



COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

August 26, 2026

DEEP.STEPS@ct.gov

Re: Notice of Proceeding and Request for Written Comments: PA 26-127 – Section 16 – Equitable Distribution of Solar Siting Report

Please find below comments regarding the three items that address the siting of solar facilities in the state, as required by Public Act 26-127, Section 16.

- (1) *The location of solar facilities previously approved by the Connecticut Siting Council, with a focus on measuring and explaining the distribution of and concentration of solar facilities across the state.*

The locations of solar facilities previously approved by the Connecticut Siting Council (CSC) is available from the CSC, and might also be available from on the Department of Energy and Environmental Protection's (DEEP) "Solar Facilities" dashboard.ⁱ The *distribution of and concentration of solar facilities across the state* is likely affected by a number of factors including, but not limited to, the availability of land; ability to connect to the electric grid; site development costs; bid preferences/solicitation requirements; environmental factors (presence of wetlands, core forest, state-listed species, etc.); and site characteristics (slope).

Recommendation: Utilize geographic information system (GIS) software to assess the distribution of and concentration of solar facilities across the state that have been approved by the CSC with an emphasis on past and existing land use designations, such as developed, agriculture field, deciduous forest, coniferous forest, other grasses, etc.

- (2) *How the Connecticut Siting Council can further minimize conflicts between solar development and other land use priorities, particularly in municipalities with greater concentrations of solar development.*

The Council notes that Connecticut General Statutes (CGS) Section 16-50g, which governs the activities of the CSC, includes a provision that addresses "*the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values...*" However, the CSC is not authorized to direct where solar photovoltaic (PV) facilities should be proposed and must evaluate each proposal with regard to need and the protection of the environment.

A review of CSC solar PV facility data indicates that almost all of the solar PV facilities submitted to the CSC were a recipient of one or more solicitations for renewable energy capacity through the Low-Emission Renewable Energy Credit (LREC) Program, the Zero-Emission Renewable Energy Credit (ZREC) Program, the Non-Residential Renewable Energy Solutions Program (NRES), and the Shared Clean Energy Facility

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(SCEF) Program. These programs have been successful in encouraging the development of solar energy capacity in the state to meet Connecticut's renewable energy and climate goals. And while there are bid preferences for the development of solar PV facilities on landfills, brownfields and solar canopies, as part of the SCEF Program, it is unclear if awards made through various programs to increase solar PV capacity in the state consider sites that could reduce conflicts between solar development and other land use priorities.

Recommendation: Refine certain policies and programs for renewable energy solicitations to better incentivize or direct the development of solar PV facilities to more preferred sites, such as carport canopies and the roofs of large industrial buildings, which could further minimize conflicts between solar development and other land use priorities, particularly in municipalities with greater concentrations of solar development.

(3) *An assessment of the effectiveness of Public Act 17-218 at protecting core forest and prime farmland resources in the solar facility siting process.*

CGS 16-50k states that *"the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling (A) the construction of a facility solely for the purpose of generating electricity, other than an electric generating facility that uses nuclear materials or coal as fuel, at a site where an electric generating facility operated prior to July 1, 2004, and (B) the construction or location of any fuel cell, unless the council finds a substantial adverse environmental effect, or of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (ii) the council does not find a substantial adverse environmental effect, and (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest."* The provisions of subsection (ii) and (iii) were enacted with the passage of Public Act 17-218, Section 3.

As noted above, the Department of Agriculture (DoAG) and DEEP must represent, in writing, to the CSC that certain solar PV facilities (with a capacity of two or more megawatts, to be located on prime farmland or forestland, that seek approval by declaratory ruling) will not materially affect the status of such land as prime farmland or core forest, respectively. Based on an independent analysis of solar PV facilities approved by the CSC that were subject to review by DoAG and DEEP, the Council believes that the provisions of Public Act 17-218 has had an impact on the protection of core forest and prime farmland. However, approximately 61 percent of all proposals for solar PV facilities submitted to the CSC for approval were exempt from the provisions of Public Act 17-218 either because the proposed solar PV facility was less than two megawatts (MW) or regulatory approval was sought through an application for a Certificate of Environmental Compatibility and Public Need (Certificate).

A review of the CSC data for approved solar PV facilities since July 2017 indicates that the ratio of acres of core forest potentially impacted per MW of capacity proposed that were subject to the review requirements of Public Act 17-218 was about half as much as solar PV facilities approved by declaratory ruling that were NOT subject to the review requirements of Public Act 17-218. In addition, the ratio for potential impacts to prime farmland was about 12 percent less for solar PV facilities approved by declaratory ruling that were subject to the review requirements of Public Act 17-218. Further, the DoAG has also required specific agrivoltaic and soil assessment activities to be undertaken for certain solar PV facilities in order to receive a determination that the proposed projects would not materially affect the status of such land as prime farmland.

Recommendation: Based on the data noted above, the Council recommends that all solar PV projects, regardless of project capacity or regulatory approval process, submitted to the CSC, should be required to obtain

a determination from the DoAG and DEEP that a proposed project would not materially affect the status of land as prime farmland or core forest.

Thank you for your consideration of the Council's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Aresta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Aresta
Executive Director

ⁱ CT DEEP, Solar Facilities; <https://portal.ct.gov/deep/planning/solar-facilities-dashboard>