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LC001934

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- STATEWIDE MUNICIPAL SOLAR PERMIT

Introduced By: Senators Rogers, E Morgan, Raptakis, and de la Cruz

Date Introduced: March 07, 2023

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-68-3 of the General Laws in Chapter 45-68 entitled "Statewide
2 Municipal Solar Permit" is hereby amended to read as follows:

3 **45-68-3. Renewable energy permit.**

4 (a) The office, in consultation with the commission, shall promulgate and adopt rules and
5 regulations that will create a statewide solar photovoltaic permit application that municipalities will
6 be required to use beginning on January 1, 2018. The office's rules and regulations shall be adopted
7 no later than November 1, 2017.

8 (b) The office, in consultation with the department of environmental management, shall
9 promulgate and adopt rules and regulations to require including as part of the solar permit
10 application an assessment whether the proposed solar photovoltaic system would be carbon-neutral
11 in accordance with the emission reduction goals set forth by § 42-6.2-9. The assessment shall detail
12 the amount of carbon sequestration and carbon storage loss that would occur if the permit is
13 approved. The office's rules and regulations shall be adopted no later than November 1, 2023.

14 (c) A solar permit shall only be approved if the proposed solar photovoltaic system is
15 verified to be carbon neutral based upon the assessment submitted under section (b) of this section.
16 The office, in consultation with the department of environmental management, shall promulgate
17 and adopt rules and regulations in accordance with the emission reduction goals set forth by § 42-
18 6.2-9 to enforce this section.

19 ~~(b)~~(d) The office shall establish an advisory group for the purpose of creating a statewide

1 solar energy permit application form.

2 ~~(e)~~(e) The advisory group shall include the following members and may be expanded by
3 the office in its discretion, to include other personnel with experience and/or expertise in the area
4 of solar energy:

5 (1) A renewable energy developer with expertise in residential solar photovoltaic
6 installation;

7 (2) A renewable energy developer with expertise in commercial solar photovoltaic
8 installations; and

9 (3) Three (3) municipal officials with expertise in building and electric permitting
10 processes.

11 SECTION 2. Section 42-98-8 of the General Laws in Chapter 42-98 entitled "Energy
12 Facility Siting Act" is hereby amended to read as follows:

13 **42-98-8. Applications — Contents — Acceptance for filing.**

14 (a) The rules and regulations promulgated by the board pursuant to § 42-98-7(c) shall
15 prescribe the form and contents of applications under this chapter. The applications shall contain
16 at least the following, where applicable:

17 (1) Identification of the proposed owner(s) of the facility, including identification of all
18 affiliates of the proposed owners, as the term is defined in § 39-3-27.

19 (2) Detailed description of the proposed facility, including its function and operating
20 characteristics, and complete plans as to all structures, including underground construction and
21 transmission facilities, underground or aerial, associated with the proposed facility.

22 The complete plans shall be the basis for determining jurisdiction under the energy facility
23 siting act and shall be the plans submitted to all agencies whose permit is required under the law.

24 (3) A detailed description and analysis of the impact of the proposed facility on its physical
25 and social environment together with a detailed description of all environmental characteristics of
26 the proposed site, and a summary of all studies prepared and relied upon in connection therewith,
27 including if the proposed facility would be carbon neutral in accordance with the emission
28 reduction goals set forth by § 42-6.2-9. The description and analysis shall detail the amount of
29 carbon sequestration and carbon storage loss that would occur if the facility is permitted.

30 Where applicable these descriptions and analysis shall include a review of current
31 independent, scientific research pertaining to electric and magnetic fields (EMF). The review shall
32 provide data assessing potential health risks associated with EMF exposure. For the purposes of
33 this chapter "prudent avoidance" shall refer to measures to be implemented in order to protect the
34 public from EMF exposure.

1 (4) All studies and forecasts, complete with the information, data, methodology, and
2 assumptions on which they are based, on which the applicant intends to rely in showing the need
3 for the proposed facility under the statewide master construction plan submitted annually.

4 (5) Complete detail as to the estimated construction cost of the proposed facility, the
5 projected maintenance and operation costs, estimated costs to the community such as safety and
6 public health issues, storm damage and power outages, estimated costs to businesses and
7 homeowners due to power outages, the estimated unit cost of energy to be produced by the proposed
8 facility, and expected methods of financing the facility.

9 (6) A complete life-cycle management plan for the proposed facility, including measures
10 for protecting the public health and safety and the environment during the facility's operations,
11 including plans for the handling and disposal of wastes from the facility, and plans for the
12 decommissioning of the facility at the end of its useful life.

13 (7) A study of alternatives to the proposed facility, including alternatives as to energy
14 sources, methods of energy production, [methods for preserving carbon sequestration and carbon](#)
15 [storage](#), and sites for the facility, together with reasons for the applicant's rejection of these
16 alternatives. The study shall include estimates of facility cost and unit energy costs of alternatives
17 considered.

18 (b) Within thirty (30) days of the filing of an applicant under this chapter, the board shall
19 notify the applicant whether the application is in the form and addresses the matters that are required
20 by this section and the rules and regulations as are promulgated pursuant to § 42-98-7. An
21 application meeting these requirements shall then be docketed. Any application deemed to be
22 deficient shall be returned to the applicant, together with a concise and explicit statement of the
23 application's deficiencies. Within fifteen (15) days of the resubmission of an application following
24 a rejection for deficiency, the board shall docket the application together with specification of
25 continuing deficiencies noted by the board, if any.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- STATEWIDE MUNICIPAL SOLAR PERMIT

1 This act would allow the office, in consultation with the department of environmental
2 management, to promulgate and adopt rules and regulations, no later than November 1, 2023,
3 to require as part of the solar permit application an assessment as to whether the proposed solar
4 photovoltaic system would be carbon-neutral in accordance with the emission reduction goals set
5 forth by § 42-6.2-9. A solar permit would only be approved if the proposed solar photovoltaic
6 system is verified to be carbon neutral based upon the assessment. The act would also require
7 applications for energy facility siting to detail the amount of carbon sequestration and carbon
8 storage loss if the facility is permitted.

9 This act would take effect upon passage.

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