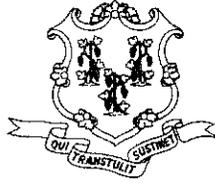


The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: August 28, 2012

Regulation No:	2012-12A
Agency:	Connecticut Siting Council
Subject Matter:	Rules of Practice of the Council
Statutory Authority: (copy attached)	16-50j(g), 16-50t, 16-50kk, 22a-116

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

1. This is a resubmittal of regulations that were rejected without prejudice at the committee's meeting on May 22, 2012. The resubmittal addresses the substantive concerns and technical corrections noted in the May 22, 2012 report, except as noted below. Additional technical corrections are noted below.

2. This resubmittal of the regulations lacks an effective date on its certification page. The rejected regulation contained an effective date of when filed with the Secretary of the State.

Substantive Concerns:

Technical Corrections:

1. Throughout the proposed regulation the text following the catchline should be moved under the catchline to accurately reflect the text of the existing regulation. For example, on page 6 in section 16-50j-5, "Computation of any period..." should be moved under "**Sec. 16-50j-5. Computation of Time**". Similarly, on page 11 in section 16-50j-21, "(a) **Persons notified.**" should be moved under "**Sec. 16-50j-21. Notice of Hearings**".
2. On pages 1 and 2, in section 16-50j-1(a), the subdivision designators should be underlined for proper form.
3. On page 2, in section 16-50j-1a, "These rules" should be replaced with the appropriate cite to the sections of the regulations that are being referred to for clarity, such as "Sections 16-50j-1 to 16-50j-133, inclusive of the Regulations of Connecticut State Agencies". The same change should be made in section 16-50j-2a, in the introductory language.
4. On page 5, in section 16-50j-2a (20), in the second to last line, "Management" should be inserted before "Compact" for accuracy.
5. On page 9, in section 16-50j-15b(a), "within" should be "not later than" for clarity.
6. On page 12, in section 16-50j-22a(b), in the second line, "therefore" should be "therefor" for proper spelling.
7. On page 13, in section 16-50j-22a(c), in the second to last line, "witness that shall" should be "witness who shall" for proper grammar.
8. On page 16, in section 16-50j-39(b)(5), ", chapter 54 of the Connecticut General Statutes," should be inserted after "Uniform Administrative Procedure Act" and ", chapter 277a of the Connecticut General Statutes," should be inserted after "Public Utility Environmental Standards Act" for clarity.
9. On page 16, in section 16-50j-40(a), in the fourth line "other than the petitioner" should be inserted after "person" and ", if the property owner of record is different from the petitioner," should be deleted for clarity.
10. On page 18, in section 16-50j-44(b) and (d), "council" should be "Council" for consistency. Similarly, the same change should be made on pages 19 and 20 in section 16-50j-57(a)(1)(A), (a)(1)(D) and (c)(1).
11. On page 19, in section 16-50j-56, the two references to "16-50j-57" should be "16-50j-57" for proper form.
12. On page 21, in section 16-50j-57(d)(3), "within" should be "not later than" for clarity.

13. On page 23, in section 16-50j-59(17)(A), "1 in= 2000 ft" should be "1 inch= 2000 feet" for consistency.
14. On page 24, in section 16-50j-61(b)(1), "owner(s)" should be "owners" for proper form.
15. On page 26, in section 16-50j-62(c), "not later than" should be inserted before "180 days" for clarity. The same change should be made on page 36 in section 16-50j-77(c).
16. On page 27, in section 16-50j-71, "section 16-50j-72 [b] and Section 16-50j-88" should be "Sections 16-50j-72 [b] and 16-50j-88" for proper form and consistency.
17. On page 28, in section 16-50j-72, "(1)" should be inserted before "**Exemptions**" and Subdivision (1) should be "(2)" for proper form.
18. On page 32, in section 16-50j-75, the text beginning with "adequate and reliable..." should be moved up to after "need for" for proper form.
19. On page 35, in section 16-50j-76(b)(7)(F), "[such as]" should be deleted for proper form.
20. On page 35, in section 16-50j-76(c)(3), "Section 16-50j-76(b)(7)" should be "subsection (b)(7) of this section" for proper form.
21. On page 41, in section 16-50v-4, "subsection (a) of" should be inserted before "Section 16-50i" for accuracy.
22. On page 42, in section 16-50z-3, "chapter 54 of the Connecticut General Statutes" should be inserted after "Act" for clarity.
23. On page 43, in section 16-50z-4(c), "general" should be inserted before "notice" and "subsection (c) of" inserted before "Section" for clarity. The submission letter stated that the latter change was made, but the change was not contained within the resubmitted regulation.
24. On page 44, in section 22a-116-B-3, in the second line, "must" should be "[must] shall" in accordance with the committee's directive regarding mandates.
25. On page 49, in section 22a-116-B-9(c), "within [45] 60" should be "[within 45] not later than 60" for clarity. The same change should be made on page 50 in subsections (e)(2)(C), (e)(3)(A) and (e)(3)(B) of said section.
26. On page 51, in section 22a-116-B-10, "Connecticut" should be inserted after "Chapter 445 of the" for proper form.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections
<input checked="" type="checkbox"/>	with deletions
<input type="checkbox"/>	with substitute pages
<input type="checkbox"/>	Disapproval in whole or in part
<input type="checkbox"/>	Rejection without prejudice

Reviewed by: Shannon McCarthy / Richard Hanratty

Date: August 14, 2012

Section 16-50j(g) From 2012 Supplement

(g) The council shall, in addition to its other duties prescribed in this chapter, adopt, amend, or rescind suitable regulations to carry out the provisions of this chapter and the policies and practices of the council in connection therewith, and appoint and prescribe the duties of such staff as may be necessary to carry out the provisions of this chapter. The chairman of the council, with the consent of five or more other members of the council, may appoint an executive director, who shall be the chief administrative officer of the Connecticut Siting Council. The executive director shall be exempt from classified service.

From 2012 Supplement

Sec. 16-50kk. Regulations re wind-powered generation. (a) On or before July 1, 2012, the Connecticut Siting Council, in consultation with the Department of Energy and Environmental Protection, shall adopt regulations, in accordance with the provisions of chapter 54, concerning the siting of wind turbines. Such regulations shall include, but not be limited to, (1) a consideration of (A) setbacks, including considerations of tower height and distance from neighboring properties; (B) flicker; (C) a requirement for the developer to decommission the facility at the end of its useful life; (D) different requirements for projects of different sizes; (E) ice throw; (F) blade shear; (G) noise; and (H) impact on natural resources; and (2) a requirement for a public hearing for wind turbine projects.

(b) The Connecticut Siting Council shall not act on any application or petition for siting of a wind turbine until after the adoption of regulations pursuant to subsection (a) of this section.

Sec. 16-50t. Regulations and standards. Hearing. Certain expenditures excluded in computation of fair net return. (a) The council shall prescribe and establish such reasonable regulations and standards in accordance with the provisions of chapter 54 as it deems necessary and in the public interest with respect to application fees, siting of facilities and environmental standards applicable to facilities, including, but not limited to, regulations or standards relating to: (1) Reliability, effluents, thermal effects, air and water emissions, protection of fish and wildlife and other environmental factors; (2) the methodical upgrading or elimination of facilities over appropriate periods of time to meet the standards established pursuant to this subsection or other applicable laws, standards or regulations; and (3) the elimination of overhead electric transmission and distribution lines over appropriate periods of time in accordance with existing applicable technology and the need to provide electric service at the lowest reasonable cost to consumers.

Sec. 22a-116. Regulations. (a) Except as specified in this chapter the regulations and procedures of the Connecticut Siting Council shall be the same as those for proceedings under sections 16-50g to 16-50z, inclusive, and in the rules of practice adopted under such sections.

(b) The commissioner shall adopt, in accordance with the provisions of chapter 54, regulations for licenses, permits and approvals within his jurisdiction which must be applied for to comply with subsection (c) of section 22a-118.

(c) The permanent members of the council shall adopt, in accordance with the provisions of chapter 54, regulations for the siting of and the development and management of hazardous waste facilities. Such regulations shall establish reasonable application fees to meet administrative costs. The permanent members of the council shall also by regulation establish procedures for an assessment to finance any additional anticipated expenses of reviewing, hearing, and issuing a decision on an application for a hazardous waste facility, including expenses for staff, consultants and studies which such council deems necessary provided that no study shall duplicate a previous study required of the applicant.

(d) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 for the construction, operation, closure and postclosure of hazardous waste facilities.