



Illinois
Solar For All

05.07.2019

Responses to Comments on Site Suitability Requirements

A framework for site suitability was presented by the Illinois Power Agency (“Agency”) through its Program Administrator, Elevate Energy, on March 20, 2019, with a related stakeholder event held on March 26, 2019, with a request for comments due on March 29, 2019. Comments have been received and posted to the Illinois Solar for All (“ILSFA”) Program website (www.illinoissfa.com).

The following represents a summary of the public comments and how those comments will be incorporated into the final site suitability document. The content summarized here represents comments captured during the stakeholder feedback session facilitated on March 26, 2019 as well as individual written comments submitted to the Program Administrator during the comment period.

Comments have been summarized and categorized into the following topics:

1. Professional Engineer requirements for Site Suitability
2. Requirements for PV inspectors
3. Roof Requirements and Assessment
4. Site Suitability Process
5. Interconnection Agreement

1. Professional Engineer Requirements for Site Suitability

1.1 PE stamps should not be required for Site Suitability of Ground Mount systems.

Comments from multiple sources indicated that the requirement for Professional Engineer (“PE”) stamps were overly burdensome and that Geotech study results are used to engineer the ground array foundation and should not be used as a determination for the project to proceed. Recommendations suggested making a complete Civil Assessment a requirement after the Part I application but before construction commences, as a part of the due-diligence work that is performed once the project receives approval by the Agency and the Illinois Commerce Commission for a REC contract under ILSFA.

RECOMMENDATION :

The Agency and Program Administrator agree with the comments and will remove Civil and Structural stamp requirements from the Site Suitability Guidelines document. These will be replaced with language requiring the Approved Vendor (“AV”) to identify barriers, similar to the structural section.

ILSFA aims to have the AV identify potential barriers as early as possible in the process, to plan for remediation, if possible, or to limit time/money/opportunity lost on projects that will not be able to complete. At the stage of the site survey, the experience of the installer/AV is needed, not a PE license or professional insurance.

Note that the Agency and Program Administrator are not stating that projects will not need PE stamps. PE stamps will be required if/when needed for the permitting process, and evidence that the proper permits were obtained will be a requirement for the Part II submission.

1.2 A PE (civil or structural) licensed in the state of Illinois is acceptable, they should not have to be licensed in the locality (AHJ)

Additional comments focused on the fact that costs associated with the hiring of a civil engineer licensed to practice in the Authority Having Jurisdiction (AHJ) would be cost prohibitive. In addition, the point was made that many ground-mount system racking designers have engineers who provide certified letters; these commenters recommended that if that letter is available for the material used in the ground-mount system, it should meet the requirements of this program versus having a civil engineer run a geotechnical report and a structural report. The structural engineer stamping this report may not have a license in the specific AHJ the ground mount system is located in.

RECOMMENDATION :

The Agency and the Program Administrator agree and have proposed the modifications addressed in comment 1.1.

1.3 Do not require PE for EcoCAT, FIRM/FEMA, FWS

Comments identified the discrepancy of requiring a PE when the majority of the issues addressed in the draft Civil Assessment could be performed by a layperson with minimal experience in development, including searching publicly available databases such as FIRM and requesting reports from the IDNR/FWS.

RECOMMENDATION :

The Agency and the Program Administrator agree and will update the Site Suitability Guidelines to require the Approved Vendor to attest that all potential barriers have been identified, and if required, will submit mitigation plans for all barriers. The Administrator will not require PE credentials.

As a requirement for Part I submission, the Approved Vendor will attest that all non-ministerial permits have been obtained. The issuer of the non-ministerial permits shall determine the qualifications required by the applicant.

2. Requirements for PV Inspectors

2.1 Request that PV inspectors have a NABCEP, Journeyman Electrician, IREC Certified Electrical Inspector, or comparable credential.

Comments requested that the program require that the inspector of any PV system have “proper credentials to be able to do so.” The rationale was given that a visiting site inspector should have the proper knowledge of Solar PV to be able to conduct a site inspection; these commenters requested that a NABCEP, IBEW Journeyman Electrician, IREC Certified Electrical inspector, or compatible credential be required to conduct site inspections.

RECOMMENDATION :

The Agency and the Program Administrator disagree that the requested certifications are necessary for the onsite inspections outlined by the ILSFA program. The onsite inspection process will be used to verify that the various components within the PV system have been installed and match what was shown in plans and specs from Part II. Although the inspector will look for some aspects of NEC code compliance during the inspection, they will not be looking at the system in such detail that these credentials would be necessary.

However, the administrative team developing and managing the quality assurance processes for Illinois Solar for All is led by electrical and structural engineers. The Program Administrator’s Approved Vendor Management team is staffed wholly by NABCEP certified Approved Vendor liaisons, who will verify all inspections and conduct photo documentation reviews. Each onsite inspector will complete a comprehensive internal training led by this management team, with ongoing performance management and professional development.

3. Roof Requirements and Assessment

3.1 Roof requirement for 15 years expected life is too long.

One commenter expressed concern that a 15-year expected life for a roof is too long and is a burdensome and unnecessary requirement which will effectively require about 90% of homeowners/businesses to hire roofers to re-roof their buildings. The commenter makes the recommendation to instead require an estimated range of 7-10 years roof life, realizing that most homes already will have roof lives left in that range.

RECOMMENDATION :

The Agency and the Program Administrator reiterate the concern for ensuring REC delivery for the full 15-year contract term if roof work is needed within 15 years but also acknowledge that a 15-year life expectancy will be difficult for many roofs within the program.

The Approved Vendor is responsible for the full REC delivery, and the removal and reinstallation may represent an unsustainable burden on the Participant. To avoid this unrecoverable cost later on, the Approved Vendor must ensure prior to installation that the roof will not need to be reroofed during the 15-year REC contract term. If the roof cannot meet this requirement, the Approved Vendor must propose a mitigation plan for the roof, or the project cannot proceed. Costs associated with the mitigation plan for roof repair, while not included in the savings calculations for ILSFA, cannot cause an undue financial burden for the participant.

The language in the Site Suitability Report Form will be changed from “Excellent condition with greater than 15 years expected life” to “The roof is in good, very good, or excellent condition and is suitable for PV installation. A PV system installed here will not require removal for re-roofing within the required 15-year REC contract period.” In addition, the following recommendation will be added to the Site Suitability Guidelines: “If it is determined that the site will need a new roof before the end of the 15-year REC period, the installation cannot proceed without a mitigation plan. The minimum requirements of the mitigation plan are:

1. The roof will be repaired or reroofed by a licensed contractor with a warranty of at least 15 years or provisions will be made for the removal and reinstallation of the PV system to allow for the reroofing on a future date.
 - a. The expense of the repairs, a new roof, or future reroofing cannot be supplied by ILSFA funding,
 - b. The expense of the PV mounting system and flashing are part of the PV system and can be supplied by ILSFA (as part of the REC or Participant payments).
 - c. The expense of the removal and reinstallation of the system cannot be supplied by ILSFA funding.
2. The expense of the repairs or a new roof must not place an unsustainable financial burden on the building owner; that is, the payments must be affordable to the owner. Specifically, financing amounts, terms, and conditions must be based on an assessment of the program participant’s ability to repay the debt, as defined by Regulation Z, which is a federal rule that implements aspects of the Truth in Lending Act and the Dodd-Frank Act. See ILSFA Consumer Protections for Low-income Distributed Generation for more information.

3.2 Do not require a licensed roofing professional to assess roof condition

One comment misunderstood the guidelines to state that a licensed roofing professional is required to assess roof conditions.

RECOMMENDATION :

A licensed roofing contractor is not required for the assessment. If a roof can be determined to be sound by the AV, consultation is not required. The Site Suitability Guidelines state, "Where it is difficult to determine the age or condition of a roof, a licensed, bonded, and insured roofer should be consulted."

3.3 Can roof repair be included in PPA/Lease, but not in 50% savings requirement? This would give more flexibility.

Comments asked for clarification on whether roof repair or structural mitigation work could be included as part of a lease or PPA, but separated from the overall minimum 50% savings requirement. The comments indicated that if the two could be included in the same financial agreement, it would add flexibility and value for the customer.

RECOMMENDATION :

If mitigation work is to be included as part of a lease or PPA, it must comply with the overall minimum 50% savings requirement and no upfront costs requirement.

4. Site Suitability Process

4.1 Site Assessment is too onerous before contracting; no cost to participants before contracting

Comments stated that requiring an over-burdensome site assessment prior to the sale of a residential system is not financially viable since only a fraction of sales opportunities turn into contracts. Therefore, requiring an assessment before contract adds significant extra cost.

RECOMMENDATION :

The Site Suitability Report is submitted with the Part I project application and therefore coincides with the submission of the full system design and customer contract. Additionally, removing engineering requirements means the site suitability process is simply a site assessment that coincides with system design. As such, the Agency and Program Administrator do not feel this is an undue burden.

4.2 Allow participants to cancel contracts without penalty if remediation work is discovered.

One commenter proposed allowing homeowners to cancel their contract without penalty if the site assessment reveals remedial work the customer does not want to undertake. The commenter outlined 3 benefits:

- 1) This would provide incentives for Approved Vendors to have their salespeople avoid homes with obviously extensive problems.
- 2) It would allow detailed site assessments to be performed only on homes where solar is likely to be installed.

- 3) It would allow those assessments to be conducted by a construction professional rather than a salesperson.

RECOMMENDATION :

The proposed protection, of allowing homeowners to cancel contracts without penalty, is already a requirement and must be built into contracts involving ILSFA Low-income Distributed Generation participants. Such installation contracts may be cancelled by the homeowner within seven business days after execution, per the Long-Term Renewable Resources Procurement Plan. In general, however, cancellation is not a suitable alternative to a sound site assessment. Because the site suitability assessment is submitted at the Part I project application coinciding with system design and contracting, and because the engineering requirements have been relaxed, the site suitability assessment is not viewed as an undue burden.

4.3 Owner has selected "will not proceed with repairs" will not be seen by the Program Administrator.

Clarification was requested on p. 13 of the Guidelines regarding the check box item that states, "Owner has selected not to proceed with roof repairs and PV installation." The commenter observed that it is unclear under what circumstances this box would be checked; the Administrator would not see the Site Suitability Report if the owner elects not to proceed.

RECOMMENDATION :

The ILSFA Administrator requests that the AV submit the form even if the project will not proceed for two reasons. 1.) If the owner is able to use the ILSFA Program Resources Guide to remediate the problem (i.e. through an energy efficiency program or a state/county/city program), the AV can be contacted to restart the PV project. 2.) The data from projects that cannot move forward is important for the design of ILSFA program improvements in the future.

The Site Suitability form will include a check box for "This building/site cannot meet the site suitability requirements without an unsustainable financial burden on the owner. The owner has been given the Program Resources Guide to pursue assistance in mitigating problems outlined in this report. Upon successful mitigation, the owner is eligible to continue the process with the Approved Vendor or to contact the ILSFA program."

4.4 Name of specific company doing deficiency plan of action may not be known at Part 1.

Comments indicated that in some instances although the plan of action for fixing roof (or other) deficiencies includes the requirement that the person/company who will be completing the work must be identified, AVs may work with several different service providers and the specific company that may perform the work may not be known at the time of the Part I application.

RECOMMENDATION :

The Agency and the Program Administrator will change Site Suitability Guidelines language to request “potential contractor” rather than requiring identification of the specific contractor.

4.5 Wetland designation does not necessarily preclude a site from solar. There are means of mitigation.

One commenter noted that the presence of wetlands should not eliminate a property from consideration for development and gave the example of their community solar project property that has a few small wetlands on-site. As required by McHenry County, the developer-commenter has indicated that they will mitigate any wetland impacts from this development by:

- creating new wetlands or enhancing degraded wetlands on the project site or on an off-site property within the same watershed as the wetland impacts;
- purchasing credits from a mitigation bank; or
- using the SMC Wetland Restoration Fund (WRF), which provides for fee-in-lieu of mitigation when no mitigation bank credits are available in the watershed.”

RECOMMENDATION :

The Agency and the Program Administrator will remove the requirement that no wetlands are allowed at the project site. If wetlands are present, however, a mitigation plan will be required. AVs will need to identify potential barriers to installation and, when identified, develop plans for mitigation. Language in the Site Suitability Guidelines will be changed to reflect this.

5. Interconnection Agreements

5.1 Interconnection Agreement or proof the project was forced to withdraw from the interconnection queue.

One commenter suggested that the requirement around having an executed interconnection agreement should be changed to read “an executed interconnection agreement or proof that the project was forced to withdraw from the interconnection queue.”

RECOMMENDATION :

The language the comment refers to is a reference to the Part I application and will be removed from the Site Suitability Guidelines: “Additional requirements for Part I project application include the full system design parameters and equipment, shading study, as well as the executed interconnection agreement and documentation of all local permitting for systems 25 kW or larger.”

Regarding the Part I application process, please refer to the Announcement (04.02.2019) “Illinois Solar for All Interconnection Agreement Guidelines” that squarely addresses the comment:

1. Projects submitted for approval to ILSFA with a nameplate capacity of above 25 kW AC are required to have a valid, signed interconnection agreement at submission.
2. However, a limited exception will be made if the project submitted:
 - a. Previously had a signed interconnection agreement prior to project submission;
 - b. Was forced by the interconnecting utility to exit the interconnection queue (and its interconnection agreement was thus terminated) after April 10, 2019 due to a requirement to post a non-refundable deposit; and
 - c. Has re-applied for or obtained a new interconnection agreement.

If these three conditions are all met, the previously obtained valid, signed interconnection will be considered sufficient for project application.”

5.2 Simplify the permitting requirements prior to construction or approval.

One commenter suggested changing the language requiring documentation of all local permitting for systems 25 kW or larger, to documentation of having applied for a special permit where applicable and having all applicable local permits in hand before construction.

RECOMMENDATION :

The Agency and the Program Administrator agree that the language the comment refers to will be removed from the Site Suitability Guidelines: “Additional requirements for Part I project application include the full system design parameters and equipment, shading study, as well as the executed interconnection agreement and documentation of all local permitting for systems 25 kW or larger.”

As a requirement for the site suitability survey, Approved Vendors will attest they have investigated potential barriers to installation on matters relating to ground mount site conditions. This includes any potential barriers to obtaining non-ministerial permits.

For systems over 25 kW, as a requirement for Part I submission, Approved Vendors will make the same attestation that would be required for the Adjustable Block Program. Namely,

“Approved Vendors must attest that they have obtained all non-ministerial permits that, according to the commercially reasonable investigation of the Approved Vendor, are necessary to the project at the time of application to the Illinois Solar for All program.

The Approved Vendor must list all such permits, along with the name, phone, and email of a contact person at the issuing authority. The Program Administrator will verify a random selection of permits and reserves the right to verify any permits that it deems require further investigation.”

As a requirement for Part II submission, Approved Vendors will provide evidence of ministerial permits such as the building permit and the electrical permit.