



General Assembly

Substitute Bill No. 5318

January Session, 2019



**AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE
CONNECTICUT SITING COUNCIL FOR CERTAIN 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 Section 16-50j of the general statutes is repealed and the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, 2019*):

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

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

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

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

85 shall be the chief administrative officer of the Connecticut Siting
86 Council. The executive director shall be exempt from classified service.

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

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2019 | 16-50j |

ENV *Joint Favorable Subst.*