



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### **Modification of Existing Energy Facilities**

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#### **I. Existing Energy Facilities**

The Regulations of Connecticut State Agencies — RCSA § 16-50j-57(b)— describe conditions under which modifications to an existing energy facility do not constitute a substantial adverse environmental effect and, therefore, do not need a Certificate of Environmental Compatibility and Public Need to be issued by the Siting Council. In such cases, a company must notify the Council of its intent to make exempt modifications in accordance with RCSA § 16-50j-58. A company must also send a copy of its notice to the chief elected official of the municipality in which the facility is located and the property owner of record, if the property owner of record is different from the owner or operator of the energy facility and associated equipment.

A notice of intent to make exempt modifications should consist of the following components:

- A narrative that: 1) describes the existing facility including location (with latitude and longitude coordinates), boundaries of the site, height of facility components, and size of the existing equipment compound; 2) describes the nature and extent of the proposed modifications including energy components to be installed, type of mounting, and ground equipment to be installed; and 3) describes how the proposed modifications comply with the conditions identified in RCSA § 16-50j-57(b).
- Engineering drawings that depict the existing facility and show the modifications to be made. Drawings should include plan and elevation views.
- An engineering analysis describing the existing facility's structural capability to accommodate the proposed modifications. This analysis should identify any structural changes and/or reinforcements that may be needed to accommodate the proposed modifications. The analysis must be stamped by a Professional Engineer.
- A calculation of the electric and magnetic field levels, based on the Council's Best Management Practices for Electric and Magnetic Fields, at the site boundary.
- A calculation of the noise levels at the site boundary.
- All documents, including but not limited to maps, shall be dated (ie: effective dates, revision dates, or dates of adoption). 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.

The applicant must submit an original and 2 copies of its notice of exempt modification with a \$625 filing fee (Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies § 16-50v-1a).

## **II. Replacement of Damaged Energy Components**

An energy component and associated equipment installed adjacent to a damaged or inoperable energy component and associated equipment in order to maintain continuity of service shall not constitute a facility requiring a Certificate provided that:

1. Such energy component and associated equipment shall be removed at the earliest practicable time but in no event later than one year after installation, unless otherwise approved by the Council or unless exempt under R.C.S.A. §16-50j-58(b), in which event the existing damaged or inoperable energy component and associated equipment shall be removed no later than one year after installation of the new energy component and associated equipment;
2. The owner or operator of such energy component and associated equipment shall give the property owner of record, if the property owner of record is different from the owner or operator of such component and associated equipment, and the chief elected official of the municipality in which the energy component and associated equipment is located, written notice of the installation or proposed installation of such energy component and associated equipment. The owner or operator of such energy component and associated equipment shall provide the Council with written proof of service of the written notice to the property owner of record, if the property owner of record is different from the owner or operator of such component and associated equipment, and the municipality in which the energy component and associated equipment is located. Notice to all parties shall include the following:
  - the location of such energy component and associated equipment,
  - the reason for the installation, and
  - the estimated time such energy component and associated equipment will remain in place.
3. The notice shall be given at the earliest practicable time but not later than 48 hours after the installation of such energy component and associated equipment; and
4. The owner or operator of such energy component and associated equipment shall restore the site to its original condition as nearly as practical, subject to such other conditions as ordered by the Council, or its designee.

## **III. Modification of Existing Energy Facilities Under Council Jurisdiction**

None of the following shall constitute a modification to an existing energy facility and associated equipment that may have a substantial adverse environmental effect:

1. Routine general maintenance and one-for-one replacement of facility components that is necessary for reliable operation;
2. Changes on an existing site that do not:
  - (A) extend the boundaries of the site beyond the existing fenced compound;
  - (B) increase the height of existing associated equipment;
  - (C) increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;
  - (D) manage electric and magnetic field levels at the site boundary in a manner

- that is inconsistent with the Council's Best Management Practices for Electric and Magnetic Fields at the site boundary;
- (E) cause a significant adverse change or alteration in the physical or environmental characteristics of the site; or
- (F) impair the structural integrity of the facility, as determined in a certification provided by a professional engineer licensed in Connecticut, where applicable.

#### **IV. Modification of Existing Energy Facilities Not Under Council Jurisdiction**

Placement of energy components and associated equipment, owned or operated by the state or a public service company, as defined in Section 16-1 of the Connecticut General Statutes, on any existing non-facility energy site, shall not constitute a substantial adverse environmental effect when the changes on the existing non-facility energy site:

- (1) Have received an acknowledgment by the Council that such placement of energy components and associated equipment would not cause a significant change or alteration to the physical and environmental characteristics of the site;
- (2) Do not extend the boundaries of the site by any dimension;
- (3) Do not increase the height of existing associated equipment;
- (4) Do not increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;
- (5) manage electric and magnetic field levels at the site boundary in a manner that is consistent with the Council's Best Management Practices for Electric and Magnetic Fields at the site boundary; and
- (6) Have received all municipal zoning approvals and building permits, where applicable.

#### **V. Temporary Use of Energy Components and Associated Equipment**

The temporary use of energy components and associated equipment shall not constitute a facility provided that:

- 1. The temporary use is necessary to provide emergency or essential energy service to areas of local disaster or events of statewide significance.
- 2. Any provider of temporary energy service for an event of statewide significance shall provide the Council for its approval 30-day advance written notice of the development of such temporary service. The provider shall also provide the property owner of record, if the property owner of record is different from the provider, and the chief elected official of the affected municipality in which the temporary energy components and associated equipment are to be located 30-day advance written notice prior to the installation. Such notice shall state:
  - (A) the location of the temporary energy components and associated equipment;
  - (B) a letter from the property owner of record, if the property owner of record is different from the provider, authorizing use of the property for the temporary service;
  - (C) the height of the temporary energy components and associated equipment;
  - (D) the electric and magnetic field levels at the site boundary of the temporary energy components and associated equipment will be managed in a manner that is consistent with the Council's Best Management Practices for Electric and Magnetic Fields;
  - (E) the noise levels of the temporary energy components and associated equipment measured at the site boundary;

(F) the estimated time the temporary energy components and associated equipment shall be on site and the hours of operation for the temporary energy components and associated equipment; and

(G) the specific reasons for the installation, including, but not limited to, the nature of the event.

3. Any provider of temporary energy service at an area of a local disaster shall provide to the chief elected official of the affected municipality and the Council written notice not later than 48 hours of the deployment stating:
  - (A) The location of the temporary energy components and associated equipment;
  - (B) a letter from the property owner of record, if the property owner of record is different from the provider, authorizing use of the property for the temporary service;
  - (C) the height of the temporary energy components and associated equipment;
  - (D) the electric and magnetic field levels at the site boundary of the temporary energy components and associated equipment will be managed in a manner that is consistent with the Council's Best Management Practices for Electric and Magnetic Fields;
  - (E) the noise levels of the temporary energy components and associated equipment measured at the site boundary;
  - (F) the estimated time the temporary energy components and associated equipment shall be on site, the hours of operation of the temporary energy components and associated equipment, and conditions that would render the use of the temporary energy components and associated equipment no longer necessary; and
  - (G) the nature of the emergency.
4. In no event shall temporary use of energy components and associated equipment exceed 30 days unless the property owner of record, if the property owner of record is different from the provider, and the Council grant approval for an extension.

## **VI. Notice of Intent to Install an Exempt Energy Component and Associated Equipment**

The owner or operator of any energy facility and associated equipment claiming such energy facility and associated equipment is exempt pursuant to Section 16-50j-57 of the Regulations of Connecticut State Agencies shall give the Council, the chief elected official of the municipality of the site and the property owner of record, if the property owner of record is different from the owner or operator of the energy component and associated equipment notice in writing prior to construction of its intent to install such energy component and associated equipment, detailing its reasons for claiming exemption. (Regs., Conn. State Agencies § 16-50j-58)

This overview is designed to answer general questions and provide basic information. Reference should be made to the appropriate statutes and regulations for specific regulatory language. Asserting a person's rights and privileges is his or her responsibility. Although it is not obligatory, it is a person's prerogative to obtain legal counsel.