



General Assembly

February Session, 2018

Raised Bill No. 350

LCO No. 1377



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

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 2018 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2018*):

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, the
43 Departments of Agriculture and Energy and Environmental Protection
44 may consult with the United States Department of Agriculture and soil
45 and water conservation districts. If the council approves a facility
46 described in subparagraph (B)(iii) of this subsection and such facility
47 will be located on prime farmland, the council shall require the posting
48 of a decommissioning bond by the person seeking such certificate in an
49 amount sufficient to restore such prime farmland to a productive
50 agricultural condition.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2018</i>	16-50k(a)
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Statement of Purpose:

To require the posting of a decommissioning bond for certain solar projects that are installed on prime farmland in order to provide for the return of such land to a productive 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.]