

Connecticut Siting Council
Application Guide for an
ELECTRIC SUBSTATION FACILITY
April 2010

This application guide is designed to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for the construction of an electric substation facility. Such facilities are defined in the Connecticut General Statutes § 16-50i (a) (4).

Applicants should consult Connecticut General Statutes §§ 16-50g through 16-50aa, §16a-7c, and Sections 16-50j-1 through 16-50z-4 of the Regulations of Connecticut State Agencies to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process

A. Municipal Consultation (Conn. Gen. Stat. § 16-50l (e))

“...at least 60 days prior to the filing of any application with the Council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section [any adjoining municipality having a boundary not more than 2500 feet from such facility] concerning the proposed and alternative sites of the facility....Such consultation with the municipality shall include, but not be limited to, good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.”

“...the applicant shall submit to the Connecticut Energy Advisory Board (CEAB) the same information that it provides to a municipality ... on the same day of the consultation with the municipality.”

B. Application to Municipal Agencies (Conn. Gen. Stat. § 16-50x (d))

Municipal zoning and inland wetland agencies may regulate and restrict the location of an electric substation facility. Such action must be taken within 30 days of application filed with the Council. Orders made by the municipal zoning and inland wetland agencies may

be appealed within thirty days by any party or municipality required to be served with a copy of the application.

II. Form of Application (Regs. Conn. State Agencies §16-50l-2)

All applications shall include the following components:

- A. The purpose for which the application is being made;
- B. The statutory authority for such application;
- C. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- D. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service to the applicant;
- E. Such information as may be required under the applicable provisions of Section 16-50l of the Connecticut General Statutes;
- F. Such information as any department or agency of the state exercising environmental controls may, by regulation, require; and
- G. Such information as the applicant may consider relevant.

III. Filing Requirements (Regs. Conn. State Agencies §16-50j-12)

- A. Except as may be otherwise required, at the time applications are filed with the Council, there shall be furnished to the Council an original and 20 copies. All filings from the applicant, parties, or intervenors must consist of an original and 20 copies, labeled with the docket number, properly collated and paginated, and bound. An electronic version of all filings, as appropriate, should be provided.
- B. Bulk filing should be provided of not less than four (4) copies of the applicable town zoning and Inland wetlands regulations (including a map showing the location of inland wetlands if relevant) and plan of development and any other publicly available material in support of the application. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.
- C. Applications filed for the purpose of any proceeding before the Council shall be printed

or typewritten on paper cut or folded to letter size, 8 1/2 by 11 inches. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. In accordance with the State Solid Waste Management Plan, all filings should be submitted on recyclable paper, primarily regular weight white office paper. Applicants should avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

- D. Every original shall be signed by the applicant or by one or more attorneys in their individual names on behalf of the applicant. All applications shall be filed at the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits, but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless service has been waived.
- E. Any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the granting of the application shall be attached to the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulations may require. The applicant may request that administrative notice be taken of and refer in the application to portions of other Council docket records and generic hearings or statements prepared by the Council as a result of generic hearings. All documents, including but not limited to maps, shall include effective dates, revision dates, or dates of adoption. If no such dates are available the document shall include the date the document was obtained. Maps must include a key table(s) and a matching source list/table, appropriately organized.
- F. Applicants may present material in a sequence and format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VI below.
- G. Potential applicants are urged to carefully review Connecticut General Statutes §§ 16-50l(e), 16-50i and 16a-7c to determine whether the proposed project falls within the Connecticut Energy Advisory Board (CEAB) “request-for-proposal” process.

IV. Application Filing Fees (Conn. Gen. Stat. §16-50l(a); Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies § 16-50v-1a)

Conn. Gen. Stat. §16-50l(a) mandates a municipal participation fee of \$25,000 to be deposited in the account established in accordance with Conn. Gen. Stat. §16-50bb.

The filing fee for an application is determined by the following schedule:

<u>Estimated Construction Cost</u>		<u>Fee</u>
Up to	\$5,000,000	0.05% or \$1,250.00, whichever is greater;
Above	\$5,000,000	0.1% or \$25,250.00, whichever is less.

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee. Fees in excess of the Council's actual costs will be refunded to the applicant.

V. Municipal Participation Account (Conn. Gen. Stat. §16-50bb)

Conn. Gen. Stat. §16-50bb requires that each application be accompanied by a payment in the amount of \$25,000 to be deposited in a Municipal Participation Account within the General Fund to defray expenses incurred by each municipality entitled to receive a copy the application under Conn. Gen. Stat. § 16-50l that chooses to participate as a party to the certification proceeding. Any moneys remaining at the end of the proceeding shall be refunded to the applicant.

VI. Contents of Application (Conn. Gen. Stat. §16-50l(a)(1)(A))

An application for a Certificate for the construction of an electric substation or switchyard shall include the following:

- A. An executive summary. A description and the location of the proposed facility, including an artist's rendering and/or narrative describing its appearance.
- B. A description of the technical specifications, including but not limited to:
 - 1. Itemized estimated costs;
 - 2. Comparative costs of alternatives considered;
 - 3. Facility service life;
 - 4. Bus design and specifications;
 - 5. Overhead take-off design, appearance, and heights, if any;
 - 6. Length of interconnections to transmission and distribution;
 - 7. Initial and design voltages and capacities;
 - 8. Rights-of-way and access-way acquisition;
 - 9. Transmission connections and distribution feeders; and
 - 10. Service area.
- C. A statement and full explanation of why the proposed facility is needed and how the facility would conform to a long-range plan for the expansion of the electric power grid serving the state and interconnected utility systems that would serve the public need for adequate, reliable, and economic service, including:

1. A description and documentation of the existing system and its limitations;
 2. Justification for the proposed in-service date;
 3. The estimated length of time the existing system is judged to be adequate with and without the proposed facility;
 4. Identification of system alternatives with the advantages and disadvantages of each;
 5. If applicable, identification of the facility in the forecast of loads and resources pursuant to Connecticut General Statutes § 16-50r; and
 6. An impact assessment of any electromagnetic fields to be produced by the proposed transmission line, pursuant to Conn. Gen. Stat. §16-50l(a)(1)(A).
- D. A justification for overhead portions, if any, including life cycle cost studies comparing overhead alternatives with underground alternatives.
- E. A schedule of dates showing the proposed program of right of way or property acquisition, construction, completion and operation.
- F. A description of the named sites, including:
1. The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one mile radius of the site.
 2. A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their lands abutting the site and the proximity to the following:
 - a. Settled areas;
 - b. Schools and daycare centers;
 - c. Hospitals;
 - d. Group homes;
 - e. Forests and parks;
 - f. Recreational areas;
 - g. Seismic areas;
 - h. Scenic areas;
 - i. Historic areas;
 - j. Areas of geologic or archaeological interest;
 - k. Areas regulated under the Inland Wetlands and Watercourses Act;
 - l. Areas regulated under the Tidal Wetlands Act and Coastal Zone Management Act;
 - m. Public water supplies;
 - n. Hunting or wildlife management areas; and
 - o. Existing transmission lines within one mile of the site.

3. A site plan (scale not less than 1 inch = 40 feet) showing the proposed facility, set back radius, existing and proposed contour elevations, 100 year flood zones, waterways, wetlands, and all associated equipment and structures on the site.
 4. Where relevant, a terrain profile showing the proposed facility and access road with existing and proposed grades; and
 5. The most recent aerial photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads, and all abutting properties.
- G. A justification for selection of the proposed site including a comparison with alternative sites which are environmentally, technically, and economically practicable. Include enough information for a complete comparison between the proposed site and any alternative site contemplated.
- H. Safety and reliability information, including:
1. Provisions for emergency operations and shutdowns; and
 2. Fire suppression technology.
- I. A description of the effect that the proposed facility would have on the environment, ecology, and scenic, historic, and recreational values, including effects on:
1. Public health and safety;
 2. Local, state, and federal land use plans;
 3. Existing and future development;
 4. Roads;
 5. Wetlands;
 6. Wildlife and vegetation, including rare and endangered species, and species of special concern, with documentation by the Department of Environmental Protection Natural Diversity Data Base;
 7. Water supply areas;
 8. Archaeological and historic resources, with documentation by the State Historic Preservation Officer; and
 9. Other environmental concerns identified by the applicant, the Council, or any public agency, including but not limited to, where applicable:
 - Coastal Consistency Analysis (C.G.S. §22a-90)
 - Connecticut Heritage Areas (C.G.S. §16a-27)
 - Ridgeline Protection Zones (C.G.S. §8-1aa)
 - Aquifer Protection Zones (C.G.S. §22a-354b)
 - DOT Scenic Lands (C.G.S. §13a-85a)
 - State Parks and Forests (C.G.S. §23-5)
 - Agricultural Lands (C.G.S. §22-26aa)
 - Wild and Scenic Rivers (C.G.S. §25-199)

- Protected Rivers (C.G.S. §25-200)
 - Endangered, Threatened and Special Concern Species (C.G.S. §26-303)
- J. Sight line graphs to the named sites from visually impacted areas such as residential developments, recreational areas, and historic sites;
- K. A statement explaining mitigation measures for the proposed facility including:
1. Description of proposed site clearing for access road and compound including type of vegetation scheduled for removal and quantity of trees greater than six inches diameter at breast height and involvement with wetlands;
 2. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
 3. Special routing or design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
 4. Establishment of vegetation proposed near residential, recreational, and scenic areas; and
 5. Methods for preservation of vegetation for wildlife habitat and screening.
- L. Justification that the location of the proposed facility would not pose an undue safety or health hazard to persons or property at the site of the proposed facility including:
1. Measurements of existing electric and magnetic fields (EMF) at site boundaries, and at boundaries of adjacent schools, daycare facilities, playgrounds, and hospitals, with extrapolated calculations of exposure levels during expected normal and peak normal line loading;
 2. Calculations of expected EMF levels at the above-listed locations that would occur during normal and peak normal operation of the facility; and
 3. A statement describing consistency with the Council's "Best Management Practices for Electric and Magnetic Fields," as amended; and
 4. A description of siting security measures for the proposed facility, consistent with the Council's "White Paper on the Security of Siting Energy Facilities," as amended.
- M. A schedule of the proposed program for right-of-way or property acquisition, construction, rehabilitation, testing, and operation.
- N. A statement of estimated costs for site acquisition, construction, and equipment for a facility at the various proposed sites of the facility, including all candidates referred to in the application;
- O. Identification of each federal, state, regional, district, and municipal agency with which proposed route or site reviews have been undertaken or will be undertaken, including a copy of each written agency position on such route or site, and a schedule for obtaining approvals not yet received.

- P. Bulk filing of the most recent conservation, inland wetland, zoning, and plan of development documents of the municipality, including a description of the zoning classification of the site and surrounding areas, and a narrative summary of the consistency of the project with the Town's regulations and plans.

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. Maps must include a key table(s) and a matching source list/table, appropriately organized.

VII. Proof of Service (Conn. Gen. Stat. § 16-50I (b))

Each application shall be accompanied by proof of service of such application on:

- A. The chief elected official, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2500 feet from the facility;
- B. The regional planning agency that encompasses the site municipality;
- C. The State Attorney General;
- D. Each member of the Legislature whose district is in or is within 2500 feet from the municipality where the facility is proposed;
- E. Any federal agency, department, commission or instrumentality which has jurisdiction over the proposed facility; and
- F. The state Departments of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, Agriculture and Transportation; the Council on Environmental Quality; and the Office of Policy and Management.
- G. Any such other state and municipal bodies as the Council may by regulation designate, including but not limited to, the State Historic Preservation Officer of the Commission on Culture and Tourism and the Department of Emergency Management and Homeland Security.

VIII. Notice to Community Organizations

The applicant shall use reasonable efforts to provide notice of the application on the following:

- A. Affected community groups including Chambers of Commerce, land trusts, environmental groups, trail organizations, historic preservation groups, advocacy groups for the protection of Long Island Sound and river protection organizations within the watershed affected by the proposed facility that have been identified by the

- B. municipality where the facility is proposed to be located or that have registered with the Council to be provided notice; and
- C. Any affected water company that would provide water to, or be within the watershed affected by, the proposed facility.

IX. Public Notice (Conn. Gen. Stat. § 16-50l (b))

Notice shall be made in accordance with all relevant sections of Conn. Gen. Stat. §16-50l(b). The Council's regulations should also be consulted when determining appropriate notice. Notice of the application shall be published at least twice prior to the filing of the application in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice must be published in not less than ten point type.

The Council also advises each applicant that at least ten business days prior to the public hearing such applicant should erect and maintain in a legible condition a sign not less than six feet by four feet upon the site at the entrance to the property from a public road where such facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).

Example:

PUBLIC NOTICE:

CL&P has filed an application with the Connecticut Siting Council (Council) for construction of an electric substation facility on this site. The Council will hold a public hearing on March 27, 2010 at the Newington Town Hall Auditorium at 3 and 7 p.m. A copy of the application can be reviewed at the town hall or at the Council offices in New Britain, CT. For more information, please contact the Council by telephone at 860-827-2935, electronically at www.ct.gov/csc, or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

X. Notice to Abutting Landowners (Conn. Gen. Stat. § 16-50l (b))

Notice of the application shall be sent by certified or registered mail to each person appearing of record as an owner of property which abuts the primary or alternative sites on which the proposed facility would be located. Notice shall be sent at the same time that notice of the application is given to the general public.

The application shall be accompanied by an affidavit of notice to all abutting landowners and an affidavit of publication each time notice of application is published.

XI. Procedures

- A. The Council will review and may reject the application within 30 days if it fails to comply with specific data or exhibit requirements or if the applicant fails to promptly correct deficiencies. (Regs., Conn. State Agencies §§ 16-50l-4 through 16-50l-5)
- B. The Council and any party or intervenor to the proceeding may file exhibits and interrogatories requesting supplemental or explanatory materials. All filings will be subject to cross-examination and the Council's discretion for admission into the record. (Conn. Gen. Stat. § 16-50o)
- C. A public hearing must be held at a location selected by the Council in the county in which the facility is proposed, with one session held after 6:30 p.m. for the convenience of the public. If the proposed facility is to be located in more than one county, the Council shall fix the location for at least one public hearing session in whichever county it deems appropriate, provided that the Council may hold hearing sessions in more than one county. The Council's record must remain open for 30 days after the close of the hearing. (Conn. Gen. Stat. § 16-50n (f))
- D. The Council must render a decision within 180 days of receipt of an application, extendible by 180 days upon consent of applicant. (Conn. Gen. Stat. § 16-50p)

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.