

Michigan's New Siting Law for Renewable Energy and Storage Facilities



Michigan Environmental Compliance Conference

Katie Krupp, MPSC

June 10, 2026



Agenda

Siting Overview

- Utility-scale projects
- Siting routes
 - Local Siting & RRCA
 - State Siting & PA 233

State-Level Siting & Public Act 233

- MPSC 101 & Contested Case Process
- PA 233
- Application Filing

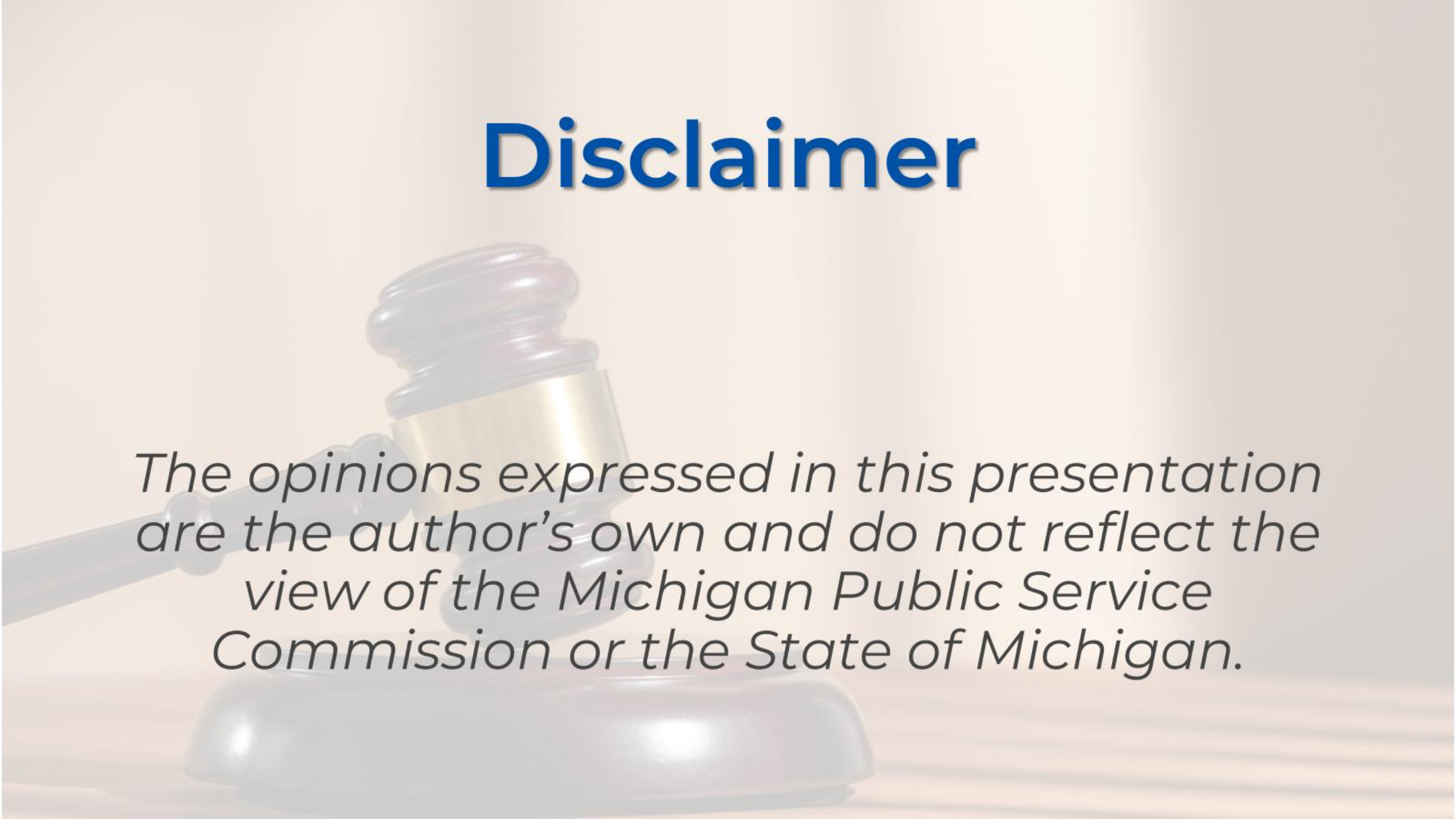
Environmental Compliance Report

- Legal framework
- Elements of report
- Agency consultation and permitting
- Michigan Environmental Protection Act

Additional Compliance Considerations



Disclaimer



The opinions expressed in this presentation are the author's own and do not reflect the view of the Michigan Public Service Commission or the State of Michigan.

Siting Overview: utility-scale RESS projects

What is “utility-scale”?

- Utility scale projects are
 - Large
 - Grid connected
 - Power is sold to off-takers (e.g Consumers, DTE)

Most local zoning conflicts regarding renewable energy facilities pertain to these features



Siting Overview: Local Siting & RRCA

Renewables Ready Communities Award RRCA



- ❑ The RRCA awards local governments that grant **local permits** to large-scale renewable energy projects up to \$5,000 per megawatt.
- ❑ RRCA ensures local governments see additional revenue whether the project permitting goes to the State or remains local.

Renewables Ready Communities Award

RRCA



- ❑ \$30 million awarded to 57 RRCAs, covering 6 GW of solar and storage projects.
 - Average award amount: \$525,000
 - Reopening with \$90 million from the EPA this year.

- ❑ Funds go towards any project of public benefit:
 - Current uses: Road work, Township hall repairs, cemetery upgrades, new recreation piers, parks, and equipment, zoning/master planning, and many more!



Contact EGLE at the [RRCA webpage](#) for more information.

Siting Overview: State Siting & PA 233

MPSC 101

- 3 Governor-appointed Commissioners + 200 Staff
 - Staggered 6-yr terms
 - Non-partisan (no more than 2 from same political party allowed)
- Authority is granted through statute
- Mission is to serve the public by ensuring safe, reliable, and accessible energy and telecommunications services at reasonable rates.
- Orders issued as a result of a **Contested Case Process**



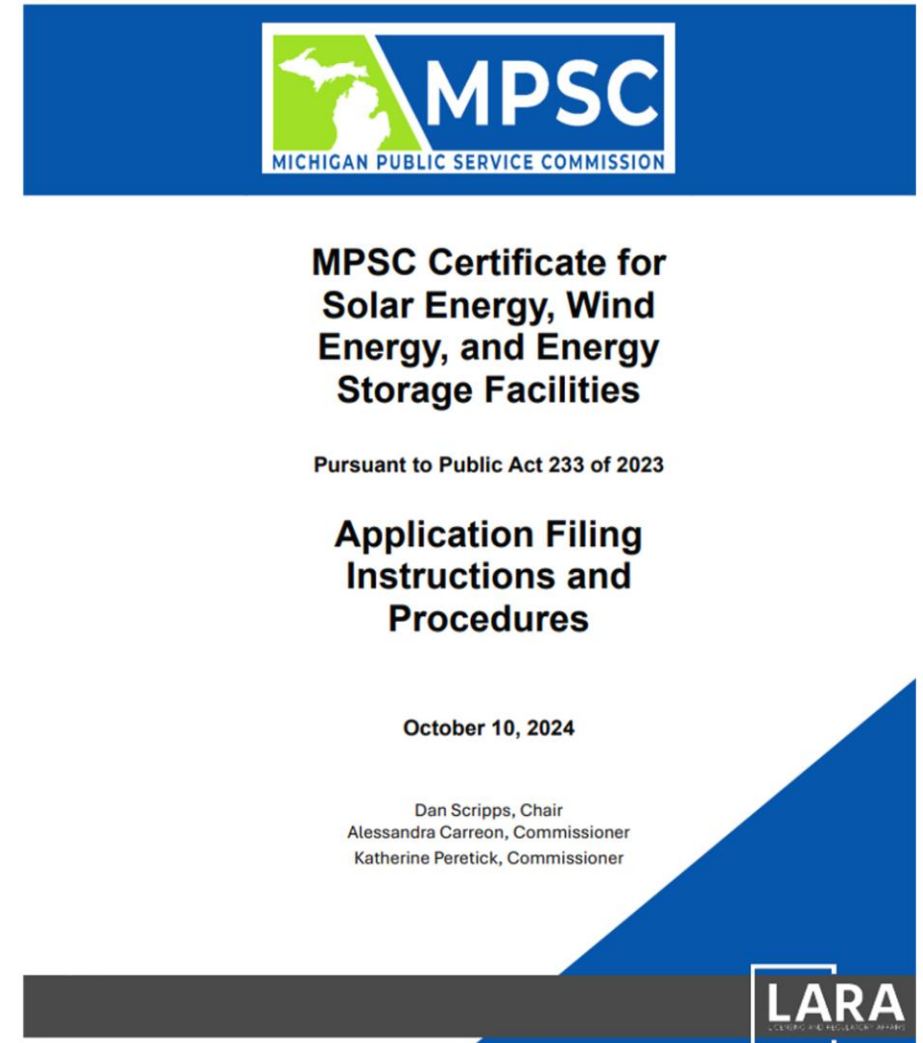
State-Level Siting & PA 233

Public Act 233

- ❑ MPSC has limited siting authority under PA 233 of 2023
 - Only under certain circumstances, utility-scale size projects may apply for a siting certificate through the MPSC
 - If filed at the MPSC, the case follows a contested case process
 - Statutory deadline: 12 months from a *complete* application
 - Size: 50 MW and up for solar and BESS; 100 MW and up for wind
- ❑ **NO** eminent domain (unlike siting of electric transmission lines)
- ❑ **NO** authority for siting of data centers

Application Filing

- ❑ AFIP contain extensive description of PA 233 requirements including:
 - Site Plan
 - Local Outreach
 - Environmental Compliance
 - Public Benefits
 - Decommissioning
 - And more...



State-Level Siting and PA 233

Application Filing

Table 6-1
Site Plan Exhibits

Site Plan Exhibit Number	Description	Site Plan Drawings Guidelines Section	Site Plan Narrative Guidelines Section
	Site Plan	Section 7	
A-1.1	Exhibit A-1.1 – Planned Facilities	7.1	
A-1.2	Exhibit A-1.2 – Area Land Use Information	7.2 (a)(1)-(10)	
A-1.3	Exhibit A-1.3 – Explanatory Information and Associated Appendices		7.3
A-1.4	Exhibit A-1.4 – Construction Information	7.4 (8)	7.4 (1) & related to Exhibit F-2 7.4 (2)-(7)
A-1.5	Exhibit A-1.5 – Alternatives	7.5	7.5
A-1.6	Exhibit A-1.6 – Changes	7.6	7.6
A-1.7	Exhibit A-1.7 – Sound Report and Monitoring Protocol	7.2 (9)	7.7(a)
A-1.8	Exhibit A-1.8 – Shadow Flicker Report for Wind Facilities	7.2 (10)	7.8
A-1.9	Exhibit A-1.9 – Emergency Response Plan		7.9
A-1.10	Exhibit A-1.10 – Fire Response Plan		7.10
A-1.11	Exhibit A-1.11 – Commissioning Plan		7.11
A-1.12	Exhibit A-1.12 – Emergency Operations Plan		7.12
A-1.13	Exhibit A-1.13 – Hazard Mitigation		7.13

Table 6-2
Summary of Additional Application Exhibits

Application Exhibit Numbers	Description	Guidance Section
A-2	Exhibit A-2 – Project Description	6.3.2
A-3	Exhibit A-3 – Project Schedule	6.3.3
	Exhibits A-4.1 through A-4.5 – Local Outreach	6.3.4
A-4.1	Exhibit A-4.1 Chief Elected Official	6.3.4(1)
A-4.2	Exhibit A-4.2 Summary of Community Outreach and Education Efforts	6.3.4(2)
A-4.3	Exhibit A-4.3 - Accommodations or changes	6.3.4(3)
A-4.4	Exhibit A-4.4 - Summary of Agency Consultations	6.3.4(4)
A-4.5	Exhibit A-4.5 - Summary of Tribal Engagement	6.3.4(5)
A-5	Exhibit A-5 – NFPA Stationary Energy Storage System Compliance⁸	6.3.5
	Exhibits A-6.1 through A-6.4 – Environmental Compliance	6.3.6
A-6.1	Exhibit A-6.1 - Soil and Economic Survey Report	6.3.6(a)(1)
A-6.2	Exhibit A-6.2 Environmental Compliance Report	6.3.6(a)(2)
A-6.3	Exhibit A-6.3 Permit List and Status	6.3.6(a)(3)
A-6.4	Exhibit A-6.4 Stormwater Mitigation Plan	6.3.6(a)(5)
A-7	Exhibit A-7 – Signal Mitigation Plan	6.3.6(a)(4)
	Exhibits A-8.1 through A-8.5 – Public Benefits	6.3.8
A-8.1	Exhibit A-8.1 Tax Revenue	6.3.8(a)(1)
A-8.2	Exhibit A-8.2 Payments to Landowners	6.3.8(a)(2)
A-8.3	Exhibit A-8.3 Host Community and Community Benefits Agreements	6.3.8(a)(3)
A-8.4	Exhibit A-8.4 Local Job Creation	6.3.8(a)(4)
A-8.5	Exhibit A-8.5 Energy Needs Contributions	6.3.8(a)(5)
A-9	Exhibit A-9 – Farmland Protection	6.3.9
A-10	Exhibit A-10 – Public Health and Safety	6.3.10
A-11	Exhibit A-11 – Dark Skies⁹	6.3.11
A-12	Exhibit A-12 – Transmission and Interconnection Agreements	6.3.12
	Exhibits A-13.1 through A-13.3 – Decommissioning	6.3.13

A-6.1	Exhibit A-6.1 - Soil and Economic Survey Report	6.3.6(a)(1)
A-6.2	Exhibit A-6.2 Environmental Compliance Report	6.3.6(a)(2)
A-6.3	Exhibit A-6.3 Permit List and Status	6.3.6(a)(3)

Environmental Compliance Report

Legal Framework

- ❑ **MCL 460.1225(1)(f)** *“...application for certificate...shall contain...the expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.”*
- ❑ **MCL 460.1226(7)(b)** *“The Commission shall grant the application and issue a certificate if...energy facility complies with the standard in section 1705(2) [of NREPA]...”*
- ❑ **MCL 460.1226(7)(c)** *“The Commission shall grant the application and issue a certificate if...The applicant has considered and addressed impacts to the environment and natural resources...”*
- ❑ **MCL 460.1226(8)(a)(vi)** *“...solar energy facility will comply with any more stringent requirements adopted by the Commission...necessary for compliance with state or federal environmental regulations.”*

Environmental Compliance Report

AFIP Section 6.3.6(a)(2)

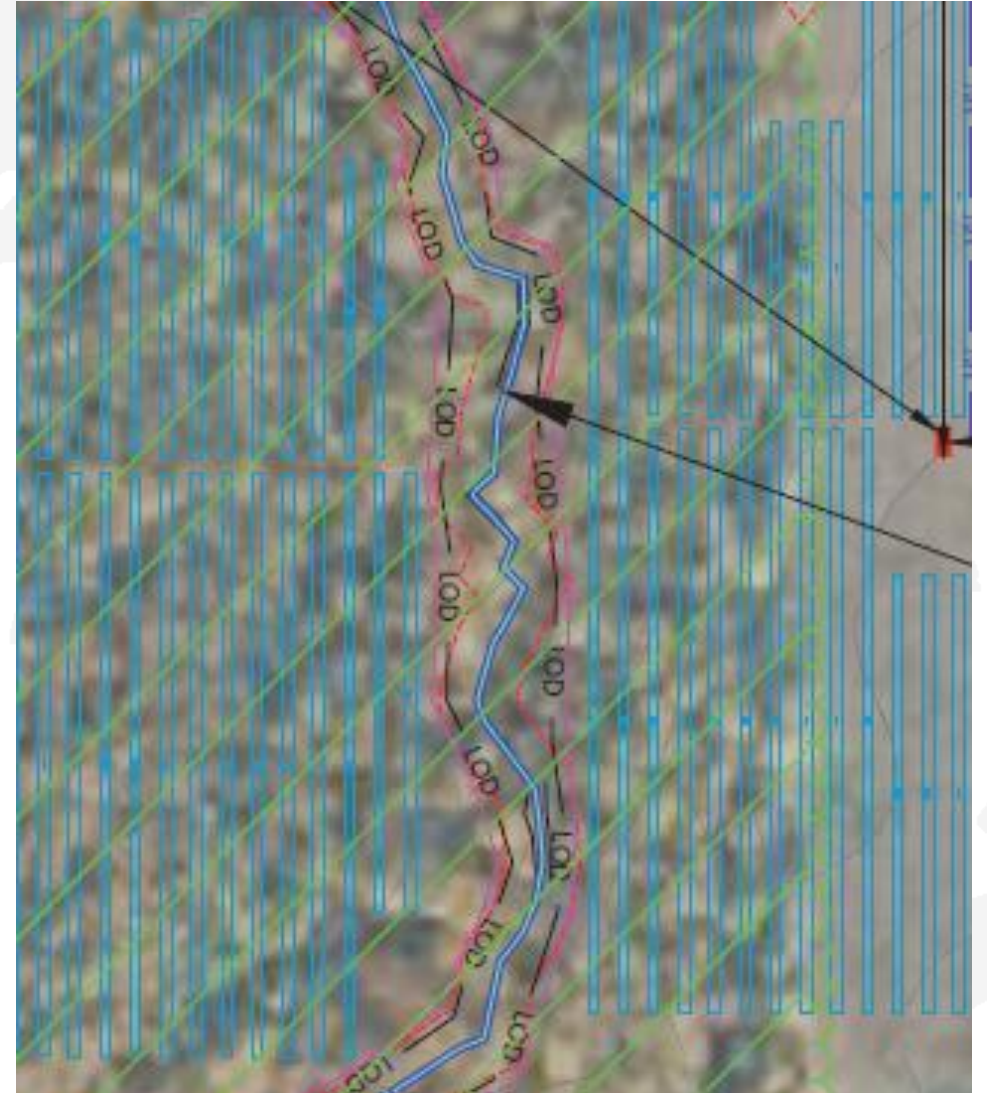
2. **Exhibit A-6.2: Environmental Compliance Report.** This report describes how the proposed facility will comply with applicable state and federal laws, including the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, and Section 1705(2) of the Michigan Environmental Protection Act (MEPA), MCL 324.1705(2).
 - i. Provide a description of the expected direct impacts of the proposed energy facility on the environment and natural resources and a plan describing how these impacts are proposed to be addressed and/or mitigated.
 - ii. Provide a statement and reasonable evidence that the proposed facility will not begin commercial operation until it complies with applicable state and federal environmental laws including NREPA.

Environmental Compliance Report

Identify Expected Direct Impacts

- ☐ During construction, operation, maintenance, decommissioning phases
 - ☐ Crossing lines
 - ☐ Access Roads/crane walks
 - ☐ Aboveground infra. (panels, fencing, etc.)
 - ☐ Laydown yards

- ☐ Show and tell →



Environmental Compliance Report

Environment and Natural Resources

NOTE: The project may be subject to some, all, or additional resources to those listed.

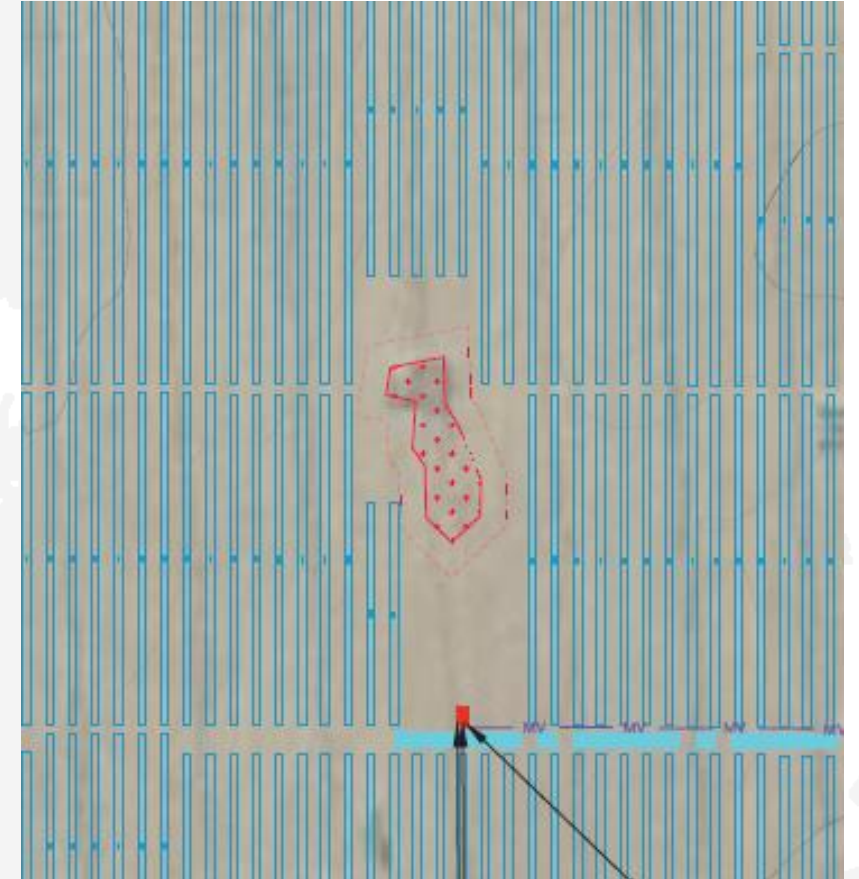
From MCL 460.1226(7)(c)	Potential Related Areas of Concern (see A-16 checklist)
sensitive habitats and waterways	Coastal zones and coastal management, great lakes, critical dunes, critical habitat, eagle habitat, migratory bird habitat, other sensitive habitat, wild and scenic rivers, state designated rivers
wetlands and floodplains	Wetlands, waterbodies, inland lakes and streams, floodplains
wildlife corridors	
parks	
historic and cultural sites	Architectural and archaeological resources
threatened and endangered species	Federally protected species, state protected species

Other NREPA Considerations (A-16 checklist): stormwater, soil erosion and sedimentation control, public lands, farmlands, waste management, materials management (ex: SPCC, SWPPP), air quality, etc.

Environmental Compliance Report

Address & Mitigate

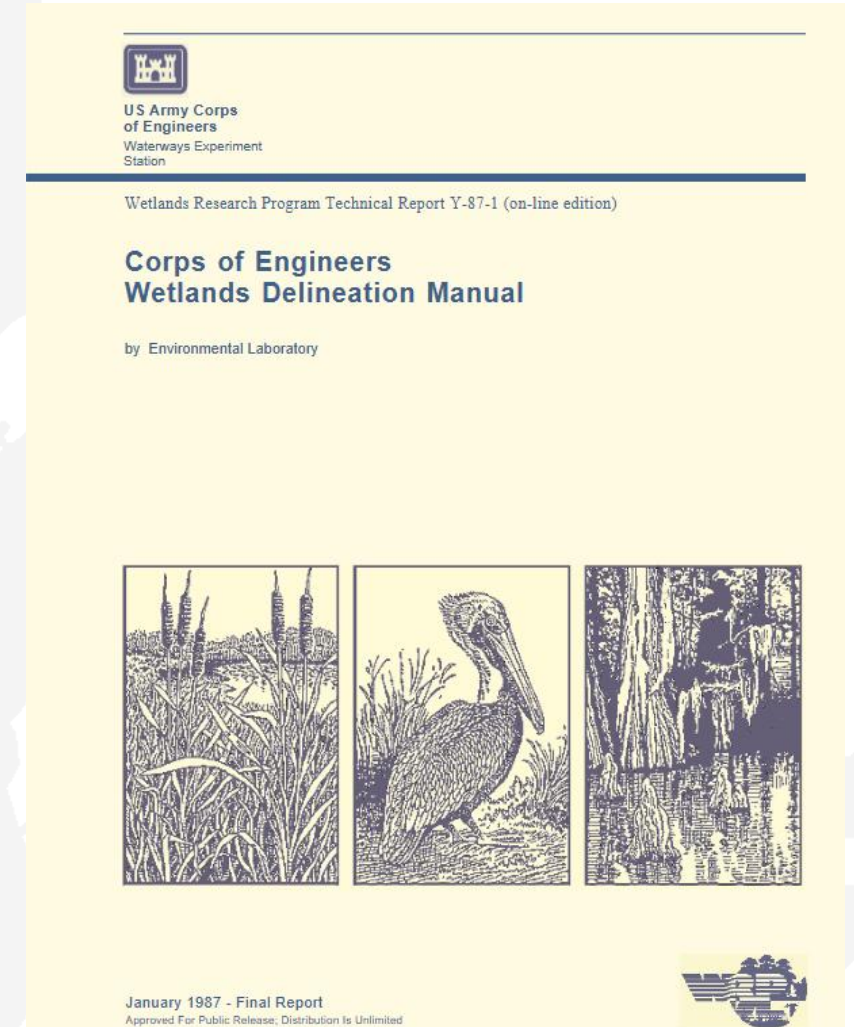
- Based on consultations, desktop/field assessments, project design considerations
- Example:
 - Resource: Wetlands
 - Evidence: Wetland delineation report
 - Impact: collection line crossing
 - Addressed via: Avoidance (voluntary setbacks, HDD installation, EGLE permitting, etc.)



Environmental Compliance Report

Evidence

- ☐ Desktop and field assessments such as
 - ☐ Phase I ESA (& Phase II as needed)
 - ☐ Wetland Delineation Report
 - ☐ Site characterization study/habitat study etc
 - ☐ Waste characterization report (may be in A-1.3)
 - ☐ Architectural/archaeological assessment
 - ☐ Drainage study
 - ☐ Other relevant assessments



Environmental Compliance Report

Evidence

- ☐ confirming presence AND absence of impact
- ☐ Presence of impact (i.e. “*this* resource was found in *this* desktop/field survey and cannot be avoided”)
- ☐ Absence of impact (i.e. “*this* resource was not found based on *this* desktop/field survey, OR, *this* resource was found based on *this* desktop/field survey and can be avoided in *this* way”)



Environmental Compliance Report

NREPA and MEPA

- Agency Consultations and Permitting
- MEPA Section 1705(2)
 - Constrain alleged pollution, impairment, or destruction of the environment or natural resources
 - Provide evidence to support no feasible and prudent alternatives



Environmental Compliance Report

RECAP

- ✓ Identify expected direct impacts
- ✓ Environment and natural resources
- ✓ Address & mitigate
- ✓ Evidence
- ✓ NREPA and MEPA compliance

Additional Compliance Considerations

Conditions

- ☐ Pre-Construction Permit Approval Compliance
- ☐ Decommissioning Agreement and Financial Assurance
- ☐ Staff Recommended Conditions

Post-Certification Compliance

- ☐ Completion Report
- ☐ Postconstruction Sound Monitoring Report
- ☐ As-Built Survey
- ☐ Periodic Reports
- ☐ Decommissioning and Financial Assurance

Keep in Touch

Sign Up for Renewable Energy Facility Siting updates:

<https://www.michigan.gov/mpsc/regulatory/facility-siting/renewable-energy-and-storage-facility-siting>

- FAQ's
- Application Guidance
- Setback Requirements
- Application Checklist
- Pre-Application Consultations
- Current Siting Applications

Request a pre-application meeting with Staff:
LARA-MPSC-Siting@michigan.gov

Contact Information:

Katie Krupp

kruppk3@michigan.gov

[Michigan.gov/MPSC](https://michigan.gov/MPSC)

View at MPSC
webpage,
scan here:

