



General Assembly

January Session, 2023

Committee Bill No. 5608

LCO No. 3476



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-50k of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Except as provided in subsection (b) of section 16-50z, no person
5 shall exercise any right of eminent domain in contemplation of,
6 commence the preparation of the site for, commence the construction or
7 supplying of a facility, or commence any modification of a facility, that
8 may, as determined by the council, have a substantial adverse
9 environmental effect in the state without having first obtained a
10 certificate of environmental compatibility and public need, hereinafter
11 referred to as a "certificate", issued with respect to such facility or
12 modification by the council. Certificates shall not be required for (1) fuel
13 cells built within the state with a generating capacity of two hundred
14 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
15 capacity of ten kilowatts or less. Any facility with respect to which a

16 certificate is required shall thereafter be built, maintained and operated
17 in conformity with such certificate and any terms, limitations or
18 conditions contained therein. Notwithstanding the provisions of this
19 chapter or title 16a, the council shall, in the exercise of its jurisdiction
20 over the siting of generating facilities, approve by declaratory ruling (A)
21 the construction of a facility solely for the purpose of generating
22 electricity, other than an electric generating facility that uses nuclear
23 materials or coal as fuel, at a site where an electric generating facility
24 operated prior to July 1, 2004, and (B) the construction or location of any
25 fuel cell, unless the council finds a substantial adverse environmental
26 effect, or of any customer-side distributed resources project or facility or
27 grid-side distributed resources project or facility with a capacity of not
28 more than sixty-five megawatts, as long as: (i) Such project meets air and
29 water quality standards of the Department of Energy and
30 Environmental Protection, (ii) the council does not find a substantial
31 adverse environmental effect, and (iii) for a solar photovoltaic facility
32 with a capacity of two or more megawatts, to be located on prime
33 farmland or forestland, excluding any such facility that was selected by
34 the Department of Energy and Environmental Protection in any
35 solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-
36 3g or 16a-3j, the Department of Agriculture represents, in writing, to the
37 council that such project will not materially affect the status of such land
38 as prime farmland or the Department of Energy and Environmental
39 Protection represents, in writing, to the council that such project will not
40 materially affect the status of such land as core forest. In conducting an
41 evaluation of a project for purposes of subparagraph (B)(iii) of this
42 [subsection] subdivision, the Departments of Agriculture and Energy
43 and Environmental Protection may consult with the United States
44 Department of Agriculture and soil and water conservation districts. In
45 addition to all other requirements for the issuance of a certificate, the
46 council shall not issue a certificate for a facility described in
47 subparagraph (B)(iii) of this subdivision unless the applicant for such
48 certificate furnishes a bond to cover all costs associated with the
49 decommissioning of such facility.

Statement of Purpose:

To enable the restoration of farmlands that host certain solar projects to production agricultural condition.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. DUBITSKY, 47th Dist.; REP. FISHBEIN, 90th Dist.
REP. ANDERSON, 62nd Dist.

H.B. 5608