



General Assembly

February Session, 2024

Substitute Bill No. 5453



**AN ACT CONCERNING THE MEMBERSHIP AND PROCESSES OF
THE CONNECTICUT SITING COUNCIL.**

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 Section 16-50j of the general statutes is repealed and the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"] the
4 Connecticut Siting Council, hereinafter referred to in this title as the
5 "council", which shall be within the Department of Energy and
6 Environmental Protection for administrative purposes only.

7 (b) Except [for proceedings under chapter 445, this subsection and
8 subsection (c) of this section, the] as provided in subsection (c) of this
9 section, on and after October 1, 2024, the council shall consist of: (1) The
10 Commissioner of Energy and Environmental Protection, or [his] the
11 commissioner's designee; (2) the chairperson of the Public Utilities
12 Regulatory Authority, or the chairperson's designee; (3) one designee of
13 the speaker of the House and one designee of the president pro tempore
14 of the Senate; [and] (4) five members of the public, to be appointed by
15 the Governor, at least two of whom [shall be] are experienced in the field
16 of ecology [, and not more than one of whom] and at least three of whom
17 are experienced in the field of engineering; and (5) four ad hoc members,
18 three of whom are electors from the municipality in which the proposed
19 facility is to be located and one of whom is an elector from a neighboring

20 municipality likely to be most affected by the proposed facility. Such ad
21 hoc members shall be appointed by the chief elected official of the
22 municipality such member represents. Not more than three of the
23 members designated or appointed under subdivisions (3) to (5),
24 inclusive, of this subsection shall have affiliation, past or present, with
25 (A) any utility or governmental utility regulatory agency, including any
26 direct financial investment in any utility, other than a mutual fund, or
27 [with] (B) any person owning, operating, controlling, or presently
28 contracting with respect to a facility, a hazardous waste facility, as
29 defined in section 22a-115, or an ash residue disposal area.

30 (c) For proceedings under chapter 445, [subsection (b) of this section
31 and this subsection,] the council shall consist of (1) the Commissioners
32 of Public Health and Emergency Services and Public Protection or their
33 designated representatives; (2) the designees of the speaker of the House
34 of Representatives and the president pro tempore of the Senate as
35 provided in subsection (b) of this section; (3) the five members of the
36 public as provided in subsection (b) of this section; and (4) four ad hoc
37 members [, three of whom shall be electors from the municipality in
38 which the proposed facility is to be located and one of whom shall be an
39 elector from a neighboring municipality likely to be most affected by the
40 proposed facility. The] as provided in subsection (b) of this section.

41 (d) For the appointment of ad hoc members in accordance with
42 subsections (b) and (c) of this section, the municipality most affected by
43 the proposed facility shall be determined by the permanent members of
44 the council. If any one of the five members of the public or of the
45 designees of the speaker of the House of Representatives or the
46 president pro tempore of the Senate resides [(A)] (1) in the municipality
47 in which a hazardous waste facility is proposed to be located for a
48 proceeding concerning a hazardous waste facility or in which a low-
49 level radioactive waste facility is proposed to be located for a proceeding
50 concerning a low-level radioactive waste facility, or [(B)] (2) in the
51 neighboring municipality likely to be most affected by the proposed
52 facility, the appointing authority shall appoint a substitute member for
53 the proceedings on such proposal. If any appointee is unable to perform

54 [his] such appointee's duties on the council due to illness, or has a
55 substantial financial or employment interest which is in conflict with the
56 proper discharge of [his] the appointee's duties under this chapter, the
57 appointing authority shall appoint a substitute member for proceedings
58 on such proposal. An appointee shall report any substantial financial or
59 employment interest which might conflict with the proper discharge of
60 [his] the appointee's duties under this chapter to the appointing
61 authority who shall determine if such conflict exists. If any state agency
62 is the applicant, an appointee shall not be deemed to have a substantial
63 employment conflict of interest because of employment with the state
64 unless such appointee is directly employed by the state agency making
65 the application. Ad hoc members [shall be appointed by the chief elected
66 official of the municipality they represent and] shall continue their
67 membership until the council issues a letter of completion of the
68 development and management plan to the applicant.

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

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

82 (g) The council shall employ such employees as may be necessary to
83 carry out the provisions of this chapter, provided not less than two of
84 such employees shall have expertise in engineering and not less than
85 three of such employees shall have expertise in financial analysis.

86 [(f)] (h) The council shall, in addition to its other duties prescribed in
87 this chapter, adopt, amend, or rescind suitable regulations to carry out
88 the provisions of this chapter and the policies and practices of the
89 council in connection therewith, and appoint and prescribe the duties of
90 such staff as may be necessary to carry out the provisions of this chapter.
91 The [chairman] chairperson of the council, with the consent of five or
92 more other members of the council, may appoint an executive director,
93 who shall be the chief administrative officer of the Connecticut Siting
94 Council. The executive director shall be exempt from classified service.

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

117 Sec. 2. Subsections (a) and (b) of section 16-50l of the general statutes
118 are repealed and the following is substituted in lieu thereof (*Effective*
119 *October 1, 2024*):

120 (a) To initiate a certification proceeding, an applicant for a certificate
121 shall file with the council an application, in such form as the council may
122 prescribe, accompanied by a filing fee of not more than twenty-five
123 thousand dollars, which fee shall be established in accordance with
124 section 16-50t, and a municipal participation fee of twenty-five
125 thousand dollars to be deposited in the account established pursuant to
126 section 16-50bb, except that an application for a facility described in
127 subdivision (5) or (6) of subsection (a) of section 16-50i shall not pay such
128 municipal participation fee. An application shall contain such
129 information as the applicant may consider relevant and the council or
130 any department or agency of the state exercising environmental controls
131 may by regulation require, including the following information:

132 (1) In the case of facilities described in subdivisions (1), (2) and (4) of
133 subsection (a) of section 16-50i: (A) A description, including estimated
134 costs, of the proposed transmission line, substation or switchyard,
135 covering, where applicable underground cable sizes and specifications,
136 overhead tower design and appearance and heights, if any, conductor
137 sizes, and initial and ultimate voltages and capacities; (B) a statement
138 and full explanation of why the proposed transmission line, substation
139 or switchyard is necessary and how the facility conforms to a long-range
140 plan for expansion of the electric power grid serving the state and
141 interconnected utility systems, that will serve the public need for
142 adequate, reliable and economic service; (C) a map of suitable scale of
143 the proposed routing or site, showing details of the rights-of-way or site
144 in the vicinity of settled areas, parks, recreational areas and scenic areas,
145 residential areas, private or public schools, child care centers, as
146 described in section 19a-77, group child care homes, as described in
147 section 19a-77, family child care homes, as described in section 19a-77,
148 licensed youth camps, and public playgrounds and showing existing
149 transmission lines within one mile of the proposed route or site; (D) a
150 justification for adoption of the route or site selected, including
151 comparison with alternative routes or sites which are environmentally,
152 technically and economically practical; (E) a description of the effect of
153 the proposed transmission line, substation or switchyard on the

154 environment, ecology, and scenic, historic and recreational values; (F) a
155 justification for overhead portions, if any, including life-cycle cost
156 studies comparing overhead alternatives with underground
157 alternatives, and effects described in subparagraph (E) of this
158 subdivision of undergrounding; (G) a schedule of dates showing the
159 proposed program of right-of-way or property acquisition,
160 construction, completion and operation; (H) an identification of each
161 federal, state, regional, district and municipal agency with which
162 proposed route or site reviews have been undertaken, including a copy
163 of each written agency position on such route or site; and (I) an
164 assessment of the impact of any electromagnetic fields to be produced
165 by the proposed transmission line; [and]

166 (2) In the case of facilities described in subdivision (3) of subsection
167 (a) of section 16-50i: (A) A description of the proposed electric
168 generating or storage facility; (B) a statement and full explanation of
169 why the proposed facility is necessary; (C) a statement of loads and
170 resources, as described in section 16-50r; (D) safety and reliability
171 information, including planned provisions for emergency operations
172 and shutdowns; (E) estimated cost information, including plant costs,
173 fuel costs, plant service life and capacity factor, and total generating cost
174 per kilowatt-hour, both at the plant and related transmission, and
175 comparative costs of alternatives considered; (F) a schedule showing the
176 program for design, material acquisition, construction and testing, and
177 operating dates; (G) available site information, including maps and
178 description and present and proposed development, and geological,
179 scenic, ecological, seismic, biological, water supply, population and load
180 center data; (H) justification for adoption of the site selected, including
181 comparison with alternative sites; (I) design information, including a
182 description of facilities, plant efficiencies, electrical connections to the
183 system, and control systems; (J) a description of provisions, including
184 devices and operations, for mitigation of the effect of the operation of
185 the facility on air and water quality, for waste disposal, and for noise
186 abatement, and information on other environmental aspects; and (K) a
187 listing of federal, state, regional, district and municipal agencies from

188 which approvals either have been obtained or will be sought covering
189 the proposed facility, copies of approvals received and the planned
190 schedule for obtaining those approvals not yet received; and

191 (3) In addition to the requirements of subdivisions (1) and (2) of this
192 subsection, in the case of any facility described in subdivision (1) of
193 subsection (a) of section 16-50i, an analysis of: (A) The costs compared
194 to the benefits of the proposed facility for ratepayers of this state while
195 also comparing the proposed location and type of proposed facility to
196 any feasible alternative locations or types of facilities; (B) how the costs
197 of the proposed facility will be reimbursed to or distributed among
198 ratepayers of this state compared to how such costs will be reimbursed
199 or distributed by other states; and (C) the benefits to the ratepayers of
200 this state from the construction of the proposed facility compared to any
201 benefits to individuals in other states.

202 (b) Each application shall be accompanied by proof of service of a
203 copy of such application on: (1) Each municipality in which any portion
204 of such facility is to be located, both as primarily proposed and in the
205 alternative locations listed, and any adjoining municipality having a
206 boundary not more than two thousand five hundred feet from such
207 facility, which copy shall be served on the chief executive officer of each
208 such municipality and shall include notice of the date on or about which
209 the application is to be filed, and the zoning commissions, planning
210 commissions, planning and zoning commissions, conservation
211 commissions and inland wetlands agencies of each such municipality,
212 and the regional councils of governments which encompass each such
213 municipality; (2) the Attorney General; (3) each member of the
214 legislature in whose assembly or senate district the facility or any
215 alternative location listed in the application is to be located; (4) any
216 agency, department or instrumentality of the federal government that
217 has jurisdiction, whether concurrent with the state or otherwise, over
218 any matter that would be affected by such facility; (5) each state
219 department, agency and commission named in subsection [(g)] (i) of
220 section 16-50j, as amended by this act; and (6) such other state and
221 municipal bodies as the council may by regulation designate. A notice

222 of such application shall be given to the general public, in municipalities
223 entitled to receive notice under subdivision (1) of this subsection, by the
224 publication of a summary of such application and the date on or about
225 which it will be filed. Such notice shall be published under the
226 regulations to be promulgated by the council, in such form and in such
227 newspapers as will serve substantially to inform the public of such
228 application and to afford interested persons sufficient time to prepare
229 for and to be heard at the hearing prescribed in section 16-50m. Such
230 notice shall be published in not less than ten-point type. A notice of such
231 an application for a certificate for a facility described in subdivision (3),
232 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by
233 certified or registered mail, to each person appearing of record as an
234 owner of property which abuts the proposed primary or alternative sites
235 on which the facility would be located. Such notice shall be sent at the
236 same time that notice of such application is given to the general public.
237 Notice of an application for a certificate for a facility described in
238 subdivision (1) of subsection (a) of section 16-50i shall also be provided
239 to each electric distribution company customer in the municipality
240 where the facility is proposed to be placed. Such notice shall (A) be
241 provided on a separate enclosure with each customer's monthly bill for
242 one or more months, (B) be provided by the electric distribution
243 company not earlier than sixty days prior to filing the application with
244 the council, but not later than the date that the application is filed with
245 the council, and (C) include: A brief description of the project, including
246 its location relative to the affected municipality and adjacent streets; a
247 brief technical description of the project including its proposed length,
248 voltage, and type and range of heights of support structures or
249 underground configuration; the reason for the project; the address and
250 a toll-free telephone number of the applicant by which additional
251 information about the project can be obtained; and a statement in print
252 no smaller than twenty-four-point type size stating "NOTICE OF
253 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
254 TRANSMISSION LINE".

255 Sec. 3. Section 16-50l of the general statutes is amended by adding

256 subsection (g) as follows (*Effective October 1, 2024*):

257 (NEW) (g) Any applicant submitting an initial application under this
258 section for a facility described in subdivision (1) of subsection (a) of
259 section 16-50i where the applicant intends to submit one or more
260 additional applications under this section within the next five years for
261 additional facilities described in said subdivision that will either be
262 physically connected to the facility included in the initial application or
263 located within five miles of such facility shall indicate such intention in
264 the initial application, and provide any information regarding such
265 additional facilities required by the council.

266 Sec. 4. Subdivision (3) of subsection (a) of section 16-50p of the
267 general statutes is repealed and the following is substituted in lieu
268 thereof (*Effective October 1, 2024*):

269 (3) The council shall file, with its order, an opinion stating in full its
270 reasons for the decision. The council shall not grant a certificate, either
271 as proposed or as modified by the council, unless it shall find and
272 determine, using a clear and convincing standard of evidence:

273 (A) Except as provided in subsection (b) or (c) of this section, a public
274 need for the facility and the basis of the need;

275 (B) The nature of the probable environmental impact of the facility
276 alone and cumulatively with other existing facilities, including a
277 specification of every significant adverse effect, including, but not
278 limited to, (i) electromagnetic fields that, whether alone or cumulatively
279 with other effects, impact on, and conflict with the policies of the state
280 concerning the natural environment, (ii) ecological balance, (iii) public
281 health and safety, (iv) scenic, historic, aesthetic and recreational values,
282 (v) agriculture, (vi) forests and parks, (vii) air and water purity, [and]
283 (viii) fish, aquaculture and wildlife, and (ix) economic value;

284 (C) Why the adverse effects or conflicts referred to in subparagraph
285 (B) of this subdivision are not sufficient reason to deny the application;

286 (D) In the case of an electric transmission line, (i) what part, if any, of
287 the facility shall be located overhead, (ii) that the facility conforms to a
288 long-range plan for expansion of the electric power grid of the electric
289 systems serving the state and interconnected utility systems and will
290 serve the interests of electric system economy and reliability, (iii) that
291 the benefits of the facility outweigh the costs to ratepayers of the state
292 when compared to any reasonable alternative locations or types of
293 facilities; (iv) that the plan for the facility is the most cost-effective
294 method when compared to reasonable alternatives; (v) that the division
295 of the costs of the facility to be distributed among the ratepayers of the
296 state is reasonable when compared to the costs borne by ratepayers of
297 other states that will benefit from the facility; and [(iii)] (vi) that the
298 overhead portions, if any, of the facility are cost effective and the most
299 appropriate alternative based on a life-cycle cost analysis of the facility
300 and underground alternatives to such facility, are consistent with the
301 purposes of this chapter, with such regulations or standards as the
302 council may adopt pursuant to section 16-50t, including, but not limited
303 to, the council's best management practices for electric and magnetic
304 fields for electric transmission lines and with the Federal Power
305 Commission "Guidelines for the Protection of Natural Historic Scenic
306 and Recreational Values in the Design and Location of Rights-of-Way
307 and Transmission Facilities" or any successor guidelines and any other
308 applicable federal guidelines and are to be contained within an area that
309 provides a buffer zone that protects the public health and safety, as
310 determined by the council. In establishing such buffer zone, the council
311 shall consider, among other things, residential areas, private or public
312 schools, licensed child care centers, licensed youth camps or public
313 playgrounds adjacent to the proposed route of the overhead portions
314 and the level of the voltage of the overhead portions and any existing
315 overhead transmission lines on the proposed route. At a minimum, the
316 existing right-of-way shall serve as the buffer zone;

317 (E) In the case of an electric or fuel transmission line, that the location
318 of the line will not pose an undue hazard to persons or property along
319 the area traversed by the line;

320 (F) In the case of a facility described in subdivision (6) of subsection
321 (a) of section 16-50i that is (i) proposed to be installed on land under
322 agricultural restriction, as provided in section 22-26cc, that the facility
323 will not result in a material decrease of acreage and productivity of the
324 arable land, (ii) proposed to be installed on land near a building
325 containing a school, as defined in section 10-154a, or a commercial child
326 care center, as described in subdivision (1) of subsection (a) of section
327 19a-77, that the facility will not be less than two hundred fifty feet from
328 such school or commercial child care center unless the location is
329 acceptable to the chief elected official of the municipality or the council
330 finds that the facility will not have a substantial adverse effect on the
331 aesthetics or scenic quality of the neighborhood in which such school or
332 commercial child care center is located, or (iii) proposed to be installed
333 on land owned by a water company, as defined in section 25-32a, and
334 which involves a new ground-mounted telecommunications tower, that
335 such land owned by a water company is preferred over any alternative
336 telecommunications tower sites provided the council shall, pursuant to
337 clause (iii) of this subparagraph, consult with the Department of Public
338 Health to determine potential impacts to public drinking water supplies
339 in considering all the environmental impacts identified pursuant to
340 subparagraph (B) of this subdivision. The council shall not render any
341 decision pursuant to this subparagraph that is inconsistent with federal
342 law or regulations; and

343 (G) That, for a facility described in subdivision (5) or (6) of subsection
344 (a) of section 16-50i, the council has considered the manufacturer's
345 recommended safety standards for any equipment, machinery or
346 technology for the facility.

347 Sec. 5. Section 16-50p of the general statutes is amended by adding
348 subsection (k) as follows (*Effective October 1, 2024*):

349 (NEW) (k) In reviewing a certificate for a solar photovoltaic facility
350 that has a generating capacity greater than two megawatts of electricity
351 that is proposed to be located within a five-mile radius of any solar
352 photovoltaic facility that has a generating capacity greater than one

353 hundred megawatts, the council shall be bound by the approval,
354 disapproval or conditions concerning such facility that any chief
355 executive officer of any municipality in which such facility is located
356 submits to the council, provided the chief executive officer submits such
357 approval, disapproval or conditions not later than thirty days after such
358 chief executive officer is served a copy of the application for such
359 certificate pursuant to subsection (b) of section 16-50l, as amended by
360 this act. The provisions of this subsection shall not apply to any
361 certificate for a solar photovoltaic facility that is proposed as part of an
362 expansion of an existing facility pursuant to an existing certificate issued
363 by the council, whether such expansion is proposed on the site of the
364 existing facility or on land or parcels contiguous to the parcel or parcels
365 that comprise the site of the existing facility.

366 Sec. 6. Section 16-50s of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective October 1, 2024*):

368 The council [may] shall give appropriate consideration in all
369 proceedings to (1) the amounts expended by a utility for research on
370 generation and transmission of the form of energy furnished by it and
371 the environmental effect thereof, (2) the amounts expended by such
372 utility for promotion, including advertising, of the use of the form of
373 energy furnished by it and (3) the relationship between such
374 expenditures.

375 Sec. 7. Subsection (c) of section 16-50z of the general statutes is
376 repealed and the following is substituted in lieu thereof (*Effective October*
377 *1, 2024*):

378 (c) When a public service company intends to acquire residential real
379 property by condemnation, [and the owner of such property disputes
380 the company's need to acquire such property, the owner may bring the
381 issue of the purpose for which the property is being acquired to the
382 Siting Council not later than thirty days following the owner being
383 informed of the company's intention] the company shall notify the
384 owner of the property not less than sixty days prior to the intended date

385 of condemnation, by certified mail, with the envelope marked in not less
386 than twelve-point size bold type, as follows: "NOTICE REGARDING
387 POTENTIAL CONDEMNATION OF YOUR PROPERTY", and send a
388 second such notice by certified mail not less than thirty days prior to the
389 intended date of condemnation. The company shall include in its
390 [notification] notifications under this section to the owner of its intention
391 to acquire such property by condemnation, a statement that the owner
392 may bring the issue of the purpose for which the property is being
393 acquired to the Connecticut Siting Council. [The company shall send
394 such notification to the owner by certified mail.] If the owner of such
395 property disputes the company's need to acquire such property, the
396 owner may bring the issue of the purpose for which the property is
397 being acquired to the Connecticut Siting Council not later than thirty
398 days following the second notice to the owner under this section. Upon
399 written request by the owner, the council shall initiate a proceeding to
400 determine whether the proposed taking is necessary and consistent with
401 the provisions of section 16a-35k. The council shall (1) provide the
402 owner of the property and the public service company with notice of the
403 proceeding, (2) hold a hearing in accordance with the provisions of
404 chapter 54 as part of such a proceeding, and (3) render a decision upon
405 the record not later than ninety days following the council's receipt of
406 the written request for such a proceeding, provided the parties may
407 agree to a longer period, which decision shall state whether the
408 proposed taking is necessary and consistent with the provisions of
409 section 16a-35k and include appropriate findings. The public service
410 company shall pay the expenses incurred by the council in conducting
411 a proceeding pursuant to this subsection. If a public service company
412 and the owner of real property agree that the proposed taking is
413 necessary and consistent with the provisions of section 16a-35k but
414 cannot agree on fair compensation for the property, or if the public
415 service company or owner disagrees with the decision of the council
416 regarding whether the proposed taking is necessary and consistent with
417 the provisions of section 16a-35k, the public service company or the
418 owner may petition the Superior Court to determine the issue in
419 question. Such a petition shall be submitted to the superior court for the

420 judicial district in which the property is located.

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(a) and (b)
Sec. 3	October 1, 2024	16-50l(g)
Sec. 4	October 1, 2024	16-50p(a)(3)
Sec. 5	October 1, 2024	16-50p(k)
Sec. 6	October 1, 2024	16-50s
Sec. 7	October 1, 2024	16-50z(c)

Statement of Legislative Commissioners:

In Section 1(b), a reference to "October 1, 2024" was added and Section 1(b)(5) was reordered for clarity; in Section 1(e), "him" was changed to "the Governor" for consistency; and in Section 2(a)(3), repetitive references to "an analysis of" were deleted for consistency with standard drafting conventions.

GAE Joint Favorable Subst. -LCO