



WHAT IS MEANT BY DECOMMISSIONING AND RESTORATION?

- “Decommissioning” refers to the process of dismantling a renewable energy project and removing the project infrastructure following the end of its useful life.
- “Restoration” means returning the land to an acceptable state following project construction or a project’s useful life. A baseline restoration should reasonably require returning the land to its pre-construction or pre-project state. Specific restoration requirements may be in place (e.g., via land control agreement, state law, ordinance, etc.).

SOURCE OF RESTORATION REQUIREMENTS

- State Laws or Regulations
- County or Local Ordinances
- Decommissioning Agreements
- Site Control Agreements (e.g., Solar or Wind Leases)

STATE LAWS OR REGULATIONS

- Some states may treat Wind and Solar separately (e.g., OK, TX, WI).
- Texas law require certain provisions to be included in the land control agreements
- Illinois law requires project owner to enter into Agricultural Impact Mitigation Agreement (AIMA) with IL Department of Agriculture as part of permitting process.
- Other states regulate via administrative law (e.g., NY Office of Renewable Energy Siting (ORES) and Wisconsin Public Service Commission)

STATE LAWS OR REGULATIONS (CONT.)

State	Wind Decommissioning Statute	Solar Decommissioning Statute
CA	County/Local Regulation	County/Local Regulation
IL	505 ILCS 147/1 et seq.	505 ILCS 147/1 et seq.
KS	County/Local Regulation	County/Local Regulation
LA	County/Local Regulation	County/Local Regulation
MT	75-26-301 through 310, MCA	75-26-301 through 310, MCA
NE	66-911.01	66-911.01
NM	County/Local Regulation	County/Local Regulation
NY	*Chapter XVIII, Title 19 of NYCRR Part 900 Office of Renewable Energy Siting	*Chapter XVIII, Title 19 of NYCRR Part 900 Office of Renewable Energy Siting
OK	17 OK Stat § 17-160.14 & 17 OK Stat § 17-160.15	County/Local Regulation
PA	Proposed Bill HB No. 2104 (2021)	Proposed Bill HB No. 2104 (2021)
TX	TX Util § 301.0003 (2019)	TX S.B. 760 (Enacted September 1, 2021)
WI	WI Stat 196.378(4g)(b) & (d) (tasking the Public Service Commission with promulgating rules re decommissioning of wind energy systems) *PSC 128.19	County/Local Regulation

COUNTY ORDINANCE/LOCAL REGULATION

- Most regulation occurs at local level
- Ordinance may include specific decommissioning/restoration requirements and/or require submission of a decommissioning plan from project owner
- Decommissioning plan may be necessary condition to getting project permitted

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Title search: Trends In Decommissioning and Restoration Requirements

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"Trends in Restoration Requirements and Forms of Restoration"