



General Assembly

Substitute Bill No. 73

January Session, 2023



**AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE
CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS.**

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 Section 16-50j of the general statutes is repealed and the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, 2023*):

3 (a) There is established a "Connecticut Siting Council", hereinafter
4 referred to as the "council", which shall be within the Department of
5 Energy and Environmental Protection for administrative purposes
6 only.

7 (b) Except for proceedings under chapter 445, this subsection and
8 subsection (c) of this section, the council shall consist of: (1) The
9 Commissioner of Energy and Environmental Protection, or his
10 designee; (2) the chairperson of the Public Utilities Regulatory
11 Authority, or the chairperson's designee; (3) one designee of the
12 speaker of the House and one designee of the president pro tempore of
13 the Senate; and (4) five members of the public, to be appointed by the
14 Governor, at least two of whom shall be experienced in the field of
15 ecology, and not more than one of whom shall have affiliation, past or
16 present, with any utility or governmental utility regulatory agency, or
17 with any person owning, operating, controlling, or presently
18 contracting with respect to a facility, a hazardous waste facility, as

19 defined in section 22a-115, or an ash residue disposal area.

20 (c) For proceedings under chapter 445, subsection (b) of this section
21 and this subsection, the council shall consist of (1) the Commissioners
22 of Public Health and Emergency Services and Public Protection or their
23 designated representatives; (2) the designees of the speaker of the
24 House of Representatives and the president pro tempore of the Senate
25 as provided in subsection (b) of this section; (3) the five members of the
26 public as provided in subsection (b) of this section; and (4) four ad hoc
27 members, three of whom shall be electors from the municipality in
28 which the proposed facility is to be located and one of whom shall be
29 an elector from a neighboring municipality likely to be most affected
30 by the proposed facility. The municipality most affected by the
31 proposed facility shall be determined by the permanent members of
32 the council. If any one of the five members of the public or of the
33 designees of the speaker of the House of Representatives or the
34 president pro tempore of the Senate resides (A) in the municipality in
35 which a hazardous waste facility is proposed to be located for a
36 proceeding concerning a hazardous waste facility or in which a low-
37 level radioactive waste facility is proposed to be located for a
38 proceeding concerning a low-level radioactive waste facility, or (B) in
39 the neighboring municipality likely to be most affected by the
40 proposed facility, the appointing authority shall appoint a substitute
41 member for the proceedings on such proposal. If any appointee is
42 unable to perform his duties on the council due to illness, or has a
43 substantial financial or employment interest which is in conflict with
44 the proper discharge of his duties under this chapter, the appointing
45 authority shall appoint a substitute member for proceedings on such
46 proposal. An appointee shall report any substantial financial or
47 employment interest which might conflict with the proper discharge of
48 his duties under this chapter to the appointing authority who shall
49 determine if such conflict exists. If any state agency is the applicant, an
50 appointee shall not be deemed to have a substantial employment
51 conflict of interest because of employment with the state unless such
52 appointee is directly employed by the state agency making the

53 application. Ad hoc members shall be appointed by the chief elected
54 official of the municipality they represent and shall continue their
55 membership until the council issues a letter of completion of the
56 development and management plan to the applicant.

57 (d) For any proceeding that occurs on or after the effective date of
58 this section, in addition to the membership provided for in subsection
59 (b) or (c) of this section, as applicable, the council shall consist of one
60 elector from the municipality in which such facility is proposed to be
61 located, as appointed by the chief elected official of such municipality.
62 In the event that such facility will be located in two or more
63 municipalities, one such elector shall be appointed by the applicable
64 regional council of governments for the affected municipalities. Each
65 such member shall serve as a nonvoting member for purposes of such
66 proceeding and shall abide by all applicable rules of confidentiality
67 concerning such proceeding.

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

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

79 [(f)] (g) The council shall, in addition to its other duties prescribed in
80 this chapter, adopt, amend, or rescind suitable regulations to carry out
81 the provisions of this chapter and the policies and practices of the
82 council in connection therewith, and appoint and prescribe the duties
83 of such staff as may be necessary to carry out the provisions of this
84 chapter. The chairman of the council, with the consent of five or more

85 other members of the council, may appoint an executive director, who
86 shall be the chief administrative officer of the Connecticut Siting
87 Council. The executive director shall be exempt from classified service.

88 [(g)] (h) Prior to commencing any hearing pursuant to section 16-
89 50m, the council shall consult with and solicit written comments from
90 (1) the Department of Energy and Environmental Protection, the
91 Department of Public Health, the Council on Environmental Quality,
92 the Department of Agriculture, the Public Utilities Regulatory
93 Authority, the Office of Policy and Management, the Department of
94 Economic and Community Development and the Department of
95 Transportation, and (2) in a hearing pursuant to section 16-50m, for a
96 facility described in subdivision (3) of subsection (a) of section 16-50i,
97 the Department of Emergency Services and Public Protection, the
98 Department of Administrative Services and the Labor Department.
99 Copies of such comments shall be made available to all parties prior to
100 the commencement of the hearing. Subsequent to the commencement
101 of the hearing, said departments and council may file additional
102 written comments with the council within such period of time as the
103 council designates. All such written comments shall be made part of
104 the record provided by section 16-50o. Said departments and council
105 shall not enter any contract or agreement with any party to the
106 proceedings or hearings described in this section or section 16-50p that
107 requires said departments or council to withhold or retract comments,
108 refrain from participating in or withdraw from said proceedings or
109 hearings.

110 Sec. 2. Subsection (b) of section 16-50l of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective*
112 *October 1, 2023*):

113 (b) Each application shall be accompanied by proof of service of a
114 copy of such application on: (1) Each municipality in which any
115 portion of such facility is to be located, both as primarily proposed and
116 in the alternative locations listed, and any adjoining municipality
117 having a boundary not more than two thousand five hundred feet

118 from such facility, which copy shall be served on the chief executive
119 officer of each such municipality and shall include notice of the date on
120 or about which the application is to be filed, and the zoning
121 commissions, planning commissions, planning and zoning
122 commissions, conservation commissions and inland wetlands agencies
123 of each such municipality, and the regional councils of governments
124 which encompass each such municipality; (2) the Attorney General; (3)
125 each member of the legislature in whose assembly or senate district the
126 facility or any alternative location listed in the application is to be
127 located; (4) any agency, department or instrumentality of the federal
128 government that has jurisdiction, whether concurrent with the state or
129 otherwise, over any matter that would be affected by such facility; (5)
130 each state department, agency and commission named in subsection
131 ~~[(g)]~~ (h) of section 16-50j, as amended by this act; and (6) such other
132 state and municipal bodies as the council may by regulation designate.
133 A notice of such application shall be given to the general public, in
134 municipalities entitled to receive notice under subdivision (1) of this
135 subsection, by the publication of a summary of such application and
136 the date on or about which it will be filed. Such notice shall be
137 published under the regulations to be promulgated by the council, in
138 such form and in such newspapers as will serve substantially to inform
139 the public of such application and to afford interested persons
140 sufficient time to prepare for and to be heard at the hearing prescribed
141 in section 16-50m. Such notice shall be published in not less than ten-
142 point type. A notice of such an application for a certificate for a facility
143 described in subdivision (3), (4), (5) or (6) of subsection (a) of section
144 16-50i shall also be sent, by certified or registered mail, to each person
145 appearing of record as an owner of property which abuts the proposed
146 primary or alternative sites on which the facility would be located.
147 Such notice shall be sent at the same time that notice of such
148 application is given to the general public. Notice of an application for a
149 certificate for a facility described in subdivision (1) of subsection (a) of
150 section 16-50i shall also be provided to each electric distribution
151 company customer in the municipality where the facility is proposed
152 to be placed. Such notice shall (A) be provided on a separate enclosure

153 with each customer's monthly bill for one or more months, (B) be
154 provided by the electric distribution company not earlier than sixty
155 days prior to filing the application with the council, but not later than
156 the date that the application is filed with the council, and (C) include:
157 A brief description of the project, including its location relative to the
158 affected municipality and adjacent streets; a brief technical description
159 of the project including its proposed length, voltage, and type and
160 range of heights of support structures or underground configuration;
161 the reason for the project; the address and a toll-free telephone number
162 of the applicant by which additional information about the project can
163 be obtained; and a statement in print no smaller than twenty-four-
164 point type size stating "NOTICE OF PROPOSED CONSTRUCTION OF
165 A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE".

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	16-50j
Sec. 2	<i>October 1, 2023</i>	16-50l(b)

Statement of Legislative Commissioners:

Section 2 was added as a conforming change in accordance with standard practice.

ENV *Joint Favorable Subst.*