
OLR Bill Analysis

sHB 5361

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

SUMMARY

This bill (1) requires the Siting Council to consider certain information from a municipality's chief elected official before approving a certificate to site a facility in the municipality; (2) binds the council's decision on certain projects in a municipality near a large solar facility to a municipal chief executive officer's approval, disapproval, or conditions; and (3) excludes solar canopies from the Siting Council's jurisdiction.

Before granting a certificate of environmental compatibility and public need ("a certificate") on a facility, the bill requires the council to consider (1) hearing testimony from the chief elected official of any municipality where the facility is proposed to be located and (2) any other witness or written testimony from municipal chief elected officials who are a party to the proceeding (see BACKGROUND).

The bill sets a new requirement for the council when considering a certificate for a solar facility over one megawatt in capacity that is proposed to be located in a municipality within a certain proximity to a solar facility with a capacity greater than 100 megawatts. The bill binds the council to the municipal chief executive officer's approval, disapproval, or conditions. (Existing law, unchanged by the bill, requires the council to approve certain distributed resources projects by declaratory ruling (see BACKGROUND). Presumably, these projects would not be subject to requirements the bill adds to certificate proceedings.)

EFFECTIVE DATE: Upon passage

SITING PROJECTS NEAR LARGE SOLAR FACILITIES

The bill sets a new requirement for the Siting Council's review of a certificate application for a solar facility with generating capacity over one megawatt that is proposed in a municipality with an existing large solar facility (over 100 megawatts in capacity) within five miles of any point on its border. Under the bill, for these applications, the council is bound by the municipal chief executive officer's approval, disapproval, or conditions as long as they are submitted within 30 days after the chief executive officer receives the certificate application.

Under the bill, this requirement does not apply to certificates for solar facilities proposed as part of an expansion to an existing facility under an existing certificate, whether proposed on the existing site or contiguous parcels.

SOLAR CANOPIES

By law, electric generating facilities are subject to the Siting Council's jurisdiction, with certain exceptions. The bill creates an additional exception for solar canopies, which, under the bill, are outdoor, shade-providing structures that host solar photovoltaic panels located above an existing or new parking or driving area, pedestrian walkway, or courtyard, installed in a way that maintains the function of the area beneath it. It includes any carport.

BACKGROUND

Related Bills

sSB 198 (File 184), favorably reported by the Environment Committee, adds to the Siting Council an elector from the municipality where a proposed facility would be located.

sHB 5507, favorably reported by the Judiciary Committee, among other things, (1) brings electric transmission line projects under the law for environmental justice communities, (2) expands requirements for developers to consult with certain local and state officials before applying to the Siting Council, (3) expands the information that must be included in applications for transmission lines, and (4) requires the council to consider additional information when deciding on

applications for transmission lines.

HB 5453, favorably reported by the Government Administration and Elections Committee, (1) makes various changes to the Siting Council's membership, (2) requires applicants for proposed electric transmission lines to include additional information with their applications to the council, (3) expands the issues the council must consider when deciding whether to approve an application, and (4) includes a similar provision on siting near large solar facilities.

Certificate Facilities, Hearings, and Parties

By law, and with certain exceptions, project developers must apply to the Siting Council for a certificate to site (1) certain electric transmission lines, (2) fuel transmission facilities, (3) electric generating and storage facilities, (4) certain electric substations and switchyards, and (5) cable and telecommunication towers (CGS § 16-50i(a)). (The law also requires the council to approve certain projects through a separate declaratory ruling process, see below.)

Existing law requires the council to hold at least one hearing for a certificate application in the county where the facility or any part of it is to be located and allows the council to hold more hearings at other locations (CGS § 16-50m).

By law, parties to the proceeding include (1) municipalities in which any portion of the facility is to be located (both as primarily proposed and in alternative locations listed in the application); (2) any adjoining municipality with a boundary within 2,500 feet of the facility; and (3) any other party the council deems appropriate (CGS § 16-50n & -50l).

Facilities Approved by Declaratory Ruling

Existing law requires the Siting Council to approve the following types of projects by declaratory ruling, rather than through the certificate process:

1. an electric generation facility, other than one fueled by coal or nuclear materials, at a site where an electric generating facility operated before July 1, 2004;

2. any fuel cell, unless the council finds a substantial adverse environmental effect; and
3. a customer-side distributed resources project or facility or a grid-side distributed resources project or facility with a capacity up to 65 megawatts, as long as the project meets air and water quality standards, the council finds no substantial adverse environmental effect, and, if applicable, the project complies with certain requirements for siting on prime farmland or core forest (CGS § 16-50k).

A customer-side distributed resource is a generating unit of up to 65 megawatts on a retail end user's premises within the transmission and distribution system (e.g., fuel cells, solar facilities, and small wind turbines) or a retail end user's reduction in demand for electricity through conservation and load management (CGS § 16-1(a)(34)).

A grid-side distributed resource is a generating unit of up to 65 megawatts that is connected to the transmission or distribution system, including units primarily used to generate electricity to meet peak demand (CGS § 16-1(a)(37)).

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 17 Nay 3 (03/21/2024)