make these determinations, and how it balances the various criteria. Appendix 6 on the Petition process includes even less information. DEEP merely states that “the CSC engages in formal deliberations to review all evidence, public comments, and agency input” without elaborating on the factors the CSC considers or how it weighs those factors. The draft report is required to address the criteria that the CSC uses in evaluating applications, and that information should be added to Appendix 6 on the Petition process.

Conclusion

We appreciate the opportunity to provide comments and hope that DEEP will incorporate these recommendations. Please do not hesitate to follow up with us if we can provide further information.

Sincerely,
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²² Draft Report, Appendix 4, at 57.