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February 15, 2022

Representative Paul Tonko
Chairman
House Subcommittee on Environment
and Climate Change
2125 Rayburn HOB
Washington, DC 20515

Representative David B. McKinley
Ranking Member
House Subcommittee on Environment
and Climate Change
2125 Rayburn HOB
Washington, DC 20515

Dear Chairman Tonko and Ranking Member McKinley:

On behalf of Savion Energy, thank you for holding the hearing, "Back from the Brink: Restoring Brownfield Sites to Economic Engines." This is an important topic for Savion, as we have been exploring deployment of solar energy on brownfields and are working to address a number of challenges.

Savion is one of the largest and most technologically advanced utility-scale solar and energy storage project development companies in the U.S. It is an American company headquartered in Kansas City, MO, with projects in various phases across 27 states.

Large scale solar projects are an important piece of the nation's move toward renewable energy and carbon-free electricity. According to a report issued in September 2021 by the Department of Energy in 2020, the U.S. installed a record amount of solar—15 gigawatts (GWac)—to total 76 GW, representing 3% of the current electricity supply. [1] That same study concluded that "by 2035, solar energy has the potential to power 40% of the nation's electricity, drive deep decarbonization of the grid, and employ as much as 1.5 million people—without raising electricity prices."

Importantly and particularly relevant to this hearing, the study concluded that the land needed for future solar deployment could be met in numerous ways, including the use of disturbed or contaminated lands unsuitable for other purposes.

Savion agrees that siting large scale solar projects on contaminated lands such as brownfields is an excellent way to turn blighted property back into productive use, preserve farmland and undeveloped property, and help meet our nations' commitment to sustainable energy; historically however, large scale solar developers often have been forced to look to greenfields because our industry is incredibly sensitive to price and greenfield siting is the most cost-effective way to develop such projects.

Taking into account construction and operating costs, a solar farm on a brownfield site can be 10 to 25 percent more expensive compared to a greenfield site, depending on the type of brownfield property. These additional costs arise from a variety of factors, including but not limited to:

- Enhanced site due diligence arising from geotechnical evaluations and legacy risks due to liability from previous contamination or if prior owners defaulted on taxes or permits;
- Increased permitting costs resulting from greater scrutiny of the development site;
- Increased title costs due to poor real estate records and bifurcated mineral and land rights;
- Increased insurance costs due to higher risks associated with additional environmental pollution coverage and indemnities;
- More costly and timely site preparation, including cut/fill and grading;
- Site topography resulting from prior use of the property, e.g., slopes from a landfill that restrict the ability of panels to track the sun;
- Use of fixed arrays v. single access tracking configurations to mount panels;

[1] DOE Releases Solar Futures Study Providing the Blueprint for a Zero-Carbon Grid | Department of Energy

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- More difficult subsurface conditions requiring either drilled piles or pre-drilled holes with concrete backfill;
- Increased cost of equipment and need for additional equipment because of load weight and other restrictions;
- Restrictions on digging and trenching and other cautionary activities to prevent breaching mitigation remediation;
- Increased costs of installation arising from load limits and other factors;
- Risk of the land settling over time;
- Greater maintenance costs, e.g., mitigating snow accumulation on fixed panels.

These additional expenses discourage and impede solar projects on brownfields because the projects are not cost competitive with solar developments on greenfields.

In addition to these increased costs, siting large scale solar projects on brownfield sites poses significant legal risks and burdens on the solar developer. These risks have dissuaded many developers from siting solar projects on brownfields and instead they turn to farmland and greenfields for their projects.

In 2001, Congress passed the Small Business Liability Relief and Brownfields Revitalization Act and in 2018 enacted the BUILD Act in an attempt to address some of these brownfields liability issues discouraging brownfields cleanup and redevelopment. Unfortunately, the limited "*bona fide* prospective purchaser" defense does not sufficiently address the legal risks posed by large scale solar development on brownfields properties. One of the biggest concerns siting solar projects on brownfields properties is that the burden of proof is placed on a solar developer who had no part whatsoever in the mitigation of contamination at the site. This adds significant burdens, cost, uncertainty and timeline risks to solar developers which is not the case if the project is located at a greenfields. Simply creating parity of liability and risks between brownfields and greenfields would make brownfields redevelopment much more attractive.

Congress has an opportunity now to reduce these liability concerns that siting solar projects on brownfields carry so that redevelopment of solar projects on brownfields becomes the location of first choice. Ensuring equitable solar development on brownfields is an important problem to solve now to help achieve the nation's ambitious emissions goals, promote the successful growth of solar energy, keep greenfields available for agriculture and other uses, and convert contaminated sites currently sitting idle and unused to productive sites creating jobs, providing affordable energy and generating tax revenue.

Sincerely,

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