

# An Introduction to Connecticut Energy Siting Considerations

Presented to:

***VT Energy Generation  
Siting Policy Commission***

Meeting #2 – Learning from Other States  
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# General Description & Context for Energy Generation Siting Process

- What is threshold for review (size/type of projects)
  - **Primary authority:** state with no opt-in options subject to generating capacity thresholds
  - **Issuance of a Certificate of Environmental Compatibility and Public Need or a Declaratory Ruling that no Certificate is needed**

## JURISDICTIONAL FACILITIES

- **Electric Transmission Lines:** any electric transmission line with a design capacity of 69 kV or more
- **Fuel Transmission Lines:** any fuel transmission line **except** a gas transmission line having a design capability of less than 200 pounds per square inch gauge pressure or a design capacity of less than 20% of its specified minimum yield strength

# General Description & Context for Energy Generation Siting Process

- **Electric Substations and Switchyards:** designed to change or regulate the voltage of electricity at 69 kV or more that may have a substantial adverse environmental effect as determined by the Council
- **Generating Facilities:** any electric generating facility using any fuel, but ***not including*** an emergency generating device or a facility (1) owned and operated by a private power producer; (2) which is a qualifying small power production facility or qualifying cogeneration facility under PURPA or a facility determined by the Council to be primarily for a producer's own use; **AND** (3) in the case of a facility using renewable energy sources, a generating capacity of 1 MW or less, and in the case of a facility utilizing cogeneration technology, a generating capacity of 25 MW or less

# General Description & Context for Energy Generation Siting Process

## Energy Independence Act of 2005 (CGS § 16-50k)

Notwithstanding the provisions of the Public Utility Environmental Standards Act, the Council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling:

- (a) Construction of a facility at a site where an electric generating facility operated prior to July 1, 2004;
- (b) Construction or location of **any fuel cell**, unless the Council finds a substantial adverse environmental effect **OR** of any customer-side distributed resources facility or grid-side distributed resources facility with a **capacity of not more than 65 MW**, as long as such facility meets air and water quality standards of the Dept. of Environmental Protection; and
- (c) Siting of any temporary generation solicited by the Public Utility Regulatory Authority

# General Description & Context for Electric Generation Siting Process

- Total Overall # Energy Generation Sites: **66**
- Total MW installed: **8,767**
- Total # Energy Generation projects/applications considered (average/year or most recent year):  
**average number of megawatts filed per year: 68**
- # of projects/applications approved and denied (average/year or most recent year)  
**average number of filings per year: 9**

# Siting Approval Practices #1a

- Authorizing agency/members
  - Public Utility Environmental Standards Act, CGS §16-50g, *et seq.*
  - The Connecticut Siting Council is a 9-member per diem administrative agency
  - 5 members appointed by the Governor, 1 by Senate, 1 by House
  - 2 designees from Environmental Protection and Public Utility Regulatory Authority
- Staffing of siting process
  - one siting analyst assigned per project with oversight by a Supervising Siting Analyst

# Siting Approval Practices #1b

- Coordination of state-level permit issuance with other agencies
  - CGS § 16-50j requires the Council to solicit comments from and consult with enumerated state agencies once a public hearing is scheduled on an application for a certificate for any jurisdictional facility
- Timeline for review/deadline or decision
  1. **Certificate Applications for Electric and Fuel Transmission Lines:**  
Not later than 12 months after Connecticut Energy Advisory Board RFP process for non-transmission alternatives to transmission line

# Siting Approval Practices #1c

**2. Certificate Applications for Electric Generating Facilities and Substations:** Not later than 180 days after filing application provided such time periods may be extended by not more than 180 days with the consent of the applicant

**3. Petitions for Declaratory Rulings for Customer-side or Grid-side distributed resource projects with a capacity of 65 MW or any fuel cell:** Not later than 180 days after filing petition provided a longer period may be agreed by the parties

# Siting Approval Practices #2a

- Substantive Criteria & Standards overview
  - The Council is charged with balancing the public need or public benefit for a facility with the need to protect the environment of the state in accordance with specific statutory and regulatory criteria
  - **Public Need:** exists if a facility is necessary for the reliability of the electric power supply of the state
  - **Public Benefit:** exists if a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity (electric generating facilities ONLY)
  - The Council examines the nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including specification of every significant adverse environmental effects, electromagnetic fields and conflict with the policies of the state

# Siting Approval Practices #2b

- Are there General Siting Guidelines?
  - Compliance with Environmental Protection Noise Control Regulations, Air Quality Standards and Water Quality Standards
  - Conformity with a long-range plan for expansion of the electric power grid serving the state and interconnected systems
  - Consistency with the Public Utility Environmental Standards Act and Best Management Practices
- Appeals process/authority
  - Any party or intervenor may file an administrative appeal within 45 days of Council decision in the Superior Court (UAPA)
  - The Attorney General represents the agency in administrative appeals

# Public Participation/Representation mechanism 1

- How do you capture public opinion/evidence as part of the deliberative process?
  - Party or intervenor status (evidentiary)
  - Public comments given orally at the public hearing
  - Public comments given in writing before, during or after the public hearing
- What support is provided? (financial, legal, other)
  - For transmission and generating facilities, applicants must submit a municipal participation fee of \$25,000 for distribution by the State Treasurer to participating municipalities to defray expenses, including, but not limited to, costs of participation (experts, etc.)

# Public Participation/Representation mechanism 2

- Role of Town or Regional Planning Commissions
  - Applicants are statutorily required to consult with host municipalities for a period of not less than 60 days before filing an application with the Council, including, but not limited to, providing technical reports and participating in information sessions
  - Applicants are statutorily required to provide notice to town boards and commissions, regional planning commissions and other potentially affected public and non-profit entities prior to filing the application with the Council, which includes publication in a newspaper of general circulation

# Alternative Dispute Mechanism

- Does it exist (formally or informally)? N/A
- Who is responsible?
- At what point in the process is it available?
- Who pays?
- If yes, how often utilized?
- Does it work? (pros & cons)

# Adequate protection of lands, environmental & cultural resources 1

- Which environmental permits are required?
  - The Department of Energy and Environmental Protection issues other required environmental permits for air emissions, water discharges, etc.
- Are they a pre-requisite or subsequent condition to granting of overall siting approval?
  - applicants consult with the DEEP prior to filing with the Council to discuss required permits
  - as a condition of certificate issuance, the Council requires copies of other environmental permits to be submitted to the Council when issued by sister agencies

# Adequate protection of lands, environmental & cultural resources 2

- How is cumulative impact of multiple projects measured?
  - by statute, the Council is required to find and determine the nature of the probable environmental impact of the facility alone and cumulatively **with other existing facilities**
- Do permits adequately address all environmental concerns? (pros & cons)
  - interagency and municipal collaboration and consultation pursuant to statute adequately addresses all environmental concerns

# Monitoring Compliance

- What is the system for monitoring compliance with permit conditions?
  - Certificates are issued with the condition that applicants file a Development and Management Plan (“D&M Plan”) with the Council for approval that represents the final site plans consistent with the Council’s decision on a proposed facility
  - Staff Siting Analysts monitor compliance during and after construction in accordance with the approved D&M Plan
  - Agency regulations require reports to be submitted at specific stages of construction, as well as a Final Report upon completion and operation

# Strengths and Weaknesses

- **Strengths:** statewide uniformity of siting standards in 169 towns
- **Weaknesses:** minimal enforcement authority statutorily tied to issuance of a certificate
- **If there were anything you would change, what would it be?** Expand enforcement authority
- **Based on experience, key recommendations for others:** Ensure due process protections for all active participants in any siting matter (abundant notice and opportunity to be heard)