

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 2023)

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 4 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 & closed coal mines. Sites typically thought of as “landfills” are included in the policy’s brownfield definition.	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

State	Policy Type	Policy Name	Key Aspects of Policy	Web Link
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

State	Policy Type	Policy Name	Key Aspects of Policy	Web Link
Rhode Island	Direct Financial Incentive	Renewable Energy Fund: Brownfields Solar PV Program	Grants for solar PV, or solar PV combined with energy storage, projects on brownfields, with cumulative awarded capacity exceeding 40 MW.	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 (& other previously developed commercial & industrial sites) 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