

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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July 10, 2012

The Honorable Andrew W. Roraback, Co-Chairperson
The Honorable Paul Davis, Co-Chairperson
Honorable Members of the Legislative Regulations Review Committee
Room 011, Capitol Building
Hartford, CT 06106

RE: **CONNECTICUT SITING COUNCIL REGULATIONS REVISIONS -**
Amendments to regulations relating to the Rules of Practice of the Council, Sections 16-50j-1 to 16-50z-4, inclusive, and Sections 22a-116-B-1 to 22a-116-B-11, inclusive, of the Regulations of Connecticut State Agencies.

Dear Senator Roraback, Representative Davis and Honorable Members of the Legislative Regulations Review Committee:

Pursuant to Section 4-170 of the Connecticut General Statutes, the Connecticut Siting Council (Council) hereby re-submits the above-referenced proposed regulations for the Legislative Regulation Review Committee's (Committee) consideration and approval regarding the Council's Rules of Practice. These regulations revisions were previously rejected without prejudice by the Committee at its May 22, 2012 meeting. The Council has made revisions to its original proposed regulations to address the items enumerated in the Legislative Commissioner's Office (LCO) Report dated April 27, 2012.

The proposed revisions address the **Substantive Concerns** contained in the LCO Report as follows:

- 1) In section 16-50j-2a(18), the definition of "person" has been revised to separately refer to the definition of "person" under Chapter 277a, the Public Utilities Environmental Standards Act (C.G.S. §16-50i) and to the definition of "person" under Chapter 445, Hazardous Waste (C.G.S. §22a-115);
- 2) In section 16-50j-15b(a), the reference to "Council discretion" to allow a person to make a limited appearance statement has been removed;
- 3) In section 16-50j-21(a)(1), the Council added "whichever is later" as recommended by the LCO report to clarify the deadline;
- 4) In section 16-50j-22a(d)(1), the Council substituted the term, "proprietary information" with the term, "trade secrets and commercial or financial information as described under Section 1-210(b) of the Connecticut General Statutes";
- 5) In section 16-50j-60, the Council revised the new language to clarify that any plan that the Council has not acted upon within 60 days shall be deemed approved;
- 6) In section 16-50j-62, the Council revised the new language to specify that the Council requires the certificate holder or facility owner or operator to inform the Council of the location and size of site testing and staging areas;

- 7) In section 16-50j-76(3)(E), the Council revised the phrase “watercourse bank restoration as defined in Chapter 440 of the Connecticut General Statutes to “watercourse bank restoration in accordance with the provisions of Chapter 440 of the Connecticut General Statutes”;
- 8) In section 16-50j-77(b)(4), the Council added “facility owner or operator”;
- 9) In section 16-50v-4, the Council revised the provision to cite to Section 16-50bb of the Connecticut General Statutes;
- 10) In section 16-50z-4(c), the Council added reference to subsection (c) of Section 16-50m of the Connecticut General Statutes, which states, in pertinent part, “The general notice to the public shall be published in not less than ten point, boldface type”; and
- 11) In section 22a-116-B-5, the Council corrected the statutory reference from “Section 22a-115 of the Connecticut General Statutes” to “Section 22a-117 of the Connecticut General Statutes.”

The proposed revisions address the **Technical Corrections** contained in the LCO Report as follows:

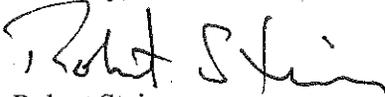
- 1) Throughout the proposed regulations, the Council verified that newly added language is underlined, deleted language is bracketed, and that the text of the regulation accurately reflects the text of the existing regulation;
- 2) Throughout the proposed regulations, the Council made revisions in capitalization of the terms “Council,” “D&M” and “certificate of environmental compatibility and public need”;
- 3) Throughout the proposed regulations, the Council revised the introductory language to refer to the existing regulation in whole rather than to the subsections of the existing regulation, removed the preface “(NEW)” and underlined the newly added subsections;
- 4) Throughout the proposed regulations, the Council made revisions in the capitalization of the term “Section”;
- 5) Throughout the proposed regulations, the Council relocated subsections to after the catch-line containing the section reference and revised the indentation to allow subsections to line up;
- 6) Throughout the proposed regulation, the Council bracketed existing words and placed the underlined word in the form desired after the closing brackets;
- 7) Throughout the proposed regulation, the Council revised placement of new text after the closing bracket; and
- 8) Throughout the proposed regulation, the Council bolded catch-lines of subsections.

For paragraphs 9 to 66, inclusive, of the **Technical Corrections** contained in the LCO Report, the Council made all of the recommended corrections as specified **with the addition of the following**:

- 32) The LCO Report recommends changing subsections (a) to (s) in section 16-50j-59 to subdivisions (1) to (19). The new section 16-50j-59, Information Required for Energy Facilities was drafted to parallel the form of existing section 16-50j-74, Information Required for Community Antenna Television and Telecommunications Towers, which contains subsections (a) to (s). The Council made the above-referenced change from subsections to subdivisions to both section 16-50j-59 and section 16-50j-74 for consistency and proper form.

If you have any questions, please feel free to contact Melanie Bachman, Staff Attorney at 860-827-2951. Thank you for your consideration.

Sincerely,



Robert Stein
Chairman

cc: Environment Committee
Energy and Technology Committee
Office of Fiscal Analysis
Service List (cover letter only)

Enclosures (1)