

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 284 Session of 2021

INTRODUCED BY YAW, MARTIN, HUTCHINSON, BARTOLOTTA, MENSCH, PITTMAN, STEFANO, DUSH AND BROOKS, FEBRUARY 26, 2021

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, JUNE 15, 2021

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, IN ENVIRONMENTAL PROTECTION, providing <--
3 for bonding for alternative energy production projects; AND, <--
4 IN SPECIAL PROGRAMS, PROVIDING FOR SOLAR FORCED LABOR
5 PREVENTION.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 27 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter CHAPTERS to read: <--

CHAPTER 43

BONDING FOR ALTERNATIVE ENERGY PRODUCTION PROJECTS

Sec.

4301. Definitions.

4302. Posting of bond.

4303. Separate bond not required.

4304. Amount of bond.

4305. Duration of liability for bond.

4306. Applicability.

§ 4301. Definitions.

1 The following words and phrases when used in this chapter  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Alternative energy production project." The development or  
5 construction of any of the following in this Commonwealth:

6 (1) A facility that utilizes waste coal, alternative  
7 fuels, biomass, solar energy, wind energy, geothermal  
8 technologies, clean coal technologies, waste energy  
9 technologies or other alternative energy sources as defined  
10 in the act of November 30, 2004 (P.L.1672, No.213), known as  
11 the Alternative Energy Portfolio Standards Act, to produce or  
12 distribute alternative energy.

13 (2) A facility that manufactures or produces products,  
14 including component parts, that provide alternative energy or  
15 alternative fuels, improve energy efficiency or conserve  
16 energy.

17 (3) A facility used for the research and development of  
18 technology to provide alternative energy sources or  
19 alternative fuels.

20 (4) A project for the development or enhancement of rail  
21 transportation systems that deliver alternative fuels or  
22 high-efficiency locomotives.

23 "Board." The Environmental Quality Board established under  
24 section 1920-A of the act of April 9, 1929 (P.L.177, No.175),  
25 known as The Administrative Code of 1929.

26 "Business." A corporation, partnership, sole proprietorship,  
27 limited liability company, business trust or other commercial  
28 entity. The term includes a not-for-profit organization.

29 "Department." The Department of Environmental Protection of  
30 the Commonwealth.

1 § 4302. Posting of bond.

2 The operator of an alternative energy production project  
3 commenced on or after the effective date of this section shall  
4 post a bond with the department on a form prescribed by the  
5 department. The bond shall be payable to the Commonwealth.

6 § 4303. Separate bond not required.

7 The operator of an alternative energy production project who  
8 posts a bond sufficient to comply with this chapter shall not be  
9 required to post a separate bond for the permitted area under  
10 any other law of this Commonwealth. Nothing in this section  
11 shall be construed to prohibit the board from requiring  
12 additional bond amounts for the permitted area in accordance  
13 with the regulations promulgated under section 4304(a) (relating  
14 to amount of bond).

15 § 4304. Amount of bond.

16 (a) Regulations.--The board shall promulgate regulations  
17 establishing the bonding requirements for operators of  
18 alternative energy production projects.

19 (b) Amount.--The board may determine the amount of the bond  
20 required under this chapter based on the total estimated cost to  
21 the Commonwealth related to any of the following:

- 22 (1) Potential hazardous liabilities.  
23 (2) Decommissioning the permitted area.  
24 (3) Completing a reclamation plan for the affected site.  
25 (4) The proper recycling or disposal of the alternative  
26 energy production project.  
27 (5) Any other factor as determined by the board.

28 (c) Criteria.--In determining the amount of the bond  
29 required under this chapter in accordance with subsection (b),  
30 the board may use any of the following:

1       (1) A statement of the estimated cost incurred by an  
2 operator of an alternative energy production project to  
3 remove potential hazardous liabilities.

4       (2) An inspection of the permit documentation submitted  
5 to the department by an operator of the alternative energy  
6 production project.

7       (3) An inspection of the affected site.

8       (4) The probable difficulty of reclamation for the  
9 affected site.

10       (5) Any other factor as determined by the board.

11 § 4305. Duration of liability for bond.

12 Liability for a bond under this chapter shall be for the  
13 duration of the operations of an alternative energy production  
14 project until a reclamation plan is completed in accordance with  
15 the laws of this Commonwealth.

16 § 4306. Applicability.

17 The bonding requirements under this chapter shall not apply  
18 to a residence or business in this Commonwealth that generates <--  
19 alternative energy for onsite consumption.

20 ~~Section 2. This act shall take effect in 60 days. TO:~~ <--

21       (1) A RESIDENCE OR BUSINESS IN THIS COMMONWEALTH THAT  
22 GENERATES ALTERNATIVE ENERGY FOR ONSITE CONSUMPTION.

23       (2) THE OWNER OR OPERATOR OF A FARM WHO OWNS AND  
24 OPERATES AN ALTERNATIVE ENERGY GENERATION FACILITY ON THE  
25 FARM PREMISES, REGARDLESS OF LOCATION OF CONSUMPTION OF THE  
26 ENERGY GENERATED.

27                                   CHAPTER 67

28                                   SOLAR FORCED LABOR PREVENTION

29 SEC.

30 6701. SCOPE OF CHAPTER.

1 6702. DEFINITIONS.

2 6703. SOLAR FORCED LABOR PREVENTION LIST.

3 6704. REQUIREMENTS.

4 § 6701. SCOPE OF CHAPTER.

5 THIS CHAPTER RELATES TO SOLAR FORCED LABOR PREVENTION.

6 § 6702. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
11 THE COMMONWEALTH.

12 § 6703. SOLAR FORCED LABOR PREVENTION LIST.

13 (A) ESTABLISHMENT.--WITHIN 90 DAYS OF THE EFFECTIVE DATE OF  
14 THIS SECTION, THE DEPARTMENT SHALL ESTABLISH A SOLAR FORCED  
15 LABOR PREVENTION LIST AND A ROLLING APPLICATION PROCESS FOR  
16 ADMITTANCE ONTO THE SOLAR FORCED LABOR PREVENTION LIST.

17 (B) APPLICATION.--A SOLAR PANEL MANUFACTURER MAY SUBMIT AN  
18 APPLICATION TO BE PLACED ON THE SOLAR FORCED LABOR PREVENTION  
19 LIST.

20 (C) INCLUSION.--TO BE INCLUDED ON THE SOLAR FORCED LABOR  
21 PREVENTION LIST, AN APPLICANT MUST:

22 (1) CERTIFY VIA A SIGNED STATEMENT FROM AN EXECUTIVE  
23 OFFICER OF THE APPLICANT THAT THE SOLAR PANEL MANUFACTURER  
24 DOES NOT USE POLYSILICON SOURCED FROM THE XINJIANG PROVINCE  
25 OF CHINA OR WITH THE USE OF FORCED LABOR FROM OTHER REGIONS,  
26 WHETHER FOR PRODUCTS SHIPPED TO THE UNITED STATES OR TO ANY  
27 OTHER COUNTRY WHERE THE SOLAR PANEL MANUFACTURER DOES  
28 BUSINESS.

29 (2) DEMONSTRATE PROOF OF COMPLIANCE WITH THE FORCED  
30 LABOR CRITERIA IN AT LEAST ONE OF THE FOLLOWING STANDARDS AND

1        FRAMEWORKS:

2                (I) THE VALIDATED AUDIT PROGRAM OF THE RESPONSIBLE  
3                BUSINESS ALLIANCE.

4                (II) THE ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT  
5                TOOL (EPEAT) NSF 457 SUSTAINABILITY LEADERSHIP STANDARD  
6                FOR PHOTOVOLTAIC MODULES AND INVERTERS.

7        § 6704. REQUIREMENTS.

8                (A) COMMONWEALTH ENTITIES.--EACH COMMONWEALTH ENTITY SEEKING  
9                TO OWN, PROCURE OR OTHERWISE PARTICIPATE IN A SOLAR PROJECT  
10               SHALL COMPLY WITH THE PROVISIONS OF THIS CHAPTER BY ENSURING  
11               THAT A SELECTED SOLAR PANEL MANUFACTURER IS INCLUDED ON THE  
12               SOLAR FORCED LABOR PREVENTION LIST.

13               (B) LOCAL GOVERNMENT ENTITIES.--A POLITICAL SUBDIVISION OR  
14               OTHER LOCAL GOVERNMENT ENTITY IS ENCOURAGED TO SEEK A SOLAR  
15               PANEL MANUFACTURER FROM THE SOLAR FORCED LABOR PREVENTION LIST  
16               WHEN PARTICIPATING IN A SOLAR PROJECT.

17               (C) SOLAR PROJECTS.--A SOLAR PROJECT RECEIVING FINANCIAL  
18               INCENTIVES FROM THE COMMONWEALTH SHALL DEMONSTRATE COMPLIANCE  
19               WITH THE PROVISIONS OF THIS CHAPTER BY ENSURING THAT A SELECTED  
20               SOLAR PANEL MANUFACTURER IS INCLUDED ON THE SOLAR FORCED LABOR  
21               PREVENTION LIST.

22        SECTION 2. THE ADDITION OF 27 PA.C.S. CH. 67 SHALL APPLY TO  
23        SOLAR PROJECTS THAT HAVE COMMENCED CONSTRUCTION ON OR AFTER THE  
24        EFFECTIVE DATE OF THIS SECTION.

25        SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26                (1) THE ADDITION OF 27 PA.C.S. CH. 43 SHALL TAKE EFFECT  
27                IN 60 DAYS.

28                (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
29                IMMEDIATELY.