



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1597

Introduced 2/4/2025, by Sen. Sally J. Turner

#### SYNOPSIS AS INTRODUCED:

505 ILCS 147/15

Amends the Renewable Energy Facilities Agricultural Impact Mitigation Act. In a provision regarding agricultural impact mitigation agreements, provides that an agricultural impact mitigation agreement for a commercial energy facility shall include a provision for the prevention and remediation of soil and water contamination from the release of oil, lubricant, hydraulic fluid, transformer solvent, insulation fluid, cleaning fluid, or any other similar fluid.

LRB104 05980 BDA 16013 b

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Renewable Energy Facilities Agricultural  
5 Impact Mitigation Act is amended by changing Section 15 as  
6 follows:

7 (505 ILCS 147/15)

8 Sec. 15. Agricultural impact mitigation agreement.

9 (a) A commercial renewable energy facility owner of a  
10 commercial wind energy facility or a commercial solar energy  
11 facility that is located on landowner property shall enter  
12 into an agricultural impact mitigation agreement with the  
13 Department outlining construction and deconstruction standards  
14 and policies designed to preserve the integrity of any  
15 agricultural land that is impacted by commercial renewable  
16 energy facility construction and deconstruction. The  
17 construction and deconstruction of any commercial solar energy  
18 facility shall be in conformance with the Department's  
19 standard agricultural impact mitigation agreement referenced  
20 in subsection (f) of this Section. Except as provided in  
21 subsection (a-5) of this Section, the terms and conditions of  
22 the Department's standard agricultural impact mitigation  
23 agreement are subject to and may be modified by an underlying

1 agreement between the landowner and the commercial solar  
2 energy facility owner.

3 (a-5) Prior to the commencement of construction, a  
4 commercial solar energy facility owner shall submit to the  
5 county in which the commercial solar facility is to be located  
6 a deconstruction plan. A commercial solar energy facility  
7 owner shall provide the county with an appropriate financial  
8 assurance mechanism consistent with the Department's standard  
9 agricultural impact mitigation agreement for and to assure  
10 deconstruction in the event of an abandonment of a commercial  
11 solar energy facility.

12 (b) The agricultural impact mitigation agreement for a  
13 commercial wind energy facility shall include, but is not  
14 limited to, such items as restoration of agricultural land  
15 affected by construction, deconstruction (including upon  
16 abandonment of a commercial wind energy facility),  
17 construction staging, and storage areas; support structures;  
18 aboveground facilities; guy wires and anchors; underground  
19 cabling depth; topsoil replacement; protection and repair of  
20 agricultural drainage tiles; rock removal; repair of  
21 compaction and rutting; land leveling; prevention of soil  
22 erosion; repair of damaged soil conservation practices;  
23 prevention and remediation of soil and water contamination  
24 from the release of oil, lubricant, hydraulic fluid,  
25 transformer solvent, insulation fluid, cleaning fluid, or any  
26 other similar fluid; compensation for damages to private

1 property; clearing of trees and brush; interference with  
2 irrigation systems; access roads; weed control; pumping of  
3 water from open excavations; advance notice of access to  
4 private property; indemnification of landowners; and  
5 deconstruction plans and financial assurance for  
6 deconstruction (including upon abandonment of a commercial  
7 wind energy facility).

8 (b-5) The agricultural impact mitigation agreement for a  
9 commercial solar energy facility shall include, but is not  
10 limited to, such items as restoration of agricultural land  
11 affected by construction, deconstruction (including upon  
12 abandonment of a commercial solar energy facility); support  
13 structures; aboveground facilities; guy wires and anchors;  
14 underground cabling depth; topsoil removal and replacement;  
15 rerouting and permanent repair of agricultural drainage tiles;  
16 rock removal; repair of compaction and rutting; construction  
17 during wet weather; land leveling; prevention of soil erosion;  
18 repair of damaged soil conservation practices; compensation  
19 for damages to private property; clearing of trees and brush;  
20 access roads; weed control; advance notice of access to  
21 private property; indemnification of landowners; and  
22 deconstruction plans and financial assurance for  
23 deconstruction (including upon abandonment of a commercial  
24 solar energy facility). The commercial solar energy facility  
25 owner shall enter into one agricultural impact mitigation  
26 agreement for each commercial solar energy facility.

1           (c) For commercial wind energy facility owners seeking a  
2           permit from a county or municipality for the construction of a  
3           commercial wind energy facility, the agricultural impact  
4           mitigation agreement shall be entered into prior to the public  
5           hearing required prior to a siting decision of a county or  
6           municipality regarding the commercial wind energy facility.  
7           The agricultural impact mitigation agreement is binding on any  
8           subsequent commercial wind energy facility owner that takes  
9           ownership of the commercial wind energy facility that is the  
10          subject of the agreement.

11          (c-5) A commercial solar energy facility owner shall, not  
12          less than 45 days prior to commencement of actual  
13          construction, submit to the Department a standard agricultural  
14          impact mitigation agreement as referenced in subsection (f) of  
15          this Section signed by the commercial solar energy facility  
16          owner and including all information required by the  
17          Department. The commercial solar energy facility owner shall  
18          provide either a copy of that submitted agreement or a copy of  
19          the fully executed project-specific agricultural impact  
20          mitigation agreement to the landowner not less than 30 days  
21          prior to the commencement of construction. The agricultural  
22          impact mitigation agreement is binding on any subsequent  
23          commercial solar energy facility owner that takes ownership of  
24          the commercial solar energy facility that is the subject of  
25          the agreement.

26          (d) If a commercial renewable energy facility owner seeks

1 an extension of a permit granted by a county or municipality  
2 for the construction of a commercial wind energy facility  
3 prior to the effective date of this Act, the agricultural  
4 impact mitigation agreement shall be entered into prior to a  
5 decision by the county or municipality to grant the permit  
6 extension.

7 (e) The Department may adopt rules that are necessary and  
8 appropriate for the implementation and administration of  
9 agricultural impact mitigation agreements as required under  
10 this Act.

11 (f) The Department shall make available on its website a  
12 standard agricultural impact mitigation agreement applicable  
13 to all commercial solar energy facilities within 60 days after  
14 the effective date of this amendatory Act of the 100th General  
15 Assembly.

16 (g) Nothing in this amendatory Act of the 100th General  
17 Assembly and nothing in an agricultural impact mitigation  
18 agreement shall be construed to apply to or otherwise impair  
19 an underlying agreement for a commercial solar energy facility  
20 entered into prior to the effective date of this amendatory  
21 Act of the 100th General Assembly.

22 (Source: P.A. 99-132, eff. 7-24-15; 100-598, eff. 6-29-18.)