

AMENDMENTS TO HOUSE BILL NO. 2104

Sponsor: REPRESENTATIVE RAPP

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1 Amend Bill, page 2, by inserting between lines 10 and 11

2 "Banking institution." As defined in 7 Pa.C.S. § 6102
3 (relating to definitions).

4 "Battery energy storage systems." Any electrochemical
5 devices capable of:

6 (1) receiving energy from an external power source; and

7 (2) storing the energy for subsequent discharge to
8 provide electricity or other grid services.

9 Amend Bill, page 2, by inserting between lines 21 and 22

10 "Letter of credit." As defined in 13 Pa.C.S. § 5102
11 (relating to definitions).

12 Amend Bill, page 2, by inserting between lines 25 and 26

13 "Normal agricultural operation." As defined in section 2 of
14 the act of June 10, 1982 (P.L.454, No.133), referred to as the
15 Right-to-Farm Law.

16 Amend Bill, page 2, by inserting between lines 28 and 29

17 "USDA-NRCS." The United States Department of Agriculture-
18 Natural Resources Conservation Service.

19 Amend Bill, page 3, line 1, by striking out all of said line
20 and inserting

21 (a) Requirements and prohibitions.--The following apply:

22 (1) Except as provided under subsection (b),

23 Amend Bill, page 3, by inserting between lines 7 and 8

24 (2) The decommissioning plan and associated financial
25 assurance may not be separated from the alternative energy
26 facility through a change in grantee ownership to a new
27 grantee. The new grantee shall submit proof of financial
28 assurance in accordance with section 4303 (relating to
29 financial assurance requirements). The prior grantee may not
30 release or revoke the prior grantee's financial assurance
31 until:

32 (i) the new grantee's proof of financial assurance

1 is filed with the county recorder of deeds; and
2 (ii) notice is provided to the surface property
3 owner party to the alternative energy facility agreement.

4 Amend Bill, page 3, line 13, by striking out "Proof" and
5 inserting

6 Plan, proof and notice

7 Amend Bill, page 3, line 15, by striking out "and" and
8 inserting a comma

9 Amend Bill, page 3, lines 16 and 17, by striking out "as
10 defined in 7 Pa.C.S. § 6102 (relating to definitions)"

11 Amend Bill, page 3, line 19, by inserting after "deeds"
12 and provide notice to the surface property owner party to
13 the alternative energy facility agreement

14 Amend Bill, page 3, line 22, by inserting after "facility."
15 If the grantee does not fulfill its obligation to
16 decommission the alternative energy facility, the financial
17 assurance shall be made payable to the surface property owner.

18 Amend Bill, page 3, line 30; page 4, lines 1 through 3; by
19 striking out "The" in line 30 on page 3 and all of lines 1
20 through 3 on page 4

21 Amend Bill, page 4, line 11, by striking out "20%" and
22 inserting

23 10%

24 Amend Bill, page 4, line 11, by inserting after "the"

25 total

26 Amend Bill, page 4, line 17, by striking out "40%" and
27 inserting

28 10%

29 Amend Bill, page 4, line 17, by inserting after "the"

30 total

31 Amend Bill, page 4, line 24, by striking out "60%" and
32 inserting

1 25%
2 Amend Bill, page 4, line 24, by inserting after "the"
3 total
4 Amend Bill, page 5, line 1, by striking out "80%" and
5 inserting
6 40%
7 Amend Bill, page 5, line 1, by inserting after "the"
8 total
9 Amend Bill, page 5, line 8, by striking out "100%" and
10 inserting
11 60%
12 Amend Bill, page 5, line 8, by inserting after "the"
13 total
14 Amend Bill, page 5, by inserting between lines 10 and 11
15 (6) On or before the twenty-fifth anniversary of the
16 commencement of construction of the alternative energy
17 facility, the grantee shall provide an updated
18 decommissioning plan and proof of financial assurance to the
19 recorder of deeds in an amount equal to 70% of the total cost
20 of decommissioning as determined by a third-party
21 professional engineer.
22 (7) Upon an assignment of lease rights and obligations
23 to a new grantee.
24 Amend Bill, page 5, line 12, by striking out "or" and
25 inserting a comma
26 Amend Bill, page 5, line 12, by striking out the period after
27 "account" and inserting
28 or an irrevocable letter of credit from a banking
29 institution in accordance with subsection (a). The irrevocable
30 letter of credit may be terminated at the end of an alternative
31 energy facility agreement only upon 90 days' prior written
32 notice by the banking institution to the grantee and surface
33 property owner.
34 Amend Bill, page 7, line 10, by inserting after "(relating"
35 to
36 Amend Bill, page 7, line 11, by striking out "twentieth" and

1 inserting

2 twenty-fifth

3 Amend Bill, page 7, line 22, by inserting after "wires,"

4 battery energy storage systems,

5 Amend Bill, page 7, by inserting between lines 25 and 26

6 (3) The materials prescribed by Federal or State law to
7 be disposed of within a landfill or in another specific
8 manner shall be noted in the decommissioning plan and may not
9 be considered when determining the total combined mass under
10 paragraph (2).

11 Amend Bill, page 7, line 26, by striking out "(3)" and

12 inserting

13 (4)

14 Amend Bill, page 8, line 10, by inserting after

15 "Applicability"

16 of chapter

17 Amend Bill, page 8, lines 11 through 18, by striking out all
18 of said lines and inserting

19 (a) Applicability.--This chapter shall apply to any of the
20 following:

21 (1) A grantee with an alternative energy facility
22 agreement to utilize any of the following:

23 (i) Land with soil that meets the USDA-NRCS land
24 capability class I, II, III or IV, except for the land
25 capability class IV(e).

26 (ii) Land that meets the USDA-NRCS class of unique
27 farm land.

28 (iii) Land with soil that does not meet the USDA-
29 NRCS land capability class I, II, III or IV, but is
30 currently in active farm use and is being maintained in
31 accordance with the soil erosion and sedimentation plan
32 applicable to the land.

33 (2) A grantee with an alternative energy facility
34 agreement utilizing more than 10 acres of land.

35 (b) Nonapplicability.--This chapter shall not apply to any
36 of the following:

37 (1) An alternative energy facility with a nameplate
38 capacity of no more than two megawatts AC.

39 (2) A customer-generator as defined in section 2 of the
40 act of November 30, 2004 (P.L.1672, No.213), known as the
41 Alternative Energy Portfolio Standards Act.

1 (3) An owner or operator of a normal agricultural
2 operation who owns and operates an alternative energy
3 facility on the normal agricultural operation premises,
4 regardless of the location or consumption of the energy
5 generated.