



General Assembly

Amendment

January Session, 2023

LCO No. 7160



Offered by:
REP. GRESKO, 121st Dist.

To: House Bill No. 5608

File No. 125

Cal. No. 97

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 repealed and the following is substituted in lieu thereof (*Effective from*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

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

15 cells built within the state with a generating capacity of two hundred
16 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
17 capacity of ten kilowatts or less. Any facility with respect to which a
18 certificate is required shall thereafter be built, maintained and operated
19 in conformity with such certificate and any terms, limitations or
20 conditions contained therein. Notwithstanding the provisions of this
21 chapter or title 16a, the council shall, in the exercise of its jurisdiction
22 over the siting of generating facilities, approve by declaratory ruling (A)
23 the construction of a facility solely for the purpose of generating
24 electricity, other than an electric generating facility that uses nuclear
25 materials or coal as fuel, at a site where an electric generating facility
26 operated prior to July 1, 2004, and (B) the construction or location of any
27 fuel cell, unless the council finds a substantial adverse environmental
28 effect, or of any customer-side distributed resources project or facility or
29 grid-side distributed resources project or facility with a capacity of not
30 more than sixty-five megawatts, as long as: (i) Such project meets air and
31 water quality standards of the Department of Energy and
32 Environmental Protection, (ii) the council does not find a substantial
33 adverse environmental effect, and (iii) for a solar photovoltaic facility
34 with a capacity of two or more megawatts, to be located on prime
35 farmland or forestland, excluding any such facility that was selected by
36 the Department of Energy and Environmental Protection in any
37 solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-
38 3g or 16a-3j, the Department of Agriculture represents, in writing, to the
39 council that such project will not materially affect the status of such land
40 as prime farmland or the Department of Energy and Environmental
41 Protection represents, in writing, to the council that such project will not
42 materially affect the status of such land as core forest. In conducting an
43 evaluation of a project for purposes of subparagraph (B)(iii) of this
44 [subsection] subdivision, the Departments of Agriculture and Energy
45 and Environmental Protection may consult with the United States
46 Department of Agriculture and soil and water conservation districts. In
47 addition to all other requirements for the issuance of a certificate, the
48 council shall not issue a certificate for a facility described in
49 subparagraph (B)(iii) of this subdivision unless the applicant for such

50 certificate furnishes a bond to cover all costs associated with the
 51 decommissioning of such facility and the restoration of such prime
 52 farmland, including, but not limited to, an inspection by a qualified soil
 53 scientist or other agricultural soils professional to assess and assure that
 54 the soils of such prime farmland are restored and will be suitable for
 55 farming. Such an assessment shall include, but need not be limited to,
 56 consideration of topsoil and subsoil depths, soil compaction, alteration
 57 in surface and subsurface drainage, erosion and sedimentation control
 58 measures and soil fertility."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-50k(a)