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## OLR Bill Analysis

HB 5608 (as amended by House "A")\*

### ***AN ACT CONCERNING CERTAIN SOLAR PHOTOVOLTAIC FACILITIES LOCATED ON PRIME FARMLAND, FARMLAND OF STATE-WIDE IMPORTANCE OR CORE FOREST LANDS.***

#### **SUMMARY**

This bill prohibits the Connecticut Siting Council from approving a solar photovoltaic facility of at least two-megawatt capacity on prime farmland or core forest without the project applicant providing a bond to cover the costs of decommissioning the facility and restoring the prime farmland. This includes the costs of an inspection by a qualified soil scientist or other agricultural soils professional to assess and assure the soils' restoration and its suitability for farming. A decommissioning bond is a way to secure payment for removing an abandoned solar panel system and remediating the land.

Under the bill, the scientist's or soils professional's assessment must at least consider the following: topsoil and subsoil depths, soil compaction, alteration in surface and subsurface drainage, erosion and sedimentation control measures, and soil fertility.

By law, "prime farmland" means soils defined by the U.S. Department of Agriculture as best suited to produce food, feed, forage, fiber, and oilseed crops. In general, these lands have an adequate and dependable water supply, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. "Core forest" is unfragmented forest land that is at least 300 feet from the boundary between forest land and non-forest land, as determined by the energy and environmental protection commissioner (CGS § 16a-3k, citing to 7 C.F.R. § 657.5).

The Connecticut Siting Council is an independent body that regulates the siting of power facilities, transmission lines, and telecommunication

facilities. Its decisions must follow guidelines set in law.

\*House Amendment "A" requires the bond to also cover the costs of restoring the prime land, including a soil inspection.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 32 Nay 0 (03/03/2023)