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## **OLR Bill Analysis**

### **sSB 350**

#### ***AN ACT REQUIRING THE POSTING OF A DECOMMISSIONING BOND FOR CERTAIN SOLAR PROJECTS.***

#### **SUMMARY**

This bill generally requires anyone who receives Connecticut Siting Council approval for a solar photovoltaic facility (i.e., solar panels) with at least a two megawatt capacity on prime farmland or core forest to post a decommissioning bond (see BACKGROUND). A decommissioning bond is a way to secure payment for removing an abandoned solar panel system and remediating the land.

The bill requires the bond to be in an amount sufficient to restore the farmland to a productive agricultural condition or to restore the land as core forest, whichever applies. It exempts from the bond requirement projects on prime farmland or core forest owned by the state or a municipality.

Existing law, unchanged by the bill, requires the Department of Agriculture (DoAg) or the Department of Energy and Environmental Protection (DEEP) to, as part of the siting council's review process, inform the council in writing if a solar project will not materially affect the subject land's status as prime farmland or core forest.

The bill also requires the DoAg commissioner to (1) convene a five-member working group to recommend a standard for DoAg and DEEP to use when evaluating the effects of these solar facilities on prime farmland or core forest and (2) report it to the Environment Committee by January 1, 2019.

EFFECTIVE DATE: October 1, 2018, except that the working group provision takes effect upon passage.

#### **WORKING GROUP**

The bill requires the working group to consider whether the standard for evaluating a project's impact must be either that it will not (1) materially affect the land's status as prime farmland or core forest or (2) permanently affect its status.

Under the bill, the working group members include:

1. the DoAg and DEEP commissioners, or their designees;
2. a solar industry representative;
3. a representative of the Connecticut Farm Bureau; and
4. a representative of the Connecticut Agricultural Experiment Station with expertise in soil restoration.

## **BACKGROUND**

### ***Connecticut Siting Council***

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.

### ***Prime Farmland & Core Forest Land***

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 (CGS § 16a-3k, citing to 7 C.F.R. § 657.5).

The law provides that "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 DEEP commissioner (CGS § 16a-3k).

### ***Legislative History***

The Senate referred the bill (File 291) to the Appropriations Committee, which reported a substitute that (1) exempts from the

decommissioning bond requirements projects on municipally- or state-owned prime farmland or core forest and (2) makes technical changes.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 1 (03/22/2018)

Appropriations Committee

Joint Favorable Substitute

Yea 46 Nay 6 (04/18/2018)