

COUNCIL ON ENVIRONMENTAL QUALITY



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Executive Director

March 17, 2021

Co-chairs Cohen and Gresko, Vice-Chairs Slap and Palm, Ranking Members Miner and Harding, and other distinguished members of the Environment Committee

Re: HB [6498](#), An Act Concerning the Siting of Certain Solar Facilities on Farmlands and Core Forests

The Connecticut Council on Environmental Quality (Council) supports HB 6498. The Bill is consistent with the Legislature's initial intent in PA [17-218](#) to protect the valuable forests and farmland soils of the State.

The Council documented the alarming frequency of solar energy facilities supplanting forests and prime farmland in its report of January 2017, [Energy Sprawl in Connecticut](#). At that time, the solar energy proposals that were being presented to the Siting Council were for facilities with capacities of less than 65 megawatts (MW). Projects of that size are usually filed as a "Petition for a Declaratory Ruling", which is a request for a determination that no "Certificate of Environmental Compatibility and Public Need" is required. Proposals for facilities greater than 65 MW must obtain Siting Council approval by "Application" for a Certificate of Environmental Compatibility and Public Need.

"Applications" are exempt from the requirement of PA 17-218 that the Department of Energy and Environmental Protection and the Department of Agriculture, respectively, make determinations that the project will not materially affect core forest or prime farmland. Also exempt from the determination requirement are projects that are less than two MW. Amending CGS 16-50k, as proposed in the Bill, to include these currently exempt categories is entirely appropriate.

Of the twenty proposals for solar energy facilities that were submitted to the Siting Council in 2020, nine were exempt due to being less than two MW (average size was 1.86 MW). One was exempt because it was greater than 65 MW. That single project is projected to disturb 485 acres of which over 300 acres are woodland or farmland. Additionally, a project that had been submitted as a Petition and received a determination under PA 17-218 that it would have a material effect on core forest has been withdrawn and refiled as an Application, exempting it from having to request the determination of "no material affect".

Raised Bill 6498 is an important closing of a very large loophole that exists now in the protection of core forests, prime farmland, and farmland of state-wide importance. Additionally, the bonding requirement of the Raised Bill will ensure that decommissioning of the site will be performed correctly.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Peter Hearn".

Peter Hearn, Executive Director