

Examples of State Policies Supporting Renewable Energy Development on Landfills, Formerly Contaminated Lands, and Mines

U.S. Environmental Protection Agency (EPA) RE-Powering America's Land Initiative (RE-Powering) (October 2022)

This non-comprehensive document is a work in progress and summarizes a subset of state policies supporting renewable energy development on landfills, formerly contaminated lands, and/or mine sites for selected states. The summarized policies are direct financial incentives, procurement preferences, and streamlined permitting and environmental reviews.

All information in this document is derived from publicly available sources.

Financial Incentives and Procurement Policies

| State | Policy Type | Policy Name | Key Aspects of Policy | Web Link |
|--------------------|----------------------------|--|--|--|
| Connecticut | Procurement Preference | Shared Clean Energy Facility (SCEF) Program | Continuing a 20% bid evaluation preference for landfill & brownfield renewable energy projects in Year 3 of policy implementation. Individual project sizes are 0.1 – 5 megawatts (MW) _{AC} . | Connecticut Shared Clean Energy Facility Program |
| Connecticut | Procurement Preference | Non-Residential Tariffs Program (successor to renewable energy credit & virtual net metering programs) | There is a 20% bid evaluation preference for landfill & brownfield renewable energy projects during at least Year 1 of policy implementation. | Connecticut Non-Residential Tariffs Program |
| Illinois | Procurement Requirement | Brownfield Solar Requirement in Climate and Equitable Jobs Act | At least 3% of new solar renewable energy certificates from utility-scale projects must be obtained from brownfield sites. | Illinois Climate and Equitable Jobs Act |
| Maine | Procurement Preference | Act to Promote Solar Energy Projects and Distributed Generation (DG) Resources | Brownfields, capped landfills, & certain other desirable sites are provided with favorable price adjustments in bid evaluations. | Maine Solar Energy Projects and DG Resources Act |
| Maryland | Direct Financial Incentive | Renewable Energy Development and Siting (REDS): Evaluations and Tax and Fee Exemptions | Tax exemptions for renewable energy projects on landfills, brownfields, Superfund sites, reclaimed mines, & some other site types. | Maryland REDS Evaluations and Tax and Fee Exemptions |

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|----------------------|----------------------------|---|--|---|
| Massachusetts | Direct Financial Incentive | Solar Massachusetts Renewable Target (SMART) | There are \$0.04/kilowatt-hour (kWh) & \$0.03/kWh adders for landfill & brownfield solar projects, respectively, beyond incentives available for other project types. | Solar Massachusetts Renewable Target (SMART) Program |
| Minnesota | Direct Financial Incentive | Closed Landfill Solar Redevelopment and Reuse Account | Established ongoing account to pay off debt of closed landfills being redeveloped for solar & funded prepayment of debt at pilot landfill site. | Minnesota Closed Landfill Solar Redevelopment & Reuse Full Legislation Minnesota Closed Landfill Solar Redevelopment & Reuse Summary |
| New Jersey | Direct Financial Incentive | Subsection (t) of Successor Solar Incentive Program | Higher solar renewable energy certificate prices for landfill & brownfield (& historic fill) projects than many other project types. | New Jersey Successor Solar Incentive Program |
| New Jersey | Direct Financial Incentive | Hazardous Discharge Site Remediation Fund | There is a specific renewable energy funding option, in which grants cover up to 75% of remedial action costs for renewable energy reuse. | New Jersey Hazardous Discharge Site Remediation Fund |
| New Jersey | Procurement Preference | Community Solar Energy Pilot Program | Evaluation criteria include strong preferences for contaminated sites & certain other desirable site types. In the program's second year, 10 awarded projects totaling 41 MW _{DC} in total capacity were on landfill & brownfield sites. The program is geared towards environmental justice access; at least 51% of this capacity is dedicated to LMI communities. | New Jersey Community Solar Program |
| New York | Direct Financial Incentive | NY-Sun MW Block Program | Brownfield & landfill ground-mounted solar projects up to 7.5 MW in much of the state are eligible for additional incentives per watt of installed capacity. | New York Doing Solar Business (click on "Available Incentives") |
| New York | Direct Financial Incentive | Build-Ready Program | As part of this program, renewable energy credit offtake agreements can be bundled with renewable projects developed on under-utilized sites for auction to private buyers. Those offtake agreements are a form of incentive, creating valuable revenue certainty for potential buyers. | NYSERDA Build-Ready Program |
| New York | Direct Financial Incentive | Brownfield Cleanup Program | Under the recent 10-year re-authorization of this program, new renewable energy brownfield redevelopments are eligible for enhanced tax credits. | New York Brownfield Cleanup Program |

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| Rhode Island | Direct Financial Incentive | Renewable Energy Fund: Brownfields Solar PV Program | Grants for solar PV projects on brownfields that use net metering or virtual net metering arrangements. Remediation costs are not eligible fund uses. | Rhode Island Renewable Energy Fund |
| Vermont | Direct Financial Incentive | Net Metering System Rules | Adders & subtractors to net metering compensation rates reward landfills, brownfields, certain mines, & other preferred site types. | Vermont Net Metering System Rules |
| West Virginia | Procurement Preference | Renewable Energy Facilities Program | Preferential utility cost recovery to encourage development of up to 400 MW of solar on former mining sites, closed landfills, brownfields, hazardous waste sites, & certain other preferred sites. | West Virginia Renewable Energy Facilities Program Legislation |

Streamlined Permitting and Environmental Reviews

| State | Policy Type | Policy Name | Key Aspects of Policy | Web Link |
|----------------------|---|---|---|---|
| Massachusetts | Streamlined Permitting & Environmental Review | Expedited Review of Renewable Energy Projects | Various policies to accelerate review steps & timelines for qualifying renewable energy projects. | Massachusetts Clean Energy Results Program Massachusetts Siting Clean Energy at Closed Landfills |
| New Jersey | Streamlined Permitting | Statute allowing solar on a closed landfill as an approved use regardless of the zoning, allowing projects to bypass variance processes & go right to the local planning board for site plan review & approval. | | TBD |
| New York | Streamlined Environmental Review | Expedited State Environmental Quality Review Act (SEQRA) Review | Certain brownfield & closed landfill solar projects can qualify as Type II actions, not requiring further environmental review under SEQRA. | New York State Solar Guidebook |
| New York | Streamlined Permitting | Expedited Review by Office of Renewable Energy Siting | Large-scale brownfield & landfill projects receive expedited review by this office. | New York State Office of Renewable Energy Siting |
| Virginia | Streamlined Permitting & Environmental Review | Renewable Energy Permits by Rule (PBR) | Renewable energy projects can obtain expedited permits by agreeing to operating & construction requirements; this program also involves inter-agency coordination of reviews. | Virginia Permits by Rule |