Testimony to Senate Committee on Natural Resources

Interim Charge: Ensuring Responsible Renewable Energy Decommissioning

Judd Messer | Advanced Power Alliance | September 21, 2026

Good afternoon, Chairman Sparks and members. For the record: Judd Messer, testifying today on behalf of the Advanced Power Alliance.

APA represents energy developers, owners, and operators of power generation projects who have invested close to $200 billion here in Texas, mostly in rural communities, and support over 230,000 jobs. Our members pay about a billion dollars per year in landowner payments and another billion dollars in local tax revenue, use no water during operations, and add low-cost, quickly deployable capacity that supports grid reliability and affordability.

I appreciate the opportunity to be here because our industry shares this committee's view that end-of-life management is an important part of developing all energy infrastructure in Texas.

Regardless of technology or resource, we believe that the company that builds and operates a project should ultimately be responsible for the cost of removing its equipment, restoring the property, and managing the proper disposition of components at the end of their useful life. Those costs should never fall to the landowner or the Texas taxpayer.

Since the adoption of decommissioning legislation for wind energy in 2019, our industry has embraced that principle by proactively supporting refinements to that statute, as well as extending similar provisions to other clean energy technologies. These standards prioritize the interests of private landowners and the environment, and they have become a model for other states.

Chapters 301 and 302 of the Utilities Code apply specifically to wind and solar power and require project owners to fully fund the cost of removing facilities and restoring the land at the end of a project's useful life, with financial guarantees in a form prescribed by and acceptable to the landowner.

We supported these measures because we believe in leading by example. Our members depend on long-term relationships with Texas landowners and rural communities. Protecting those stakeholders, establishing clear expectations at the beginning of a project's life, and ensuring bad actors do not leave others to foot the bill are good for landowners, good for communities, and ultimately good business practice.

Importantly, Texas has not stopped there. A 2024 report concluded that Texas has a sound regulatory framework to manage impacts of these energy technologies on the environment, while also identifying some gaps.

The Legislature responded directly to those gaps in 2025, and our industry again supported the resulting legislation, including:

House Bill 3228 – adding recycling and disposal obligations and their cost to the financial-assurance requirements for new wind and solar agreements.

House Bill 3809 – creating Chapter 303, establishing removal, restoration, recycling, disposal, and financial-assurance requirements for battery-storage.

And House Bill 3229 – requiring renewable-component recyclers to report unrecycled inventories to TCEQ and maintain financial assurance covering the cost of recycling or disposing of that inventory.

Texas leads the nation in these forms of energy and has also led the nation in environmental stewardship to mitigate potential future impacts as they reach the end of their useful lives. The state has done so by identifying these issues early, studying them carefully, and enacting market-oriented solutions to mitigate their impacts.

I appreciate the opportunity to be here with you today and will do my best to answer any questions.

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