

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-78

AN ACT PROVIDING FOR LOCAL REPRESENTATION ON THE

Title: CONNECTICUT SITING COUNCIL.

Vote Date: 2/28/2025

Vote Action: Joint Favorable

PH Date: 2/19/2025

File No.:

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SPONSORS OF BILL:

Environment Committee

Co-Sponsors:

Sen. Steve G. Harding, 30th Dist.

Rep. Aundre Bumgardner, 41st Dist.

Rep. Joe Canino, 65th Dist.

Rep. Patrick E. Callagan, 108th Dist.

Sen. Jeff Gordon, 35th Dist.

Rep. Mark W. Anderson, 62nd Dist.

Sen. Tony Hwang, 28th Dist.

Rep. Geraldo C. Reyes, 75th Dist.

REASONS FOR BILL:

The Siting Council is responsible for positioning of public utilities to minimize impact to cultural, environmental, and economic conditions. The Council currently does not have a requirement to have members representing locals from the area in which the project is set to occur; some people think that by adding a member from the local area the Council will be able to incorporate local expertise into their decision making.

RESPONSE FROM ADMINISTRATION/AGENCY:

Governor Ned Lamont, State of Connecticut

The Governor Opposes SB 78. The concerns raised in the 2023 veto message remain with this year's iteration of this bill. As the veto message noted, the Siting Council is a critical statewide body that ensures consistent siting practices for statewide infrastructure. The Governor believes municipal participation in Siting Council proceedings is already extensive. With climate crisis already requiring an enhanced role for the Siting Council in energy projects, disturbing the consistency of the Siting Council's approach will inhibit Connecticut's response to climate change.

Melanie A. Bachman, Executive Director, Connecticut Siting Council

CSC Opposed SB 78 for the same practical and legal reasons CSC opposed its predecessors, which include, but are not limited to:

1. Applicants are required by law to consult with the municipality where a facility is proposed to be located prior to applying to CSC.
2. Municipalities have an absolute right to participate in CSC proceedings as a party, avail themselves of the \$40,000 municipal participation fee and appeal CSC decisions.
3. Former municipal representatives are voting members of CSC.
4. CSC members rescue from participation in proceedings held on a facility that is proposed to be in the municipality where they reside to avoid the appearance of bias, partiality, predetermination and/or impropriety.
5. Provision of compensation, insurance, etc. for a non-voting local representative member, as well as additional time and costs associated with meetings and hearings that would be passed onto municipal taxpayers and state ratepayers.
6. Legal ability for CSC to act on applications if a municipality does not appoint a non-voting local representative member or to render final decisions on applications if an appointed non-voting local representative member does not participate in the CSC proceedings.

NATURE AND SOURCES OF SUPPORT:

Betsy Gara, Executive Director, COST

COST Supports SB 78 which requires CSC to include a representative appointed by the chief-elected official in the municipality where a project is proposed. By adding a municipal representative on the CSC to provide input on local projects, SB 78 will ensure that the impact of siting facilities on small towns is more fully considered. The changes adopted in PA24-144 recognize that the CSC process may imposed significant burdens on communities and/or natural resources. CSC recognizes the importance of the CSC process in advancing the state's energy goals, they remain concerned that the CSC is approving several facilities in a handful of towns. COST recommends that SB 78 be amended to provide that the CSC be required to consider the number of facilities within a municipality, the size of the municipality, and limit the approval of any additional facilities.

Hannah Lemek, Advocacy Manager, CCM

CCM Supports SB 78. They firmly believe residents know their communities best and giving them a voting voice on the Siting Council will build trust and engagement in the decision-making process. Local officials, who are accountable to their constituents, must have a meaningful role in these important matters. By including municipal representatives as voting members, they can guarantee that community needs and concerns are prioritized, leading to a more informed and equitable outcome.

Alex Rodriguez and Jessica Roberts, Save the Sound

Save the Sound Supports SB 78 and they submitted some general comments on the bill. The CSC is tasked with providing environmental standards and regulating the location, design, construction, and operation of public utility facilities. However, many environmental justice advocates have raised concerns with the historic patterns of siting polluting facilities in distressed municipalities, as these facilities damage human health and the natural environment.

AZIZ Dhkan, Executive Director and Allison Pitcher, Policy Director, CT Roundtable On Climate & Jobs

The Connecticut Roundtable on Climate and Jobs Supports SB 78. They are a statewide nonprofit that builds alliances among diverse constituencies to combat climate change, create jobs and promote racial, economic and environmental justice. Non-voting local representation on the Connecticut Siting Council would give communities a small voice where they currently have none so that the voting members of the Council may better consider the perspective of the host municipality and its residents, some influence over projects impacting their communities.

Francis R. Pickering, Executive Director, Western Connecticut Council of Governments

WESTCOG Supports SB 78 with concerns. They have concerns regarding the provision that involve regional councils of governments only when a proposed facility is physically located in more than one municipality. They feel that this approach may not fully account for the broader environmental and infrastructural impacts that transcend municipal boundaries.

Rachel Briggs, Staff Attorney, Conservation Law Foundation

The Conservation Law Foundation Supports SB 78 but while municipal representation on the Council could help to inject a local perspective into the proceeding, it is important to note that municipalities do not always adequately represent the concerns of all stakeholders or neighborhoods within their jurisdiction. It is important that the Environmental Justice Communities are included in these important decisions.

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Judy Ganswindt

Date: March 10, 2025