

ALERTS**Environmental Law Alert - Promoting Renewable Energy Redevelopment Of Brownfields**

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In 2008, the United States Environmental Protection Agency (USEPA) launched its Re-Powering America's Land Initiative with the stated goal of encouraging renewable energy development on current and formerly contaminated properties, landfills and mine sites (brownfields). A centerpiece of the initiative is its informational and promotional aspect: USEPA has combined data regarding brownfields locations with information about regional and site-specific renewable energy potential to create a suite of mapping and screening tools useful to determine whether a renewable energy project is feasible at a particular site.

Additionally, the initiative offers technical support in the form of general feasibility studies, fact sheets and siting best management practices focused on solar, wind, biopower and geothermal energy sources.

In 2010, USEPA issued an initial draft action plan to outline efforts to engage interested parties and to track progress in developing renewable energy resources at brownfields. While there have been some successful projects developing renewable energy resources at brownfield sites throughout the country – such as the Maywood Solar Farm built on a Superfund site in Indianapolis – there is a general consensus that the initiative has not yet realized the full potential for renewable energy resources at brownfields. To further refine its implementation of the Initiative, USEPA has just announced that it is soliciting comments on its Draft Action Plan 2.0; comments are due to USEPA by May 30, 2014.

Left unaddressed by USEPA are the challenges of monetizing brownfield renewable development projects even beyond environmental, permitting and siting issues. Each project will face different market conditions and regulatory commissions in each state. As such, successful renewable energy development on brownfield sites requires significant pre-project planning and interface with regulators.

If you are interested in learning more about renewable energy redevelopment of brownfields or in discussing or commenting on the Re-Powering America's Land Initiative Draft Action Plan 2.0, don't hesitate to contact a member of our Brownfields & Environmental Transactional Diligence practice group, such as David Gillay (david.gillay@btlaw.com) and Timothy Haley (timothy.haley@btlaw.com), or our Renewable Energy practice group, William Ewing (william.ewing@btlaw.com).

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