



Save the Sound[®]

Action for our region's environment.

**COMMENTS ON
DEEP SUSTAINABLE TRANSPARENT AND EFFICIENT PRACTICES FOR SOLAR
DEVELOPMENT (STEPS)
AND
SCEF BID PREFERENCE**

July 26, 2021

Save the Sound is a nonprofit organization representing over 4,200 member households and 10,000 activists statewide. Our mission is to protect and improve the land, air, and water of Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.

We are pleased to submit the following comments on the solar siting and permitting process and possible bid preferences for the Shared Clean Energy Facility (SCEF) Year 3 Procurement for the Connecticut Department of Energy and Environmental Protection's (DEEP) Sustainable, Transparent and Efficient Practices (STEPS) for Solar Development.

We appreciate DEEP's thoughtful approach to (1) addressing conflicts that have arisen with respect to the siting of solar projects in the state and (2) determining how best to ensure that communities that have historically borne the brunt of our polluting energy industry are able to secure the benefits of the growing clean energy economy in a manner that respects their autonomy and provides them with decision-making authority.

General Solar Siting Considerations

Establishing a hierarchy of preferred locations for solar projects makes sense as we can all probably agree that (all other things being equal) there are better and worse locations for siting a solar array (and most other things). It probably makes little sense to clear-cut a significant amount of forest cover to accommodate a solar project. We are mindful that there exists a continuum of siting possibilities for solar projects and we should strive for optimizing siting decisions. But we need to also ask ourselves, are we simply preserving these natural resources for later destruction by a residential or commercial development? That can't be the end result of this process.

We should also not be framing this solely in the negative and in terms of what we don't want. We should be using this opportunity to develop a vision for the future that puts us on the path to our clean energy goals with the greatest co-benefits. And we should align the incentives that we provide for the development of solar projects to support these preferences. If we are asking developers to undertake more expensive projects, the incentive structure should reflect that.

To this end, we should be assisting in the development and adoption of project design practices that might more readily accommodate dual-use agrophotovoltaics¹ and easier reclamation of land once a solar project has been decommissioned. Thoughtful and deliberate ground cover choices can provide proactive benefits, such as for instance using pollinator-friendly flowering grasses which can provide benefits to nearby agricultural fields.² These types of “low-impact” solar development should be encouraged.

Environmental Justice Considerations for the Shared Clean Energy Facility Program

We must be careful to not draw parallels between solar projects and legacy polluting facilities defined as “affecting facilities” pursuant to § 22a-20a of the general statutes. Solar energy is an unqualified net positive for the health of our residents, the strength of our economy, and our environmental future.³

We believe that solar facilities are positive additions to any community but given the legacy of unwelcome facilities being sited in environmental justice communities with little or no local input, we understand that communities want - and deserve - to have a voice in decisions affecting their community. While not every element of the state’s environmental justice requirements may be necessary or appropriate with respect to the siting of a solar facility, we believe that some of those elements likely represent best practices that should be followed. For example, while the pre-filing of a formal “Environmental Justice Public Participation Plan” may be more than necessary under the circumstances unique to solar facilities, communication with the chief elected official and notification to local residents with an offer of engagement would seem prudent in order to build awareness, education and trust in the community. Such communications may also bring forth opportunities for enhanced community benefits from the project.

As we think through these issues, we must also recognize that the process will bring with it additional costs. These include both “hard costs” (e.g., increased land acquisition costs) as well as ‘soft’ costs (time and staff associated with the additional community outreach and engagement efforts).⁴ Any incentive adder adopted to increase deployment of and access to solar resources in environmental justice communities should be sufficient to incentive such projects despite the additional costs.

Fuel Cell Projects Should Not Be Eligible for the Environmental Justice Community SCEF Bid Preference

It is perfectly legitimate to differentiate between categories of Class I renewables when siting in environmental justice communities. This is a point that has already been brought up in the context of the SCEF program. As noted by the electric distribution companies (EDCs), while fuel cells are qualifying projects under the SCEF statute, “the targeted siting of fossil fuel infrastructure in low-income communities has a long and complicated history. The EDCs caution that any proposed process that could be perceived to encourage the location of fossil

¹ Frank Jossi, “How Land Under Solar Panels Can Contribute to Food Security” Ensia (June 4, 2018), available at <https://ensia.com/features/solar-farms/>. Farm & Energy Initiative, Farmland Solar Policy Design Toolkit (May 2020), available at <https://farmandenergyinitiative.org/wp-content/uploads/2020/08/Final-FSPP-Toolkit-Report.pdf>.

² Jossi, *supra*. See Fresh Energy, The Center for Pollinators in Energy website at <https://fresh-energy.org/beeelovesolar> for resources on best practices.

³ Recognizing the value of shared solar for environmental justice communities, California’s community solar program reserves 100 MW of program capacity for siting in areas identified as the most impacted and disadvantaged communities. California Senate Bill No. 43 §2833 (a)(1)(a), available at https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB43.

⁴ Vote Solar Low-Income Solar Policy Guide, “Increasing Low-Income Access to Community Solar” available at www.lowincomesolr.org.

fuel generation projects in low-income communities should receive thoughtful consideration as such outcome may be counter to [the] state's environmental justice goals and the preference of host communities.”⁵

We agree with this perspective and recommend that incentives should be used to promote truly zero-emission resources to ensure that historical patterns of siting polluting facilities in environmental justice communities are not repeated under the guise of sustainability. To that end, we would recommend that natural gas fuel cell projects not be eligible for any SCEF incentive adder for siting in environmental justice communities.⁶ Public policy should encourage the cleanest energy resources in communities that have shouldered the largest burden of our legacy fossil fuel energy economy.

We note that the SCEF program has already established the precedent of applying different siting restrictions and requirements on different categories of Class I projects. For example, under the current Program Requirements, solar photovoltaic projects are not eligible for the SCEF program if they are sited along ridgelines or ridgeline setback areas or if the project site contains slopes greater than fifteen percent.⁷ Further, solar projects are required to commit to paying for the Soil and Water Conservation District to perform site inspections.⁸ None of the above conditions apply to fuel cell projects.

Thank you for the opportunity to comment. We look forward to continuing to work with stakeholders to advance our clean energy and sustainability goals.

Respectfully submitted,

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⁵ PURA Docket No. 19-07-01RE01, Eversource Energy and The United Illuminating Company, Resubmission of Compliance with PURA Order Nos. 5,6 & 7 at 61 (October 9, 2020).

⁶ That is not to say that fuel cells may never be sited in such a community if, following appropriate consultation with the community, the community determines that such a facility is desired.

⁷ PURA Docket No. 19-07-01RE02, Decision, Appendix A “Modified Program Requirements” § 4.5 Generation Site at 11 (April 28, 2021).

⁸ Id.