



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Connecticut Siting Council

Application Guide for a

HAZARDOUS WASTE FACILITY

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This application guide is designed to assist applicants in filing for a Certificate of Public Safety and Necessity (Certificate) from the Connecticut Siting Council (Council) for the construction of a hazardous waste facility. Such facilities are defined under Connecticut General Statutes §22a-115.

Applicants are urged to carefully review Connecticut General Statutes §22a-20a to determine whether the proposed project is defined as an “affecting facility” that is located within an “Environmental Justice Community.”

Applicants should consult General Statutes §§ 22a-114 through 22a-134, §§16-50j through 16-50z, and the Regulations of Connecticut State Agencies §§ 22a-116-B-1 through 22a-116-B-11, §22a-122-1 and §§16-50j-1 through 16-50z-4 to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Application to Department of Energy and Environmental Protection (General Statutes § 22a-118(c))

Prior to filing an application with the Council, an applicant must have applied to the Commissioner of the Department of Energy and Environmental Protection for all licenses, permits, or approvals which are within his jurisdiction and the Commissioner shall immediately notify the chief elected official of the town where the facility is proposed to be located of receipt of the application for all licenses, permits or approvals. The Commissioner must publish in the Connecticut Law Journal a notice of intent to issue such licenses, permits, or approvals.

II. Application to Municipal Agencies (General Statutes §22a-124(b))

A proposed hazardous waste facility may be regulated and restricted by any town, city or borough. At the same time an application is filed with the Council, the applicant shall apply to the city, town, borough, and municipal agencies for permits required pursuant to Chapters 124, 126 and General Statutes §§22a-42, 22a-42a and 22a-118(e). Such action must be taken within 130 days of an application filed with the Council and shall be in writing. Orders made by municipal agencies may be appealed within 30 days by any party affected thereby.

III. Form of Application (R.C.S.A. § 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 upon the applicant;
- e. Such information as may be required under the applicable provisions of Section 22a-118 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.

IV. Filing Requirements (R.C.S.A. §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, shall 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), 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 application 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, 10 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 is 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 Council decisions and other government documents. 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.
- 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. An electronic version of all filings, as appropriate, should be provided.

V. **Application Filing Fees and Local Project Review Grant (R.C.S.A. § 22a-116-B-5; General Statutes §22a-127)**

- A. The application fee for a certificate of public safety and necessity for a new hazardous waste facility shall be 1% of estimated construction cost including land, but not less than \$5,250 and not more than \$100,250. All application fees shall be paid to the Council at the time an application for a certificate is filed with the Council. In the event a hearing shall be held for any such application, assessments of applicants shall be made for expenses of the proceeding, and shall be in addition to the application fee. Fees and assessments in excess of the Council's actual costs will be refunded to the applicant.
- B. In addition to the application fee, an applicant shall deposit with the Council, at the time the application is filed, for the local project review grant, an amount calculated as 1% of the total project costs, but not less than \$1,250 and not exceeding \$50,000.

VI. Contents of Application (General Statutes §22a-118)

An application for a Certificate for the construction of a hazardous waste facility shall include the following:

- A. A description, including estimated cost, of the proposed facility; and a description of the types of waste to be handled (EPA waste codes, if applicable, weight or volume and information regarding the safe storage, handling, treatment, recovery or disposal of wastes) and disposal technology to be used and, if a land disposal is proposed, an explanation of why no other disposal method is reasonably available;
- B. Reasons for choosing the site and the proposed type of hazardous waste facility selected and a comparison of alternative sites and technologies;
- C. A schedule of dates setting forth the proposed program of acquisition, construction, completion and operation;
- D. Environmental site information obtained from the Department of Energy and Environmental Protection review required by Connecticut General Statute §22a-118 including:
 - 1. Maps with narrative description of air quality and movement, ground and surface water conditions, levels, movement and fluctuations, vegetation and wildlife populations and habitat, seismic characteristics and hydrogeologic evaluation of the site, setting forth data and analysis as the council shall require, including but not limited to, a map showing the proximity of the proposed site to facilities or properties owned or operated by a water company as defined in section 25-32a, a map showing the land classification of the proposed site under the classification established by section 25-37c, and a report of the impact of the proposed facility on present and future public water supplies and private wells; and
 - 2. Design, capacity, operation and management information including facility efficiencies of tanks and any other containers; surface impoundments, waste piles,

land treatment facilities, landfills, incinerators, thermal, physical, chemical, and biological treatment units, and injection wells.

- E. Human population density information for the area of the proposed facility to include, at a minimum, the municipality in which the facility is proposed to be located, all municipalities which share a common border with the municipality where the facility is proposed to be located, and all municipalities which occupy any area within a ten mile radius of the site;
- F. Traffic information including road and transportation access data and maps, traffic patterns, estimated number and type of vehicles using the facility and access road resurfacing and load bearing capacity;
- G. Information on present and future development of the town where the facility is proposed to be located and for the surrounding towns, including, but not limited to:
 - 1. Land uses and zoning within one mile of the site property boundaries;
 - 2. A map showing the proximity of the proposed site to electric generating facilities, electric transmission and distribution lines, pipelines and airports;
 - 3. A map showing the names, addresses and parcel boundaries of property owners abutting the proposed site; and
 - 4. Identification of all existing and planned schools, hospitals, nursing homes, commercial child day care centers and occupied residences within 2000 feet of all active components of the proposed facility.
- H. A detailed description of provisions, including equipment and operation, for planning for prevention of hazards, monitoring of ground water quality, mitigation of the effect of the operation of the facility on public safety and the environment, and contingency plans and emergency procedures for dealing with facility malfunctions;
- I. A listing of federal, state, regional and municipal agencies from which approvals have been received and the planned schedule of obtaining those approvals not yet received;
- J. Incentives offered and benefits accruing to the municipality in which the proposed facility is to be located;
- K. An assessment of the need for the facility and the amount and types of the state's annual hazardous waste generation which the applicant proposes to dispose of, treat, transfer, store or recover at the facility;
- L. The energy and resource recovery benefits, if any, which will be derived from the facility;
- M. The plan for facility closure and post-closure care and liability;

- N. A detailed statement of the applicant's financial capabilities as well as a statement of the applicant's qualifications and previous experience with hazardous waste disposal, including a listing of all hazardous waste disposal projects or methods with which the applicant has had any connection or affiliation, either as owner, contractor, supplier, or consultant; and
- O. A list of all criminal and civil charges and enforcement actions, or other proceedings related to hazardous or solid waste or disposal of such waste in which the applicant or any corporate parent, subsidiary or affiliate has been involved;
- P. Additional Environmental Site Information, including, but not limited to:
 - 1. A topographic map covering an area of at least 2000 feet around the facility at a scale of one inch (1") to not more than two hundred feet (200'), showing, unless shown adequately elsewhere:
 - a) contours sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility;
 - b) 100-year flood plain;
 - c) surface waters, including intermittent streams;
 - d) surrounding land uses;
 - e) legal boundaries of the facility site and contiguous property owned or controlled by the facility owner;
 - f) access control (fences, gates);
 - g) injection and withdrawal wells both onsite and offsite;
 - h) location of buildings, treatment, storage, recovery, or disposal operations, operational units, and other structures;
 - i) barriers for drainage or flood control;
 - j) wildlife and vegetation, including rare and endangered species, critical habitats, and species of special concern, with documentation from the Department of Energy and Environmental Protection Natural Diversity Database;
 - 2. A Noise Analysis, including a map showing expected noise levels within 1000 feet of the facility during construction and operation.

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 (General Statutes §22a-118(e))

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

- A. the chief elected official, the fire marshal, and the director of health of each municipality in which the proposed facility is to be located;
- B. the chairpersons of the conservation commission, inland wetlands agency, planning commission, police commission, and zoning commission of each municipality in which the proposed facility is to be located;
- C. the chairperson of the regional council of governments for the region in which the proposed facility is to be located;
- D. each water company, as defined in General Statutes §25-32a, which owns or operates land or facilities located in, or services any customer who resides in the municipality in which the site is located or an area within a five mile radius of the boundaries of the proposed site;
- E. each member of the legislature in whose district the proposed facility is located;
- F. each owner of land adjacent to the proposed facility; and
- G. each of the following state agencies: the Department of Energy and Environmental Protection, Department of Public Health, Department of Economic and Community Development, Department of Emergency Services and Public Protection; Department of Transportation, the Office of Policy and Management, and the Council on Environmental Quality.

VIII. Public Notice (General Statutes § 22a-118(e); R.C.S.A. §22a-116-B-3)

A notice of such application shall be given to the general public by the publication, in ten-point boldface type, of a summary of such application and the date on which it will be filed in a newspaper of general circulation in each municipality in which the proposed facility is to be located. In addition, the notice shall contain the following sentence: "The chief elected official of any municipality which wishes to be represented on the Council as the most affected neighboring municipality may apply within 20 days for such status to the Council in accordance with Regulations of Connecticut State Agencies Section 22a-116-B-4."

The Council also advises each applicant that pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, 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:

Safety Kleen has filed an application with the Connecticut Siting Council (Council) for construction of a hazardous waste facility on this site. The Council will hold a public hearing on March 27, 2004 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.

IX. Procedures

- A. The Council will review and may reject the application if it fails to comply with specific data or exhibit requirements or if the applicant fails to promptly correct deficiencies. (R.C.S.A. §22a-116-B-3)
- 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. § 22a-121)
- C. A public hearing must be held in the site municipality, or if the facility is to be located in more than one municipality, the Council shall determine which municipality is most appropriate, with one session of such hearing held after 6:30 p.m. for the convenience of the public. The Council's record will remain open for 30 days after the close of the hearing for additional state agency and public comments. (Conn. Gen. Stat. § 22a-119)
- D. The Council must render a decision within 12 months of receipt of the application, extendible by 180 days upon consent of the applicant. (Conn. Gen. Stat. § 22a-119)

XII. Environmental Justice Public Participation Plan

Pursuant to Conn. Gen. Stat. §22a-20a, applicants seeking to obtain any certificate under PUESA, a new or expanded permit or siting approval from the Siting Council or DEEP involving an **“affecting facility”** (defined **in part** as an electric facility with a capacity of more than ten megawatts) that is proposed to be located in an **“environmental justice community”** (defined as a U.S. census block group for which 30% or more of the population consists of low income persons with income below 200% federal poverty level or a “distressed municipality” as defined under C.G.S. §32-9p) or the proposed expansion of an “affecting facility” located in such community shall file a “Meaningful Public Participation Plan.”

The definition of **“affecting facility”** does NOT include (i) the portion of an electric generating facility that uses nonemitting and nonpolluting renewable resources such as wind, solar and hydropower or that uses fuel cells; (ii) any facility for which a certificate of environmental compatibility and public need was obtained from Council on or before January 1, 2000; or (iii) a facility of a constituent unit of the state system of higher education that has been the subject of an environmental impact evaluation in accordance with the provisions of sections 22a-1b to 22a-1h inclusive, of the General Statutes and such evaluation has been determined to be satisfactory in accordance with Section 22a-1e of the General Statutes.

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.