

Connecticut Siting Council
Application Guide for an
ELECTRIC GENERATING FACILITY

January 2009

This application guide is designed to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for the construction of an electric generating facility. Such facilities are defined in General Statutes § 16-50i (a) (3).

Potential applicants are urged to carefully review General Statutes § 16-50k to determine whether the proposed project falls within the petition for declaratory ruling process. When in doubt, consult legal counsel. Additionally, feel free to consult Council staff as appropriate.

Applicants should consult General Statutes §§ 16-50g through 16-50aa, and §16a-7c, and Sections 16-50j-1 through 16-50z-4 of the Regulations of Connecticut State Agencies to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process (General Statutes § 16-50l (e))

“...at least 60 days prior to the filing of any application with the Council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section [any adjoining municipality having a boundary not more than 2500 feet from such facility] concerning the proposed and alternative sites of the facility....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. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.”

“...the applicant shall submit to the Connecticut Energy Advisory Board (CEAB) the same information that it provides to a municipality... on the same day of the consultation with the municipality.”

Application to Municipal Agencies (General Statutes § 16-50x (d))

Municipal zoning and inland wetland agencies may regulate and restrict the location of an electric generating facility. Such action must be taken within 65 days of an application filed with the Council. Orders made by the municipal zoning and inland wetland agencies may be appealed within thirty days by any party or municipality required to be served with a copy of the application.

II. Quantity, Form, and Filing Requirements (Regs., Conn. State Agencies § 16-50j-12)

- A. Except as may be otherwise required, at the time applications are filed with the Council, there shall be furnished to the Council an original and 20 copies. All filings from the applicant, parties, or intervenors must consist of an original and 20 copies, labeled with the docket number, properly collated and paginated, and bound. An electronic version of all filings, as appropriate, shall be provided.
- B. Bulk filing should be provided of not less than four (4) copies of the applicable town zoning and Inland wetlands regulations (including a map showing the location of inland wetlands if relevant) and plan of development and any other publicly available material in support of the application. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.
- C. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 1/2 by 11 inches. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. In accordance with the State Solid Waste Management Plan, all filings should be submitted on recyclable paper, primarily regular weight white office paper. Applicants should avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
- D. Every original shall be signed by the applicant or by one or more attorneys in their individual names on behalf of the applicant. All applications shall be filed at the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits, but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless service has been waived.
- E. Any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the granting of the application shall be attached to the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulations may require. The applicant may request that administrative notice be

taken of and refer in the application to portions of Council decisions and other government documents. Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

- F. Applicants may present material in a sequence and format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VIII below.
- G. Potential applicants are urged to carefully review General Statutes §§ 16-50l(e), 16-50i and 16a-7c to determine whether the proposed project falls within the Connecticut Energy Advisory Board (CEAB) "request-for-proposal" process.

III. Application Filing Fees (Conn. Gen. Stat. §16-50l(a); Regs., Conn. State Agencies § 16-50v-1a)

Conn. Gen. Stat. §16-50l(a) limits the initial filing fee to not more than twenty-five thousand dollars. This section also mandates an additional municipal participation fee of twenty-five thousand dollars to be deposited in the account established in accordance with Conn. Gen. Stat. §16-50bb.

The filing fee for an application is determined by the following schedule:

Estimated Construction Cost	Fee
Up to \$5,000,000	0.05% or \$1,000.00, whichever is greater;
Above \$5,000,000	0.1% or \$25,000.00, whichever is less.

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee. Fees in excess of the Council's actual costs will be refunded to the applicant.

IV. Proof of Service (General Statutes § 16-50l (b))

Each application shall be accompanied by proof of service of such application on:

- A. The chief elected official, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2500 feet from the facility;
- B. The regional planning agency that encompasses the site municipality;
- C. The State Attorney General;

- D. Each member of the Legislature whose district is in or is within 2500 feet from the municipality where the facility is proposed;
- E. Any federal agency, department, commission or instrumentality which has jurisdiction over the proposed facility; and
- F. The state Departments of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, Agriculture and Transportation; the State Historic Preservation Officer; the Council on Environmental Quality; and the Office of Policy and Management.
- G. Any such other state and municipal bodies as the Council may by regulation designate.

V. Notice to Community Organizations

The applicant shall use reasonable efforts to provide notice of the application on the following:

- A. Affected community groups including land trusts, environmental groups, trail organizations, historic preservation groups, and river protection organizations within the watershed affected by the proposed facility that have been identified by the municipality where the facility is proposed to be located or that have registered with the Council to be provided notice; and
- B. Any affected water company that would provide water to, or be within the watershed affected by, the proposed facility.

VI. Public Notice (General Statutes § 16-50/(b))

Notice shall be made in accordance with all relevant sections of §16-50/(b). The Council's regulations should also be consulted when determining appropriate notice. Notice of the application shall be published at least twice prior to the filing of the application in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice must be published in not less than ten point type.

The Council also advises each applicant that at least ten business days prior to the public hearing such applicant should erect and maintain in a legible condition a sign not less than six feet by four feet upon the site at the entrance to the property from a public road where such facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).

Example:

PUBLIC NOTICE:

CL&P has filed an application with the Connecticut Siting Council (Council) for construction of an electric substation facility on this site. The Council will hold a public hearing on March 27, 2004 at the Newington Town Hall Auditorium at 3 and 7 p.m. A copy of the application can be reviewed at the town hall or at the Council offices in New Britain, CT. For more information, please contact the Council by telephone at 860-827-2935, electronically at www.ct.gov/csc, or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

VII. Notice to Abutting Landowners (General Statutes § 16-50(b))

Notice of the application shall be sent by certified or registered mail to all abutting landowners of the proposed primary and alternative sites of the facility. Notice shall be sent at the same time that notice of the application is given to the general public.

The application shall be accompanied by an affidavit of notice to all abutting landowners and an affidavit of publication each time notice of application is published.

VIII. Contents of Application (General Statutes § 16-50(a)(1)(B))

An application for a Certificate for the construction of an electric generating facility should include or be accompanied by the following:

- A. A brief description and the location of the proposed facility, including an artist's rendering and/or narrative describing its appearance.
- B. A statement of the purpose for which the application is being made.
- C. A statement describing the statutory authority for such application.
- D. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized.
- E. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service to the applicant.

- F. Statement and full explanation of why the proposed facility is necessary for the reliability of the electric power supply of the state or for a competitive market for electricity.
- G. Information on the extent to which the proposed facility has been identified in, and is consistent with life-cycle cost analysis required by General Statutes § 16-50r and other advance planning that has been carried out, including an explanation for any failure of the facility to conform with such information.
- H. Estimate of the overall reliability of the facility based on:
 - 1. Historic and expected availability of all facility components;
 - 2. Availability of off-site resources such as water and fuel supply with resource plans documenting supply and capacity;
 - 3. All mechanisms for contingency in the event of fuel curtailment, water curtailment, facility flame-out, and electrical component failure; and
 - 4. The historic and expected availability of all necessary electric and fuel transmission infrastructure.
- I. Description of the proposed facility, including:
 - 1. Technical Specifications:
 - a. Service life and capacity factor;
 - b. Fuel type and supply;
 - c. Combustion technology;
 - d. Control systems, including pollution control technology;
 - e. Water use and effluent discharge;
 - f. Air emissions;
 - g. Waste disposal;
 - h. Noise abatement;
 - i. Provisions for emergency operations and shutdowns;
 - j. Fire suppression technology;
 - k. Safety warning system;
 - l. Proximity to municipal fire stations;
 - m. Protective gear and control systems;
 - n. Traffic flow and potential evacuation routes;
 - o. Traffic safety and fuel spill risk assessment for access routes to the site;
 - p. Provisions for leak detection of fuel and chemicals from storage areas; and
 - q. Hazardous materials management and fuel spill prevention and control.
 - 2. A demonstration of how the proposed facility would comply with Prevention of Significant Deterioration and Non-Attainment New Source Review requirements, identification of potential maximum emissions from proposed and alternative fuel combustion, and a summary of air pollution control technologies.

3. Alternative technologies, including:
 - a. Efficiency comparisons; and
 - b. Environmental comparisons.
4. An emergency management/evacuation plan.
5. Safety and reliability information, including:
 - a. Provisions for emergency operations and shutdowns; and
 - b. Fire suppression technology.
6. A Federal Aviation Administration determination for obstruction or hazard to air navigation
7. Itemized estimated costs, including:
 - a. Plant and fuel;
 - b. Generating cost per kilowatt hour, both at the plant and related transmission line interconnection;
 - c. Comparative costs of alternatives considered; and
 - d. Life-cycle costs.
8. Information regarding the forecast of available fuel and backup fuel supply proposed for the facility, the State of Connecticut, New England, and the United States.
9. The location of existing and proposed pipelines or other infrastructure necessary to provide fuel and water to the proposed project including any upgrades necessary for the delivery of fuel and water to the facility during operation.
10. The source of fuel, water, and interconnections necessary for facility operation, the location of all infrastructure and pipelines with a map, the service area of the proposed infrastructure, other large users that may compete for the supply of fuel and water to the proposed facility, and under what circumstances fuel and water could be curtailed to the facility.
11. Details of alternative fuel supply including fuel compatibility, schedule and mechanism necessary for fuel switching, equipment requirements, and analysis of alternatives with a comparison of facility reliability with and without alternative fuel supplies.
12. A comparison, with a narrative and tabular reporting, of wet and dry cooling technologies, non-contact cooling, and use of gray water if applicable, including the estimated capital and operating costs, effects on air emissions, water use, water discharge, water recycling, effects on water resources and water diversions, noise, and spacial requirements of each technology under all operations scenarios.

13. An explanation of consistency with regional water supply and watershed protection plans and permit application or executed permit, if applicable, for the use of diverted water for cooling and other facility uses.
14. A storm water management plan with modeling to predict the quality and quantity of anticipated runoff and discharge.
15. The construction type of the transmission interconnection (overhead, underground, single circuit, double circuit) and the existing and expected transmission line loadings, substation interconnection plan, and the anticipated range of dispatch based on transmission grid constraints. Also, provide a final copy of, or a status report on, the independent system operator transmission grid interconnection study.
16. A statement and full explanation of why the proposed facility is needed and how the facility would conform to a long-range plan for the expansion of the electric power grid serving the state and interconnected utility systems that would serve the public need for adequate, reliable and economical service.
17. A justification for selection of the proposed site selected including a comparison with alternative sites which are environmentally, technically, and economically practicable. Include enough information for a complete comparison between the proposed site and any alternative site contemplated.
18. Justification that the location of the proposed facility would not pose an undue safety or health hazard to persons or property along the area traversed by the proposed facility including:
 - a. Measurements of existing electric and magnetic fields (EMF) at the boundaries of the facility site with extrapolated calculations of exposure levels during expected normal and peak line loading;
 - b. Calculations of expected EMF levels at the boundaries of the facility site that would occur during normal and peak operation of the facility; and
 - c. A statement describing consistency with the Council's "Best Management Practices for Electric and Magnetic Fields", as amended.
 - d. A description of the effect that the proposed facility would have on the environment, ecology, and scenic, historic, and recreational values at and around the proposed site, and along new or expanded utility corridors, including effects on:
 - i. Public health and safety;
 - ii. Local, state, and federal land use, conservation, and development plans;
 - iii. Existing and future development;
 - iv. Adjacent land use;
 - v. Ecological integrity;
 - vi. Noise with baseline testing and modeling consistent with State regulations;

- vii. Consistency with plans for development and protection of recreational areas and areas of natural history including areas of geologic, ecological, and archaeological interest;
 - viii. Visibility based on photographic simulation, artist renditions, and sight line profiles;
 - ix. Roads;
 - x. Wetlands and watercourses;
 - xi. Wildlife and vegetation, including rare and endangered species, critical habitats, and species of special concern, with documentation by the Department of Environmental Protection Natural Diversity Data Base;
 - xii. Public water supply watershed and aquifer areas, consistent with state and local conservation and development plans;
 - xiii. Archaeological and historic resources, with documentation by the State Historic Preservation Officer; and
 - xiv. Other environmental concerns identified by the applicant, the Council, or any public agency.
- J. A proposed site map(s) at a scale no smaller than 1 inch = 40 feet, a location map at a scale 1 inch = 2000 feet, and aerial photos of suitable scale showing the site, access, and abutting properties including proximity of the following:
- 1. Settled areas;
 - 2. Schools and daycare centers;
 - 3. Hospitals;
 - 4. Group homes;
 - 5. Forests and parks;
 - 6. Recreational areas;
 - 7. Seismic areas;
 - 8. Scenic areas;
 - 9. Historic areas;
 - 10. Areas of geologic, ecological, or archaeological interest;
 - 11. Areas regulated under the Inland Wetlands and Watercourses Act (to be delineated by a Connecticut Certified Soil Scientist on large scale 1 inch = 40 feet maps);
 - 12. Areas regulated under the Tidal Wetlands Act and Coastal Zone Management Act (to be delineated by a Connecticut Certified Soil Scientist on large scale 1 inch = 40 feet maps);
 - 13. Public water supply sources including wells, reservoirs, watersheds, and aquifers;
 - 14. Hunting or wildlife management areas; and
 - 15. Existing transmission lines within one mile of the site.
- K. A statement explaining mitigation measures for the proposed facility including:
- 1. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;

2. Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas, or to restore degraded areas;
 3. Establishment of vegetation proposed near residential, recreational, and scenic areas;
 4. Methods for preservation of vegetation for wildlife habitat and screening, and
 5. Methods to replace any lost functions or reduced value of wetland areas affected by the proposed facility.
- L. Identification of federal, state, regional, district, and municipal agencies from which approvals have been obtained or will be sought, copies of approvals received, and a schedule for obtaining approvals not yet received.
- M. Bulk-filing of municipal zoning, planning, planning and zoning, conservation, and inland wetland regulations and by-laws.
- N. Such information any department or agency of the state exercising environmental controls may, by regulation, require.
- O. Such information the applicant may consider relevant.

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

IX. Procedures

- A. The Council will review and may reject the application within 30 days if it fails to comply with specific data or exhibit requirements or if the applicant fails to promptly correct deficiencies. (Regs., Conn. State Agencies §§ 16-50l-4 through 16-50l-5)
- B. The Council and any party or intervenor to the proceeding may file exhibits and interrogatories requesting supplemental or explanatory materials. All filings will be subject to cross-examination and the Council's discretion for admission into the record. (General Statutes § 16-50o)
- C. A public hearing must be held in the site county, usually in the site municipality, with one session held after 6:30 p.m. for the convenience of the public. The Council's record must remain open for 30 days after the close of the hearing. (General Statutes § 16-50m)
- D. The Council must render a decision within 180 days of receipt of the application, extendible by 180 days upon consent of the applicant. (General Statutes § 16-50p)

X. Environmental Justice Public Participation Plan

For electric generation projects that qualify for expedited siting under C.G.S. §16-50k(a) or for electric generation projects that otherwise qualify for a declaratory ruling, the Council urges project proponents to comply with the spirit of the Environmental Justice Act despite its explicit reference to a “certificate under Chapter 277a.” The Council is working closely with the DEP on meeting the requirements of the Act and project proponents should consult with DEP’s Environmental Justice Program to verify compliance with all of the necessary terms and conditions.

Pursuant to Public Act 08-94 “An Act Concerning Environmental Justice Communities and the Storage of Asbestos Containing Material,” on or after January 1, 2009, applicants seeking to obtain any certificate under PUESA, a new or expanded permit or siting approval from the Siting Council or DEP involving an “**affecting facility**” (defined in part as an electric facility with a capacity of more than ten megawatts) that is proposed to be located in an “**environmental justice community**” (defined as a U.S. census block group for which 30% or more of the population consists of low income persons with income below 200% federal poverty level or a “distressed municipality” as defined under C.G.S. §32-9p) or the proposed expansion of an “affecting facility” located in such community shall:

A. File a “Meaningful Public Participation Plan” Section 1(a) and (b)

1. To ensure residents of an environmental justice community have appropriate opportunity to participate in decisions about a proposed facility or the expansion of an existing facility that may adversely affect such residents’ environment or health; the public’s participation may influence the regulatory agency’s decision; and the applicant for a new or expanded permit, certificate or siting approval seeks out and facilitates the participation of those potentially affected during the regulatory process.
2. To contain measures to facilitate meaningful public participation in the regulatory process and a certification that the applicant will undertake the measures contained in the plan.
 - a. identify a time and place where an informal public meeting will be held that is convenient for residents of the affected environmental justice community;
 - b. identify the methods by which the applicant will publicize the date, time and nature of the informal public meeting such as:
 - i. posting a reasonably visible sign on the proposed or existing facility property, printed in English;
 - ii. posting a reasonably visible sign printed in languages spoken by at least 20% of the population that live within ½ mile radius of the proposed or existing facility;
 - iii. notifying neighborhood and environmental groups in writing in a language appropriate for the target audience; and

- iv. notifying state and local elected officials, in writing.
 - c. **Notice:** the applicant shall publish the date, time and nature of the informal public meeting with a minimum ¼ page advertisement in a newspaper having general circulation in the area affected not less than 10 days prior to and no more than 30 days prior to the informal public meeting.
3. The Siting Council shall review and approve such plan prior to filing any application for a permit, certificate or approval. If the Siting Council approves the plan and an informal public hearing has been held, DEP may approve the plan and waive the requirement that an additional informal public meeting be held.
 4. **No action** shall be taken on an applicant's permit, certificate or approval earlier than 60 days after the informal public meeting.
- B. Consult with the chief elected official or officials of the town or towns in which the affecting facility is to be located or expanded to evaluate the need for a "community environmental benefit agreement."
1. A "community environmental benefit agreement" is a written agreement entered into by a municipality and an owner or developer of real property whereby the owner or developer agrees to develop real property that is to be used for any new or expanded affecting facility and to provide financial resources for the purpose of mitigation of impacts reasonably related to the facility such as impacts on the environment, parking, traffic and noise.
 2. **Mitigation Measures:** on-site or off-site funding for activities such as:
 - a. environmental education;
 - b. diesel pollution reduction;
 - c. construction of biking and walking trails;
 - d. staffing for parks;
 - e. urban forestry;
 - f. support for community gardens;
 - g. any other negotiated benefit to the environment.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.