

August 22, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Initial Comments and Recommendations – Amended Decommissioning Plan
Hayward Solar Project
Docket Nos. IP7053/CN-21-112 and IP7053/GS-21-113

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matters:

In the Matter of the Application of Hayward Solar, LLC for a Certificate of Need for the up to 150 MW Hayward Solar Project in Freeborn County

In the Matter of the Application of Hayward Solar, LLC for a Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

EERA staff finds that Hayward Solar, LLC's amended decommissioning plan satisfies Commission site permit requirements. Staff is available to answer any questions the Commission may have.

Sincerely,



Ray Kirsch
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

HAYWARD SOLAR PROJECT DOCKET Nos. IP7053/CN-21-112 AND IP7053/GS-21-113

Date: August 22, 2022

EERA Staff: Ray Kirsch | 651-539-1841 | raymond.kirsch@state.mn.us

In the Matter of the Application of Hayward Solar, LLC for a Certificate of Need for the up to 150 MW Hayward Solar Project in Freeborn County

In the Matter of the Application of Hayward Solar, LLC for a Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County

Issues Addressed: These comments and recommendations address whether Hayward Solar, LLC's amended decommissioning plan satisfies Commission site permit requirements, and whether any changes or additional requirements should be made to the amended plan.

Additional documents and information can be found on eDockets:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (21-112 and 21-113) and on the Department of Commerce's website: <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0391 (voice).

Introduction and Background

On May 5, 2021, Hayward Solar, LLC (Hayward Solar) filed a certificate of need application and a site permit application to construct and operate an up to 150 megawatt (MW) photovoltaic electric power generating facility in Freeborn County, Minn.¹ Subsequently, the Commission found both

¹ Hayward Solar Project, Application to the Minnesota Public Utilities Commission for a Certificate of Need for a Large Electric Generating Facility, May 5, 2021, eDockets Numbers [20215-173903-01](#) (through -08), [20215-173941-01](#), [20215-173941-02](#) [hereinafter Certificate of Need Application]; Hayward Solar Project, Application to the Minnesota Public Utilities Commission for a Site Permit for a Large Electric Generating Facility, May 5, 2021, eDockets Numbers [20215-173904-01](#) (through -09), [20215-173906-01](#) (through -10), [20215-173901-01](#) (through -10), [20215-173909-01](#) (through -06), [20215-173920-01](#), [20215-173920-02](#), [20215-173938-01](#), [20215-173938-02](#), [20215-173938-03](#) [hereinafter Site Permit Application].

applications to be complete. In its site permit application completeness order, the Commission conditioned its completeness determination upon Hayward Solar submitting an amended decommissioning plan prior to the public hearing for the project.² Hayward Solar amended its decommissioning plan; however, it inadvertently did not file the amended plan prior to the public hearing. Hayward Solar filed the amended decommissioning plan approximately four months after the public hearing.³

On August 3, 2022, the Commission issued notice of a public comment period regarding Hayward Solar's amended decommissioning plan.⁴

EERA Staff Analysis and Comments

In its application completeness comments, Department of Commerce, Energy Environmental Review and Analysis (EERA) staff noted that the decommissioning plan in Hayward Solar's site permit application did not include a method and schedule for updating decommissioning costs.⁵ EERA staff recommended that the Commission accept Hayward Solar's application as substantially complete and require Hayward Solar to amend its decommissioning plan to include a method and schedule for updating decommissioning costs.⁶

After reviewing Hayward Solar's amended decommissioning plan, EERA staff finds that the plan includes a method and schedule for updating decommissioning costs. The amended plan notes that decommissioning costs will be updated every five years by a professional engineer.⁷

Additionally, EERA staff finds that the amended decommissioning plan includes cost estimates for decommissioning the project and associated assumptions.⁸ Finally, EERA staff finds that the amended decommissioning plan includes a basic financial plan for assuring the availability of monies to decommission the project.⁹ The plan does not identify a specific surety that will be used or a specific beneficiary; however, as the plan will be updated every five years over a period of 30 years, there is time to include additional detail regarding these points.¹⁰

EERA Staff Recommendations

EERA staff recommends that the Commission find that Hayward Solar's amended decommissioning plan satisfies Commission site permit requirements. EERA staff does not recommend any changes or additional requirements for the amended plan.

² Commission Order, June 29, 2021, eDockets Number [20216-175529-01](#).

³ Amended Decommissioning Plan, Hayward Solar, LLC, July 29, 2022, eDockets Number [20227-187966-02](#) [hereinafter Amended Decommissioning Plan].

⁴ Notice of Comment Period on Amended Decommissioning Plan, August 3, 2022, eDockets Number [20228-188088-02](#).

⁵ Comments and Recommendations on Application Completeness, Department of Commerce, Energy Environmental Review and Analysis, May 27, 2021, eDockets Number [20215-174542-01](#).

⁶ Id.

⁷ Amended Decommissioning Plan, Section 1.5.

⁸ Id., Section 1.6.

⁹ Id., Section 1.5

¹⁰ Id.