

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-198
AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT
Title: SITING COUNCIL FOR LOCAL PROJECTS.
Vote Date: 3/15/2024
Vote Action: Joint Favorable
PH Date: 3/8/2024
File No.:

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SPONSORS OF BILL:

Environment Committee
Rep. Craig C. Fishbein, 90th Dist.
Sen. Tony Hwang, 28th Dist.
Rep. Aundre Bumgardner, 41st Dist.
Rep. Tom Delnicki, 14th Dist.
Rep. Geraldo C. Reyes, 75th Dist.

REASONS FOR BILL:

The Siting Council is responsible for positioning of public utilities to minimize impact to cultural, environmental, and economic conditions. The Council currently does not have a requirement to have members representing locals from the area in which the project is set to be occur; some people think that by adding a member from the local area the Council will be able to incorporate local expertise into their decision making.

RESPONSE FROM ADMINISTRATION/AGENCY:

Governor Ned Lamont, State of Connecticut

The Governor's concerns raised in last year's veto message remain with this year's bill. As the veto message noted, the Siting Council is a critical statewide body that ensures consistent siting practices for statewide infrastructure. The Governor believe municipal participation in Siting Council proceedings is already extensive. With the climate crisis already requiring an enhanced role for the Siting Council in energy projects, disturbing the consistency of the Siting Council's approach will inhibit Connecticut's response to climate change.

Melanie A. Bachman, Executive Director, Connecticut Siting Council

CSC was established with the purpose to end ad hoc town-by-town regulation of energy and telecommunications infrastructure in favor of regulation by a statewide body. As drafted, SB 198 is at odds with CSC's purpose; it would allow municipalities to participate in CSC proceedings both as a party and a CSC member. CSC offers the following suggestions for greater municipal participation:

- 1) Add a public member to be appointed by the Governor who shall have served as chief elected official of a municipality.
- 2) Add a new subdivision specifically for municipalities. This is consistent with CSC's existing requirement to solicit written comments from state agencies prior to commencing and hearing and at any time while an application is pending.
- 3) Increase the municipal consultation period for energy facilities from 60 days to 90 days to be consistent with the municipal consultation period for telecommunications facilities C.G.S.
- 4) Increase the municipal participation account from \$25,000 in 2003 dollars to approximately \$40,000 in 2024 to account for inflation with a mechanism for future increases.
- 5) Expand the municipal location preferences and criteria for siting to all CSC-jurisdictional facility types as this section currently only applies to telecommunication facilities.

NATURE AND SOURCES OF SUPPORT:

Rep. Martin J. Focello, Jr., 107th District

The issues surrounding this bill are important to Rep. Focello's district. Brookfield residents are concerned over the vast expansion of 5G and similar technology without having an input on what is happening in their community. They believe unelected individuals who are not from the community may hold conflicts of interest, or partnerships, with corporations whose influence decisions related to siting projects.

Betsy Gara, Executive Director, COST

COST believe having a representative appointed by the chief-elected official in the municipality where a project is proposed is very imported to cities and towns. Under existing law, the CT Siting Council can approve the siting of various projects without any input from the host municipality. They believe this creates concerns that such projects are approved even if they are not compatible with local land use laws and local plans of conservation and development.

Lindsay Seti, Advocacy Manager, CCM

CCM supports local representation on the Connecticut Siting Council for local projects, but requests that the language be amended so that in the case where the project is located in two or more municipalities, the legislative bodies from each municipality work together to appoint one agreed upon representative to the Siting Council who is an elector from one of the towns. They further request that if they cannot agree upon representation, only then shall the elector be appointed by the regional Council of Government, and each municipality will participate as a nonvoting member.

Elizabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation

The National Trust supports efforts to improve the resiliency, efficiency, and sustainability of energy. In considering the siting of energy projects, including transmission lines, they believe it is essential the process must include the consideration of historic and cultural resources valued by the communities that may be impacted by a transmission line.

William A. Gerber, First Selectman, Fairfield, Connecticut

The Selectman supports this bill because Fairfield is an intervenor in the Connecticut Siting Council's United Illuminating's application for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line Rebuild Project. It is his position that the Siting Council is given an undue amount of power in considering the utilities requests, and the utility's statements are given unequal weight. He believes this legislation will correct the Council's lack of awareness and concern about the impact their decisions have on residents and ratepayers.

Rachel Briggs, Staff Attorney, Conservation Law Foundation

The Foundation believes that reform is needed, but that a more holistic conversation is needed. They appreciated the need for local voices in siting decisions but feel that a broader reform is necessary that would establish a regulatory framework for storage, and transmission. They would like a comprehensive integration of environmental justice considerations into permitting and siting review.

Jonah Lipar

The testifier expressed support for the bill on the grounds that the Farmington Valley has been negatively impacted by developments contrary to the popular opinion of residents.

Jackie Richardson

The testifier expresses concerns at the current process the Siting Council has had, recounting the story of their recent interaction with their mother's property being impacted by a decision the council made. They believe a local being on the entire process will allow for further consideration of important local structures throughout.

Joanne Warren

The testifier expresses support for the bill with the belief that local knowledge would be incorporated if a member of the public were included in the council. They note the belief that keeping communication open both ways will help to ensure the success of the project and uphold the voices of the community.

The following solely expressed support for the bill:

Judy Cooke; Todd Volpe; Sandra MacGregor, EJ Northrop.

NATURE AND SOURCES OF OPPOSITION:

Kathleen M. Shanley, Manager of Transmission Siting for Eversource Energy

Eversource opposes the bill because they believe the proposed changes are unnecessary, could create circumstances that would undermine the careful and orderly process of the Siting Council's proceedings and deliberations, and conflict with current law covering ex parte communications.

Reported by: Judith Ganswindt

Date: April 1st, 2024