



General Assembly

Substitute Bill No. 5361

February Session, 2024



AN ACT CONCERNING THE SITING OF RENEWABLE ENERGY SOURCES IN THE STATE.

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

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 Section 16-50i of the general statutes is repealed and the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

3 As used in this chapter:

4 (a) "Facility" means: (1) An electric transmission line of a design
5 capacity of sixty-nine kilovolts or more, including associated equipment
6 but not including a transmission line tap, as defined in subsection (e) of
7 this section; (2) a fuel transmission facility, except a gas transmission
8 line having a design capability of less than two hundred pounds per
9 square inch gauge pressure or having a design capacity of less than
10 twenty per cent of its specified minimum yield strength; (3) any electric
11 generating or storage facility using any fuel, including nuclear
12 materials, including associated equipment for furnishing electricity but
13 not including an emergency generating device, as defined in subsection
14 (f) of this section, a solar canopy, as defined in subsection (g) of this
15 section, a facility that is located on the rooftop of a building, or a facility
16 (A) owned and operated by a private power producer, as defined in
17 section 16-243b, (B) which is a qualifying small power production
18 facility or a qualifying cogeneration facility under the Public Utility
19 Regulatory Policies Act of 1978, as amended, or a facility determined by

20 the council to be primarily for a producer's own use, and (C) which has,
21 in the case of a facility [utilizing] that utilizes renewable energy sources,
22 a generating capacity of one megawatt of electricity or less and, in the
23 case of a facility utilizing cogeneration technology, a generating capacity
24 of twenty-five megawatts of electricity or less; (4) any electric substation
25 or switchyard designed to change or regulate the voltage of electricity
26 at sixty-nine kilovolts or more or to connect two or more electric circuits
27 at such voltage, which substation or switchyard may have a substantial
28 adverse environmental effect, as determined by the council established
29 under section 16-50j, and other facilities which may have a substantial
30 adverse environmental effect as the council may, by regulation,
31 prescribe; (5) such community antenna television towers and head-end
32 structures, including associated equipment, which may have a
33 substantial adverse environmental effect, as said council shall, by
34 regulation, prescribe; and (6) such telecommunication towers, including
35 associated telecommunications equipment, owned or operated by the
36 state, a public service company or a certified telecommunications
37 provider or used in a cellular system, as defined in the Code of Federal
38 Regulations Title 47, Part 22, as amended, which may have a substantial
39 adverse environmental effect, as said council shall, by regulation,
40 prescribe;

41 (b) "Municipality" means a city, town or borough of the state and
42 "municipal" has a correlative meaning;

43 (c) "Person" means any individual, corporation, limited liability
44 company, joint venture, public benefit corporation, political
45 subdivision, governmental agency or authority, municipality,
46 partnership, association, trust or estate and any other entity, public or
47 private, however organized;

48 (d) "Modification" means a significant change or alteration in the
49 general physical characteristics of a facility;

50 (e) "Transmission line tap" means an electrical transmission line not
51 requested by an applicant to be treated as a facility that has the primary

52 function, as determined by the council, of interconnecting a private
53 power producing or cogeneration facility to the electrical power grid
54 serving the state, and does not have a substantial adverse environmental
55 effect, as determined by the council based on a review of the line's
56 proposed purpose, the line's proposed length, the number and type of
57 support structures, the number of manholes required for the proposed
58 line, the necessity of entering a right-of-way including any easements or
59 land acquisition for any construction or maintenance on the proposed
60 line, and any other environmental, health or public safety factor
61 considered relevant by the council;

62 (f) "Emergency generating device" means an electric generating
63 device with a generating capacity of five megawatts or less, installed
64 primarily for the purpose of producing emergency backup electrical
65 power for not more than five hundred hours per year, and that (1) does
66 not have a substantial adverse environmental effect, as determined by
67 the council, or (2) is owned and operated by an entity other than an
68 electric distribution or gas company, or (3) is under construction or in
69 operation prior to May 2, 1989.

70 (g) "Solar canopy" means an outdoor, shade-providing structure that
71 hosts solar photovoltaic panels located above an existing or new parking
72 or driving area, pedestrian walkway or courtyard, and is installed in a
73 manner that maintains the function of the area beneath the structure.
74 "Solar canopy" includes any carport.

75 Sec. 2. Section 16-50p of the general statutes is amended by adding
76 subsections (k) and (l) as follows (*Effective from passage*):

77 (NEW) (k) Prior to granting an applicant's certificate for a facility
78 described in subsection (a) of section 16-50i, as amended by this act, the
79 council shall consider, in addition to its consideration of other factors
80 under this section: (1) The testimony of the chief elected official of any
81 municipality in which the facility or any part thereof is to be located that
82 the chief elected official gives at any hearing prescribed in section 16-
83 50m; and (2) any other witness testimony or written testimony of the

84 chief elected official of such municipality that is filed or presented by
85 the municipality to the council, if such municipality is a party pursuant
86 to subsection (a) of section 16-50n.

87 (NEW) (l) In reviewing a certificate for a solar photovoltaic facility
88 that has a generating capacity greater than one megawatt of electricity
89 that is proposed to be located in any municipality where the distance
90 between any point on the border of any such municipality and an
91 existing solar photovoltaic facility that has a generating capacity greater
92 than one hundred megawatts is five miles or less, the siting council shall
93 be bound by the approval, disapproval or conditions concerning such
94 facility that the chief executive officer of such municipality submits to
95 the council, provided any such chief executive officer submits such
96 approval, disapproval or conditions not later than thirty days after such
97 chief executive officer is served a copy of the application for such
98 certificate pursuant to subsection (b) of section 16-50l. The provisions of
99 this subsection shall not apply to any certificate for a solar photovoltaic
100 facility that is proposed as part of an expansion of an existing facility
101 pursuant to an existing certificate issued by the council, whether such
102 expansion is proposed on the site of the existing facility or on land or
103 parcels contiguous to the parcel or parcels that comprise the site of the
104 existing facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-50i
Sec. 2	<i>from passage</i>	16-50p(k) and (l)

Statement of Legislative Commissioners:

In Section 2(l), "a solar photovoltaic facility" was changed to "an existing solar photovoltaic facility", for accuracy; and the word "any" was deleted after "the chief executive officer of", for accuracy.

ET Joint Favorable Subst.