



# Senate

General Assembly

**File No. 184**

February Session, 2024

Substitute Senate Bill No. 198

*Senate, April 2, 2024*

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) There is established a "Connecticut Siting Council", hereinafter  
4 referred to as the "council", which shall be within the Department of  
5 Energy and Environmental Protection for administrative purposes only.

6 (b) Except for proceedings under chapter 445, this subsection and  
7 subsection (c) of this section, the council shall consist of: (1) The  
8 Commissioner of Energy and Environmental Protection, or his  
9 designee; (2) the chairperson of the Public Utilities Regulatory  
10 Authority, or the chairperson's designee; (3) one designee of the speaker  
11 of the House and one designee of the president pro tempore of the  
12 Senate; and (4) five members of the public, to be appointed by the  
13 Governor, at least two of whom shall be experienced in the field of

14 ecology, and not more than one of whom shall have affiliation, past or  
15 present, with any utility or governmental utility regulatory agency, or  
16 with any person owning, operating, controlling, or presently  
17 contracting with respect to a facility, a hazardous waste facility, as  
18 defined in section 22a-115, or an ash residue disposal area.

19 (c) For proceedings under chapter 445, subsection (b) of this section  
20 and this subsection, the council shall consist of (1) the Commissioners of  
21 Public Health and Emergency Services and Public Protection or their  
22 designated representatives; (2) the designees of the speaker of the House  
23 of Representatives and the president pro tempore of the Senate as  
24 provided in subsection (b) of this section; (3) the five members of the  
25 public as provided in subsection (b) of this section; and (4) four ad hoc  
26 members, three of whom shall be electors from the municipality in  
27 which the proposed facility is to be located and one of whom shall be an  
28 elector from a neighboring municipality likely to be most affected by the  
29 proposed facility. The municipality most affected by the proposed  
30 facility shall be determined by the permanent members of the council.  
31 If any one of the five members of the public or of the designees of the  
32 speaker of the House of Representatives or the president pro tempore of  
33 the Senate resides (A) in the municipality in which a hazardous waste  
34 facility is proposed to be located for a proceeding concerning a  
35 hazardous waste facility or in which a low-level radioactive waste  
36 facility is proposed to be located for a proceeding concerning a low-level  
37 radioactive waste facility, or (B) in the neighboring municipality likely  
38 to be most affected by the proposed facility, the appointing authority  
39 shall appoint a substitute member for the proceedings on such proposal.  
40 If any appointee is unable to perform his duties on the council due to  
41 illness, or has a substantial financial or employment interest which is in  
42 conflict with the proper discharge of his duties under this chapter, the  
43 appointing authority shall appoint a substitute member for proceedings  
44 on such proposal. An appointee shall report any substantial financial or  
45 employment interest which might conflict with the proper discharge of  
46 his duties under this chapter to the appointing authority who shall  
47 determine if such conflict exists. If any state agency is the applicant, an  
48 appointee shall not be deemed to have a substantial employment

49 conflict of interest because of employment with the state unless such  
50 appointee is directly employed by the state agency making the  
51 application. Ad hoc members shall be appointed by the chief elected  
52 official of the municipality they represent and shall continue their  
53 membership until the council issues a letter of completion of the  
54 development and management plan to the applicant.

55 (d) For any proceeding that occurs on or after the effective date of this  
56 section, in addition to the membership provided for in subsection (b) or  
57 (c) of this section, as applicable, the council shall include one elector  
58 from the municipality in which such facility is proposed to be located,  
59 as appointed by the chief elected official of such municipality. In the  
60 event that such facility will be located in two or more municipalities,  
61 one such elector shall be appointed by the applicable regional council of  
62 governments for the affected municipalities. Each such member shall  
63 serve as a nonvoting member for purposes of such proceeding and shall  
64 abide by all applicable rules of confidentiality concerning such  
65 proceeding.

66 [(d)] (e) The chairman of the council shall be appointed by the  
67 Governor from among the five public members appointed by him, with  
68 the advice and consent of the House or Senate, and shall serve as  
69 chairman at the pleasure of the Governor.

70 [(e)] (f) The public members of the council, including the chairman,  
71 the members appointed by the speaker of the House and president pro  
72 tempore of the Senate and the four ad hoc members specified in  
73 subsection (c) of this section, shall be compensated for their attendance  
74 at public hearings, executive sessions, or other council business as may  
75 require their attendance at the rate of two hundred dollars, provided in  
76 no case shall the daily compensation exceed two hundred dollars.

77 [(f)] (g) The council shall, in addition to its other duties prescribed in  
78 this chapter, adopt, amend, or rescind suitable regulations to carry out  
79 the provisions of this chapter and the policies and practices of the  
80 council in connection therewith, and appoint and prescribe the duties of  
81 such staff as may be necessary to carry out the provisions of this chapter.

82 The chairman of the council, with the consent of five or more other  
83 members of the council, may appoint an executive director, who shall  
84 be the chief administrative officer of the Connecticut Siting Council. The  
85 executive director shall be exempt from classified service.

86 [(g)] (h) Prior to commencing any hearing pursuant to section 16-50m,  
87 the council shall consult with and solicit written comments from (1) the  
88 Department of Energy and Environmental Protection, the Department  
89 of Public Health, the Council on Environmental Quality, the  
90 Department of Agriculture, the Public Utilities Regulatory Authority,  
91 the Office of Policy and Management, the Department of Economic and  
92 Community Development and the Department of Transportation, and  
93 (2) in a hearing pursuant to section 16-50m, for a facility described in  
94 subdivision (3) of subsection (a) of section 16-50i, the Department of  
95 Emergency Services and Public Protection, the Department of  
96 Administrative Services and the Labor Department. Copies of such  
97 comments shall be made available to all parties prior to the  
98 commencement of the hearing. Subsequent to the commencement of the  
99 hearing, said departments and council may file additional written  
100 comments with the council within such period of time as the council  
101 designates. All such written comments shall be made part of the record  
102 provided by section 16-50o. Said departments and council shall not  
103 enter any contract or agreement with any party to the proceedings or  
104 hearings described in this section or section 16-50p that requires said  
105 departments or council to withhold or retract comments, refrain from  
106 participating in or withdraw from said proceedings or hearings.

107 Sec. 2. Subsection (b) of section 16-50l of the general statutes is  
108 repealed and the following is substituted in lieu thereof (*Effective October*  
109 *1, 2024*):

110 (b) Each application shall be accompanied by proof of service of a  
111 copy of such application on: (1) Each municipality in which any portion  
112 of such facility is to be located, both as primarily proposed and in the  
113 alternative locations listed, and any adjoining municipality having a  
114 boundary not more than two thousand five hundred feet from such

115 facility, which copy shall be served on the chief executive officer of each  
116 such municipality and shall include notice of the date on or about which  
117 the application is to be filed, and the zoning commissions, planning  
118 commissions, planning and zoning commissions, conservation  
119 commissions and inland wetlands agencies of each such municipality,  
120 and the regional councils of governments which encompass each such  
121 municipality; (2) the Attorney General; (3) each member of the  
122 legislature in whose assembly or senate district the facility or any  
123 alternative location listed in the application is to be located; (4) any  
124 agency, department or instrumentality of the federal government that  
125 has jurisdiction, whether concurrent with the state or otherwise, over  
126 any matter that would be affected by such facility; (5) each state  
127 department, agency and commission named in subsection [(g)] (h) of  
128 section 16-50j, as amended by this act; and (6) such other state and  
129 municipal bodies as the council may by regulation designate. A notice  
130 of such application shall be given to the general public, in municipalities  
131 entitled to receive notice under subdivision (1) of this subsection, by the  
132 publication of a summary of such application and the date on or about  
133 which it will be filed. Such notice shall be published under the  
134 regulations to be promulgated by the council, in such form and in such  
135 newspapers as will serve substantially to inform the public of such  
136 application and to afford interested persons sufficient time to prepare  
137 for and to be heard at the hearing prescribed in section 16-50m. Such  
138 notice shall be published in not less than ten-point type. A notice of such  
139 an application for a certificate for a facility described in subdivision (3),  
140 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by  
141 certified or registered mail, to each person appearing of record as an  
142 owner of property which abuts the proposed primary or alternative sites  
143 on which the facility would be located. Such notice shall be sent at the  
144 same time that notice of such application is given to the general public.  
145 Notice of an application for a certificate for a facility described in  
146 subdivision (1) of subsection (a) of section 16-50i shall also be provided  
147 to each electric distribution company customer in the municipality  
148 where the facility is proposed to be placed. Such notice shall (A) be  
149 provided on a separate enclosure with each customer's monthly bill for

150 one or more months, (B) be provided by the electric distribution  
 151 company not earlier than sixty days prior to filing the application with  
 152 the council, but not later than the date that the application is filed with  
 153 the council, and (C) include: A brief description of the project, including  
 154 its location relative to the affected municipality and adjacent streets; a  
 155 brief technical description of the project including its proposed length,  
 156 voltage, and type and range of heights of support structures or  
 157 underground configuration; the reason for the project; the address and  
 158 a toll-free telephone number of the applicant by which additional  
 159 information about the project can be obtained; and a statement in print  
 160 no smaller than twenty-four-point type size stating "NOTICE OF  
 161 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC  
 162 TRANSMISSION LINE".

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	16-50j
Sec. 2	October 1, 2024	16-50l(b)

**Statement of Legislative Commissioners:**

In Section 1(d), "consist of" was changed to "include" for clarity.

**ENV**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
CT Siting Council	SCF - Cost	Less than 10,000	Less than 10,000

Note: SCF=Siting Council Fund

**Municipal Impact:** None

**Explanation**

The bill expands existing requirements for the Siting Council to extend Council representation to municipalities or regional councils of government where the project is proposed, which results in a cost of less than \$10,000 in FY 25 and FY 26. This cost is associated with providing compensation of \$200 or less per meeting for the additional representatives.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of meetings held and representation required from municipal and regional councils of government.

**OLR Bill Analysis****sSB 198*****AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS.*****SUMMARY**

For any Connecticut Siting Council proceeding occurring on or after October 1, 2024, this bill requires the council's membership to include an elector from the municipality where the facility is being proposed, in addition to the existing membership (see BACKGROUND). Under the bill, the municipality's chief elected official generally must appoint the elector. However, if the proposed facility is in more than one municipality, the applicable regional council of governments for the affected municipalities must appoint the elector.

The bill requires the elector to serve as a nonvoting member and abide by all applicable confidentiality rules. By law, public members of the council must be compensated for their attendance at public hearings, executive sessions, or other council business at a rate of \$200 per activity, capped at \$200 a day.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

**BACKGROUND*****Siting Council Membership — Energy and Telecommunications***

For energy and telecommunications facility proceedings, the existing council membership includes the following nine members:

1. the energy and environmental protection commissioner or her designee,



2. the Public Utilities Regulatory Authority chairperson or her designee,
3. one designee each from the House speaker and Senate president pro tempore, and
4. five members of the public appointed by the governor.

At least two of the public members must have ecology experience. Only one may have a past or present affiliation with a (1) utility; (2) utility regulatory agency; or (3) person owning, operating, controlling, or contracting with a facility, hazardous waste facility, or ash residue disposal area.

#### ***Siting Council Membership — Hazardous Waste***

For hazardous waste facility proceedings, the existing council consists of the following 13 members:

1. the public health and emergency services and public protection commissioners or their designees,
2. the designees of the House speaker and Senate president pro tempore as described above,
3. the five members of the public appointed by the governor as described above, and
4. four ad hoc members, three of whom are electors from the municipality where the facility is being proposed and one from a neighboring municipality likely to be most affected by the proposed facility.

By law, if any of the governor's appointed public members or the House speaker's or Senate president pro tempore's designees live in the municipality where a hazardous or low-level radioactive waste facility is proposed or in the neighboring municipality most likely to be affected by the proposed facility, then the appointing authority must appoint a substitute member for the proceedings on that proposed facility.

**Related Bill**

HB 5453, favorably reported by the Government Administration and Elections Committee, makes various changes to the Connecticut Siting Council's membership, including adding four ad hoc members from the affected municipalities, among other things.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 32    Nay 2    (03/15/2024)