



State of Connecticut

HOUSE OF REPRESENTATIVES

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Energy and Technology Committee
Public Hearing
March 18, 2009

CO-CHAIRMAN
REGULATION REVIEW COMMITTEE

MEMBER
JUDICIARY COMMITTEE
SELECT COMMITTEE ON HOUSING

Chairman Fonfara, Chairman Nardello, Ranking Member Witkos, Ranking Member Williams and Members of the Energy & Technology Committee:

I am here to testify in support of SB 461, in particular lines 206-208, which provide the Siting Council additional authority when considering petitions. I thank you very much, especially the co-chairs, for listening to our community's concerns about the Siting Council, their statutory authority, and the process surrounding the siting of proposed energy facilities in general.

By means of a brief background, my Town of Trumbull has received a "crash course" of sorts in fuel cell technology, power generating facilities and the process by which the Connecticut Siting Council considers petitions seeking the placement of fuel cell power plants. About 1 month ago, a few area residents received a certified letter from DFC ERG CT, LLC, a company preparing to file a petition for a declaratory ruling to the Siting Council for the construction and operation of a combined fuel cell/turbo-expander energy system in the middle of a residential area. The prospect of this type of hybrid fuel cell system has caused great concern throughout our community. Our opposition has grown, not based upon the typical "not in my backyard" mentality, but rather because of the profound safety concerns arising from what is unknown, untested technology—a natural gas-based, hybrid type of fuel cell.

The fuel cell we are dealing with will have a turbo-expander. A turbo-expander utilizes existing natural gas infrastructure to provide natural gas to the fuel cell. Owing to this hybrid fuel cell's ongoing reliance upon natural gas, it is obvious that not all fuel cells are the same. Accordingly, neither Connecticut State Law nor the Siting Council should treat them the same. Because a fuel cell does not require a certificate of need, the application process of any fuel cell petition is streamlined, greatly narrowing the scope of review for the Siting Council. I believe there is an open question as to whether or not fuel cell applications in general ought to be afforded this benefit, but when dealing with a natural gas-based, hybrid fuel cell, the process clearly should be more deliberate, and have more

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safeguards for the community. Currently, the only justification the Siting Council has for rejecting a petition is if there will be a "substantial adverse environmental effect." This should be amended and expanded to include the public safety considerations found in SB 461.

There are several additional changes that should be implemented regarding Siting Council policy. The Siting Council should be required to hold a public hearing on fuel cell applications, which now is only discretionary. Both Derek Phelps and Judge Caruso are very user-friendly in their capacities as Executive Director and Chairman of the Siting Council and both are committed to giving the public a voice, but this should still be a statutory requirement. Local zoning and land use boards deserve a role in this process, too. Even if that role is not a dispositive one, the Siting Council should be required to take into account any rulings or findings by local land use or other boards. Additionally, although in our case, DFC did send a letter to some neighboring residents, they were not required to do this, something clearly they should have been compelled to do.

Thank you for hearing our concerns today, and your willingness to work with us to modify the current Siting Council process to consider public safety, and to give local voices a greater say in the process.