



General Assembly

Substitute Bill No. 5916

January Session, 2025



***AN ACT REQUIRING SOLAR DEVELOPERS TO PROVIDE
FARMLAND RESTORATION BONDS FOR BOTH PETITION AND
APPLICATION PROJECTS APPROVED BY THE SITING COUNCIL.***

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 or
7 supplying of a facility, or commence any modification of a facility, that
8 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) fuel
13 cells built within the state with a generating capacity of two hundred
14 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
15 capacity of ten kilowatts or less. Any facility with respect to which a
16 certificate is required shall thereafter be built, maintained and operated
17 in conformity with such certificate and any terms, limitations or
18 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 (A)
21 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 any
25 fuel cell, unless the council finds a substantial adverse environmental
26 effect, or of any customer-side distributed resources project or facility or
27 grid-side distributed resources project or facility with a capacity of not
28 more than sixty-five megawatts, as long as: (i) Such project meets air and
29 water quality standards of the Department of Energy and
30 Environmental Protection, (ii) the council does not find a substantial
31 adverse environmental effect, and (iii) for a solar photovoltaic facility
32 with a capacity of two or more megawatts, to be located on prime
33 farmland or forestland, excluding any such facility that was selected by
34 the Department of Energy and Environmental Protection in any
35 solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-
36 3g or 16a-3j, the Department of Agriculture represents, in writing, to the
37 council that such project will not materially affect the status of such land
38 as prime farmland or the Department of Energy and Environmental
39 Protection represents, in writing, to the council that such project will not
40 materially affect the status of such land as core forest. In conducting an
41 evaluation of a project for purposes of subparagraph (B)(iii) of this
42 subdivision, the Departments of Agriculture and Energy and
43 Environmental Protection may consult with the United States
44 Department of Agriculture and soil and water conservation districts. In
45 addition to all other requirements for the issuance of a certificate, the
46 council shall not issue a certificate for a facility described in
47 subparagraph (B)(iii) of this subdivision unless the applicant for such
48 certificate furnishes a bond to cover all costs associated with the
49 decommissioning of such facility and the restoration of such prime
50 farmland, including, but not limited to, an inspection by a qualified soil
51 scientist or other agricultural soils professional to assess and assure that
52 the soils of such prime farmland are restored and will be suitable for
53 farming. Such an assessment shall include, but need not be limited to,

54 consideration of topsoil and subsoil depths, soil compaction, alteration
55 in surface and subsurface drainage, erosion and sedimentation control
56 measures and soil fertility. Such decommissioning bond requirement
57 shall also apply to any such two-megawatt or more solar photovoltaic
58 facility that is approved by declaratory ruling.

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

ENV *Joint Favorable Subst.*