



WIND AND SOLAR FACILITY TASKFORCE

WIND AND SOLAR LEGISLATIVE PROPOSALS:

March 7, 2024

- Eliminate the inconsistencies between Public Act 102-1123 and its incorporation of the Illinois Department of Agriculture’s Agricultural Impact Mitigation Agreement (“AIMA”).
 - The Act limits certain measures a county may take, including a limitation on construction, decommissioning, or deconstruction standards that shall not be more restrictive than the standards in the AIMA.
 - The AIMA’s characterization of the specifications regarding construction or deconstruction as the “minimum standards” suggests that the terms therein are the “floor”. A county ordinance must, at a minimum, include those standards. However, at the same time, the statute does not permit county ordinances that “are more restrictive than” the AIMA terms.
 - Farmland Drainage Plan: Require county or drainage district plan review and approval authority of farmland drainage plans (or preparation of plans by independent third party for benefit of landowners, drainage districts and counties) now required by new subsection (j-5) See also, 55 ILCS 5/5-12020(t).
- Amend the Act to better define the words “standards”, “requirements” and “restrictions”, which are used interchangeably, to eliminate confusion.
- Require the initial Financial Assurance to be set at a higher percentage (75% to 100% of est. decommissioning costs) than the current mandated 11-year phased-in, capped dollar amount set by a percentage formula.
 - The cost of decommissioning should be re-evaluated every 5 years after the Commercial Operation Date.
 - Allow the use of the Financial Assurance to cover public safety / emergency repairs that are not timely addressed by the operator.
 - Require the replenishment of the Financial Assurance if used to cover public safety / emergency repairs or for decommissioning of a portion of a project.
- Amend Siting Decision Requirement to require counties to make siting and permitting decisions not more than 60 days after the conclusion of the public hearing.
- Amend Act to state a NPDES Permit is required for project that disturb more than 1 acre of land and conservation plan needs to be filed.

- Amend to allow counties to require earth berms for ground-based solar farm projects.
 - Are there more appropriate sound standards for solar facilities and wind towers than the standards of the Illinois Pollution Control Board under 35 Illinois Administrative Code parts 900, 901 and 910?
 - Amend to require LaSalle / Sinclair zoning standards apply to siting permit approval process.
 - Review the situation where the proposed solar / wind facility owner also owns the project land, does AIMA apply?
 - Review Illinois Farmland Preservation Act (505 ILC 75) for pertinent provisions that may need to be addressed when considering amendments to the Act or AMIA.
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- Clarifying that wind and solar projects can be placed in zoning districts primarily intended for agricultural and manufacturing uses?
 - Allowing counties to make commercial wind and solar projects permitted uses?