

## Municipal Inland Wetland Agencies' Guide to the Connecticut Siting Council

In 1972, the Public Utility Environmental Standards Act established the Power Facility Evaluation Council, later renamed the Connecticut Siting Council. Today, the Council is made up of nine members for energy, telecommunications, and ash residue disposal area issues; and thirteen members for hazardous waste and low-level radioactive waste issues.

### Jurisdiction

The Council has exclusive jurisdiction over the siting and the construction of all power generation including electric utility infrastructure, electric transmission lines, gas transmission, public utility infrastructure, radioactive waste, ash residue, etc. The Council's jurisdiction can be found in the Connecticut General Statutes Title 16, Chapter 277a

- Energy Proceedings (CT General Statutes 16-50i et. seq.)
  - Electric transmission lines 69-kV or above
  - Fuel transmission lines of 200 PSIG or above
  - Electric generating or storage facilities excluding emergency generating devices, cogeneration facilities of 25 MW or less, and facilities fueled by renewable energy sources of 1 MW or less
  - Electric substation or switchyards of 69-kV or above
- Telecommunications Proceedings (CT General Statutes 16-50i et. seq)
  - CATV towers and head-end structures, including associated equipment
  - Telecommunications towers owned or operated by the State, a public service company, intrastate telecommunications service providers, or used in a cellular system
- Hazardous Waste Proceedings (CT General Statutes 22a-115 et. seq)
  - Hazardous waste facilities
- Low-Level Radioactive Waste Proceedings (CT General Statutes 22a-163a et. seq)
  - Low-Level radioactive waste facility
- Ash Residue Proceedings (CT General Statutes 22a-208b and 22a-285g et. seq )
  - Ash residue disposal area arbitration and negotiation.

- Electric Forecast of Loads and Resources (CT General Statutes 16-50r (a))
  - Annual review of loads and resources by the electric generating industry of the State
- Property Condemnation (CT General Statutes 16-50z (c))
  - Dispute resolution for real property condemnation.

### Municipal Involvement

For Town involvement, a number of opportunities exist:

- CGS section 16-50l: Prior to applicant filing an application for a certificate with the Siting Council the applicant shall serve a copy of such application on the chief executive officer of the municipality and shall include notice of the date on or about which the application is to be filed, as well as serve the zoning commission, planning and zoning commission, conservation commission, inland wetlands agency, regional planning agencies, etc. Applicant must notify the municipality at least sixty days prior to the filing of an application with the council, and the applicant shall consult with the municipality. Such consultation with the municipality shall include, but not be limited to good faith efforts to meet with the chief elected official of the municipality. The municipality may conduct public hearings and meetings, as it deems necessary. Within sixty days of the initial consultation, the municipality shall issue its recommendations to the applicant.
- CGS section 16-50x: In ruling on applications for certificates or petitions for a declaratory ruling for facilities or on requests for shared use of facilities, the Council shall give such consideration to other state laws and municipal regulations as it shall deem appropriate.
- CGS section 16-50x: Town inland wetlands agency retains the "regulate and restrict" authority and may make such an order to the Council. To do so town has no more than sixty-five days after an application has been filed with the Council, or no more than 30 days after an application has been filed with the Council, depending on the facility being sited. The order is merely "advisory" and is not intended to bypass the Council's authority. The Council will affirm, modify or revoke such order or make any order in substitution thereof by a vote of six members of the council.
- Upon receipt of an application the Siting Council sends letter to town inviting them to "get involved", regardless of whether a town "consulted" with such applicant or not, and regardless of whether a town makes an order or not. Town's comments are placed on such application's record.

- Town may become a party or intervenor in proceedings
  - Party/Intervenor status: One who participates as a party or intervenor benefits from more in-depth participation but also holds greater responsibility in the hearing process. In order to become a party or intervenor in a proceeding one must file an application for Council review. After reviewing the application the Council will either grant or deny the application. The application to seek party/intervenor status may be obtained from the Council website.
  - Although legal representation is not required in order to gain and utilize such status, it is strongly encouraged. Details for participating as a party/intervenor is available from the Council website.

Towns need to be proactive and make sure their concerns are on the Siting Council's record for a particular application.

#### Other Information

- Maintenance work such as a culvert repair is exempt from filing for certificate and receives a declaratory ruling, towns have no formal say in the matter. However, the Council expects the utility to cooperate with the municipality.
- Decisions of the Council are appealed to the Superior Court