



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2 repealed and the following is substituted in lieu thereof (*Effective from*  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  
7 or supplying of a facility, or commence any modification of a facility,  
8 that 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)  
13 fuel cells built within the state with a generating capacity of two  
14 hundred fifty kilowatts or less, or (2) fuel cells built out of state with a  
15 generating capacity of ten kilowatts or less. Any facility with respect to

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	16-50k(a)
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**ENV**      *Joint Favorable*