

**Featured Professionals**

Christina K. Brusven

Haley Waller Pitts

**Related Services**

Renewable Energy

## New Minnesota Wind and Solar Decommissioning Plan Recommendations

**Legal Update**

03.25.2020

By Haley Waller Pitts and Christy Brusven

On March 16, 2020, the Department of Commerce, Energy Environmental Review and Analysis (EERA) issued its Recommendations on Review of Solar and Wind Decommissioning Plans (Recommendations). The Recommendations are the result of Docket No. E-999/M-17-123, in which the Minnesota Public Utilities Commission (Commission) authorized the creation of a wind and solar decommissioning workgroup. EERA also reviewed existing decommissioning plans, noting that the majority of the wind and solar projects permitted by the Commission sell power via a power purchase agreement (PPA) and are not utility-owned. The working group thus initially recommended that financial assurance be in place prior for projects prior to the expiration of their PPAs. The Recommendations include further comments from EERA regarding decommissioning plans, specifically regarding decommissioning plan content and how EERA will review decommissioning plans for proposed and existing projects.

### Decommissioning Plan Content

EERA noted that existing decommissioning plans vary greatly in detail and content. EERA recommends that future plans be filed publicly and contain the following categories of information: project description; use of the generation output; decommissioning objective; notification to landowners and government bodies; decommissioning tasks and timing; detailed cost estimate; and, financial surety. Additional detail is on pages three and four of the Recommendations.

### Plan Review Procedures

EERA's goal is to review all decommissioning plans on a rolling five-year schedule.

*For current applications*, not yet permitted, EERA is updating its application guidance to recommend that new applications and repowering requests include a draft decommissioning plan. EERA and the Commission may address the adequacy of a draft decommissioning plan during the permit review process.

*For facilities in pre-construction or construction, decommissioning plans will be reviewed as a compliance filing and any outstanding issues that could require additional action will be documented. This includes the Nobles II, Blazing Star I, Blazing Star II, and Freeborn Wind projects.*

*For facilities in operation, EERA proposes a five-year review cycle based on numerous factors, including PPA term and initial operating date. To initiate further plan review, EERA will file a request for an updated decommissioning plan from the permittee and will document its review in a compliance filing review letter. EERA proposes the following schedule.*

- **2020:** Big Blue Wind, Blazing Star I Wind, Blazing Star II Wind, Chanarambie Wind, Community Wind North, Fenton Wind, Freeborn Wind, Grant County Wind, Jeffers Wind, Lake Benton I Wind, Lake Benton II Wind, Lakota Ridge Wind, MinnDakota Wind, Moraine WindMower County Wind, Nobles 2 Wind, Shaokatan Hills Wind, Trimont Wind
- **2021:** Elm Creek Wind I, Elm Creek Wind II, Moraine Wind II, Prairie Rose Wind, Prairie Star Wind, Ridgewood Wind, Taconite Ridge Wind
- **2022:** Bent Tree Wind, Lakefield Wind, Lakeswind, Nobles Wind, Wapsipinicon Wind
- **2023:** Community Wind South, Oak Glen Wind, Palmer's Creek Wind, Red Pine Wind
- **2024:** Aurora Solar, Black Oak Wind, Getty Wind, Marshall Solar, North Star Solar, Odell Wind, Pleasant Valley Wind, Stoneray Wind
-