
comment

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Fri, Sep 28, 2018 at 12:42 PM

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Please accept the following as a public comment regarding Block 1 Lottery IPA Strawman Proposal.

The Future Energy Jobs Act creates a specific carve out of incentives for new solar installations on brownfields to “help return blighted or contaminated land to productive use.” The Act also creates a definition for a “Brownfield site photovoltaic project” which would qualify a site to receive the brownfield incentive. The definition is essentially properties that are enrolled in state or federal brownfield remediation projects or State landfill management programs. Specifically, in part, “a site that is regulated by... (C) the Illinois Environmental Protection Agency under the Illinois Site Remediation Program; (D) the Illinois Environmental Protection Agency under the Illinois Solid Waste Program.”

A lack of clarity arises in that, according to the Illinois Environmental Protection Agency, there are 3,430 legacy landfills in Illinois. Many of these landfills were operated and closed before the State had landfill regulations, or were closed so long ago that they no longer have any active permit through the Illinois Solid Waste Program. That is to say, they are post post-closure. Additionally, it is generally not feasible to enter these properties into the Site Remediation Program. The rules, regulations, and prohibitions of the Illinois Environmental Protection Act still apply to these closed landfills, but that Act is not listed as a criteria for qualification with respect to the Brownfield site definition in the Future Energy Jobs Act. Many of these landfills are closed landfills located on property still owned by municipalities.

Do the thousands of old, closed landfills across the State qualify for the Brownfield incentive? These sites clearly meet the general understanding of a brownfield although they don't clearly meet the Future Energy Jobs Act's definition. Excluding long-closed municipal landfills from the brownfield incentive was not explicitly stated in the Act. Establishing a means to include these landfills would contribute to meeting the legislative intent to “help return blighted or contaminated land to productive use.” Please consider two actions: 1) Clarify that the Act does qualify long-closed, post-permit, post post-closure landfills to use the Brownfield incentive. 2) Use the “25% Program Capacity at the Agency's Discretion” to direct solar incentives to closed municipal dumps to meet the aforementioned statutory intent. Municipal staff may be willing to support such an effort by compiling a list of closed municipal dumps and identifying which have secured a lease option with a solar developer by some date.

Thanks!

Scott

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