



## **SB 819 (Kolkhorst): Bad for the environment, bad for Texas**

*Texas needs a balanced approach that allows for growth of clean energy while protecting open space*

Senate Bill 819 by Senator Lois Kolkhorst purports to be an effort to protect “wildlife, water, and land.” Unfortunately, the bill could actually make things worse for Texas’ environment.

At issue is the growth of wind and solar power in Texas. Renewable energy is indisputably helping protect the environment by reducing global warming pollution, conserving water, and cutting dangerous air and water pollution. At the same time, utility-scale solar projects require a lot of land, and some worry about the impacts such development will have on wildlife and pristine habitats.

However, rather than find a balanced solution that allows for wind and solar energy to continue thriving, while implementing targeted measures to minimize impacts to land and water, SB 819 would create discriminatory and capricious permitting and other requirements that could slam the brakes on new renewable energy projects. That would be a major setback for our environment and electric grid, as solar and wind energy are badly needed to meet our electricity needs, reduce global warming pollution and ensure power prices remain affordable.



*Thousands of farmers and ranchers lease their land to solar and wind, earning them royalties, which help them keep their land and stay in agriculture while helping our grid and environment. SB 819 would create new red tape for farmers and ranchers seeking to lease their land.*

### **Punitive permitting would penalize renewable energy**

SB 819 would require wind and solar energy projects to obtain a permit from the Public Utility Commission (PUC). That doesn't sound so bad, right? After all, many states require such permits for energy projects. However, in Texas, no other energy source - coal, gas, or nuclear has to get a permit from the PUC. The ability to quickly build renewable projects is a major reason Texas is number one in the nation for wind and solar energy. We need to decarbonize by 2050 to avoid the worst impacts of global warming, and we're already not on pace to do so.

Worse, the bill sets no objective criteria for the PUC to determine whether a project has met requirements and must be issued a permit. That creates uncertainty for investors and opens the process up to politics. Companies could invest millions of dollars to develop a renewable energy project only to have the permit denied because of political interference. Even under the best of circumstances, this permitting process applied to no other form of power generation would introduce costs and delays that Texans cannot afford if we want a grid that delivers reliability, affordability and a clean environment.

Fossil fuel power plants and oil and gas wells do have to obtain air quality permits from the Texas Commission on Environmental Quality (TCEQ) (wind and solar are subject to the same air quality laws, but since they have zero emissions, they don't need such a permit). However, as long as the project meets legal standards, the TCEQ **must** issue a permit.

### **Environmental cleanup fee and review exempts dirty & dangerous energy sources, unfairly penalizes renewables**

SB 819 creates a new and duplicative environmental cleanup fee that only wind and solar would have to pay. The fee would be used to pay for decommissioning renewable projects at the end of their life, but state law already requires wind and solar projects to pay for removing their equipment and restoring the land at the end of the project's life. Meanwhile, according to the Sunset Commission, bond funds collected to plug abandoned oil and gas wells "only cover 15.9 percent of the total annual plugging cost," with taxpayers forced to cover the balance.<sup>1</sup>

SB 819 requires an environmental impact review for wind and solar projects while letting fracking, coal mining, and other fossil fuel projects - which have far greater impacts on the environment than renewable energy - off the hook.

### **Unreasonable setback requirements for renewables while letting polluting energy sources off the hook**

SB 819 would require setbacks for wind turbines of 3000 feet - more than half a mile - from a property line. Meanwhile, oil and gas wells, which were linked to over 1300 emissions-related deaths in Texas in 2016, only have a setback limit of 467 feet<sup>2</sup>. And that setback isn't for environmental or aesthetic considerations, but to protect an adjoining mineral owner from being drained.

### **Prohibitions on tax incentives unfairly punish renewable energy**

Texas works to recruit new manufacturing facilities to build in Texas by offering various tax incentives. In 2023, the Legislature prohibited wind, solar and battery projects from receiving discounts on school taxes. Now, SB 819 would prohibit them from receiving discounts on county taxes. Whether or not you think such economic development programs are a good idea or not, it's not fair to reward polluting industries and punish clean ones. Wind, solar, and energy storage projects in some stage of development in Texas right now are expected to generate \$7.9 billion in new tax revenue to local communities<sup>3</sup>. Reducing incentives to attract investment or making it difficult or impossible to build wind and solar would result in little to none of that tax revenue being available.

### **SB 819 is bad for Texas' environment**

We need more clean energy, not less. More wind and solar energy, more battery storage, more energy efficiency, and more interconnection with the national grid — all strengthening our electric grid and protecting consumers and the environment.

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<sup>1</sup> Sunset Advisory Commission Staff Report With Final Results, Railroad Commission of Texas, 85th Legislature [https://www.sunset.texas.gov/public/uploads/files/reports/Railroad%20Commission%20of%20Texas%20Staff%20Report%20with%20Final%20Results\\_6-21-17.pdf](https://www.sunset.texas.gov/public/uploads/files/reports/Railroad%20Commission%20of%20Texas%20Staff%20Report%20with%20Final%20Results_6-21-17.pdf)

<sup>2</sup>[https://texreg.sos.state.tx.us/public/readacSext.TacPage?sl=T&app=9&p\\_dir=N&p\\_rloc=117866&p\\_ploc=9930&p\\_tac=1&pg=2&p\\_tac=&ti=16&pt=1&ch=3&rl=36#:~:text=\(1\)%20No%20well%20for%20oil,line%3B%20provided%20the%20commission%2C%20in](https://texreg.sos.state.tx.us/public/readacSext.TacPage?sl=T&app=9&p_dir=N&p_rloc=117866&p_ploc=9930&p_tac=1&pg=2&p_tac=&ti=16&pt=1&ch=3&rl=36#:~:text=(1)%20No%20well%20for%20oil,line%3B%20provided%20the%20commission%2C%20in)

<sup>3</sup> <https://poweralliance.org/2025/01/21/new-report-clean-energy-industry-is-generating-billions-for-texas-landowners-and-local-governments/>

While sold as protecting landowners and the environment, SB 819 actually puts the thumb on the scale for polluting fossil fuel projects, while making it very hard to build zero-emission renewable projects. There's a better way.

- Set reasonable setbacks from neighboring properties, best practices on soil erosion and flood mitigation, efforts to reduce runoff and light pollution, and promotion of “agrivoltaics” and pollinator-friendly landscaping on solar farms.
- Require energy developers to have information about projects on their websites, coordinate more regularly with the Texas Parks and Wildlife Department, and advocate for workable procedures to allow neighbors to provide input or request a public meeting.
- Protect farmland and open space through major investments in the Farm and Ranch Lands Conservation Program. We can protect pristine areas of Texas, like wild rivers and native grasslands, from development by energy projects - of all types - and housing sprawl, which is by far the greatest contributor to loss of open space in Texas.

We can and should develop Texas' energy resources responsibly. Those are the solutions that Texans deserve – not an effective ban on renewable energy that will hurt landowners, the Texas economy, and our environment.



*Fossil fuel projects near parks, ranches, and homes are exempt from the siting and permitting requirements under SB 819*

