Bond Case Briefs

Municipal Finance Law Since 1971

NYSERDA's Municipal Solar Procurement Toolkit Promotes The Development Of Solar Projects On Brownfields And Landfills.

What is the toolkit? The Municipal Solar Procurement Toolkit provides guidance and resources for communities seeking to develop solar projects on underutilized properties such as landfills and brownfields. It is part of a comprehensive resource prepared by the New York State Energy Research and Development Authority ("NYSERDA"), the New York Solar Guidebook for Local Governments to help municipal officials engage in informed decision making about the potential benefits, effects, and impacts on the community from solar energy projects.

What does the toolkit do?

Municipalities can use the new Municipal Solar Procurement Toolkit as a guide to converting underutilized municipal property, such as landfills and brownfields into revenue producers through leases to solar energy developers.

What are the components of the toolkit?

The toolkit consists of:

(a) an overview guide to municipal procurement; the Guide notes some of the rules governing municipal leases and in particular County leases, and how to address them;

(b) step-by-step instructions;

(c) information about solar project permitting, inspection, property taxes, land leases; and

(d) ready-to-use templates for a land lease agreement as well as a request for proposals.

As a corollary to the toolkit, NYSERDA makes free technical assistance available to help municipalities implement policies and practices in order to become solar-ready communities.

Effect of relaxed SEQRA regulations: the toolkit complements a set of updated rules adopted by the Department of Environmental Conservation ("DEC") intended to streamline the State Environmental Quality Review Act ("SEQRA") process to encourage sustainable, renewable energy development.

Starting January 1, 2019, the updated regulations expand the number of actions not subject to further review under SEQRA, known as Type II actions, modify thresholds for actions deemed more likely to require the preparation of an environmental impact statement ("EIS"), and require scoping of an EIS. Type II actions include installation of solar arrays on closed landfills, cleaned up brownfield sites, wastewater treatment facilities, sites zoned for industrial use, solar canopies on residential and commercial parking facilities, and the installation of solar arrays on an existing structure not listed on the National or State Register of Historic Places.

With the DEC streamlining the SEQRA regulations, contractors will no longer have to prepare a formal assessment of the environmental impacts of solar projects on brownfields and landfills. Elimination of this step greatly expedites what used to be a lengthy and long drawn out SEQRA review process. Given the already disturbed nature of these sites, the regulations recognize the minimal need for environmental review, and will encourage alternative use of these sites.

Impact: Earlier this year, NYSERDA established higher incentives for solar projects that are built on brownfields and landfills through the Governor's NY-Sun Megawatt Block initiative, which is a $1 billion public-private initiative to expand solar energy. The toolkit provides a pathway to take advantage of the revised SEQRA regulations and increased incentives:

– dead space of a brownfield or landfill can not only be revived but transformed into a renewable energy resource, thereby making that land/site productive once again;

– consumer energy bills will be lowered;

– clean, emission free energy can be produced with no harmful impact upon the environment;

– economic development will be spurred by creating solar industry jobs and generating revenue for the municipalities through the leasing of these sites;

– by virtue of a community solar project, greater access to solar energy is provided; and

– the state's capacity to harness solar power will be expanded, thereby supporting the Governor's mandate that 50% of the state's electricity come from renewable resources by the year 2030.

Streamlined SEQRA regulations, NYSERDA's toolkit, and the financial incentives under the megawatt block program are this state's triple booster shot aimed at propelling the Governor's 50% renewable energy goals by 2030 to combat climate change.

A link to the Guidebook with the newly-added Municipal Solar Procurement Toolkit chapter is available here.

Hodgson Russ LLP

November 28, 2018

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com