



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

First appeared as part of the conference materials for the  
17<sup>th</sup> Annual Renewable Energy Law Institute session  
"Trends in Restoration Requirements and Forms of Restoration"