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Law360 Quotes Locke Lord's Ben Cowan on Legal and Environmental Liability Challenges Facing Developers When Transitioning Fossil Fuel Sites to Clean Energy

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Chair of Locke Lord's Renewable Energy Section and Houston Environmental Partner [Ben Cowan](#) was quoted on the legal obstacles facing developers when building clean energy projects on fossil fuel sites. Cowan explained that the tax benefits in the Inflation Reduction Act have incentivized transitioning the fossil fuel-dependent communities to clean energy projects.

"Developers are out there canvassing their regions and looking for those kinds of sites," Cowan said. "Generator replacement...was a strategy even before the IRA and energy communities credit, and it's certainly more appealing now."

While attractive, Cowan added that even if developers find a suitable fossil fuel site, there are substantial environmental hurdles to consider, including the possibility of cleanup costs that a prior owner can't cover. "That's not something a renewable energy developer wants to take on, or can afford to take on," he said. "The 10% [energy communities tax credit] adder isn't going to compensate people for the environmental liabilities."

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