



**Testimony of the Honorable Daniel F. Caruso
Chairman
Connecticut Siting Council**

**Submitted to the Committee on Public Safety and Security
in reference to proposed bill 5802
An Act Adopting Certain Safety Recommendations of the Thomas Commission**

February 15, 2011

Good morning Senator Hartley, Representative Dargan, ranking and other distinguished members of the Committee on Public Safety and Security. My name is Linda Roberts; I serve as the Executive Director of the Connecticut Siting Council. With me today is Melanie Bachman, Staff Attorney for the Council. We are appearing on behalf of Chairman Daniel Caruso who is presently conducting a public hearing with the Council's eight other members in Old Saybrook regarding the siting of a cell tower. As you may know these hearings begin at 2:00 p.m. and like yours often continue to well past 9:00 p.m.

Thank you for this opportunity to provide testimony in connection with Proposed Bill 5802 An Act Adopting Certain Safety Recommendations of the Thomas Commission. We share with you the hope that by such means we may avoid future calamities of the regrettable events of last year.

First, I would like to note that the Council has already incorporated the recommendations of both the Nevas and the Thomas Commissions as conditions to all gas fired power plant certificates, including Kleen Energy's facility in Middletown.

In this regard, a brief overview of the requirements under which we must operate is helpful. While the Council has the authority, on our own motion, to modify certificates at any time if we find "changed conditions" as defined under Section 4-181a (b) of the Administrative Procedures Act, nevertheless, due process requires that we hold a hearing on this issue to re-open the records and modify the final decisions which allowed the plants to be constructed in the first place.

To date, the Council has acted to re-open, on our own motion, the final decision of all previously approved gas fired generating plants. This included a total of 42 dockets and petitions. We held three public hearings at the Legislative Office Building in December and expect to render final decisions next month.

(over)

We thoroughly agree with the Governor's directive to ban the use of flammable gases to conduct gas blows and the requirement that at least one special inspector be assigned to assist the municipal fire marshal during construction and that local fire marshals receive training on the issues involved in the construction of gas fired power generating plants. We also agree that the cost of these initiatives should be born by the applicant.

As to our specific comments, pursuant to Conn. Gen. Stat. Section 16-50j (h), prior to commencing any hearing, the Council must consult with and solicit written comments from certain state agencies. Those agency comments are made part of the record in the proceeding.

As a matter of course, we currently notice the Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, the Department of Agriculture, the Department of Economic and Community Development and the Department of Transportation. In these matters, we deemed it prudent to also include the Department of Emergency Management and Homeland Security. We welcome the inclusion of the Department of Public Safety, Department of Consumer Protection, Department of Public Works and the Department of Labor.

Importantly, so that such requests are not viewed as routine or inquiries which might be ignored, we recommend that the designated state agencies be required to respond in writing within a set time period with specific recommendations, or to inform the Council that they need additional time to respond, or that they have no comments.

Furthermore, we support the creation of a coordinating council during construction. We strongly urge, however, including the requirement that the coordinating council report to us in writing on the satisfactory implementation of the approved development and management plan during construction of the facility. In the event that the coordinating council reports to us that the certificate holder is not in compliance with the approved development and management plan, we also urge you include language that allows us to exercise our enforcement authority under Conn. Gen. Stat. §16-50u as it relates to the certificate of that facility.

Attorney Bachman and I would be pleased to take your questions.