

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 11, 2022

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 DECOMMISSIONING OF SOLAR ENERGY FACILITIES. <--

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 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.

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

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

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

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

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

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

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

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

~~"Department." The Department of Environmental Protection of 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:~~

19 ~~(1) A residence or business in this Commonwealth that~~  
20 ~~generates alternative energy for onsite consumption.~~

21 ~~(2) The owner or operator of a farm who owns and~~  
22 ~~operates an alternative energy generation facility on the~~  
23 ~~farm premises, regardless of location of consumption of the~~  
24 ~~energy generated.~~

25 ~~CHAPTER 67~~

26 ~~SOLAR FORCED LABOR PREVENTION~~

27 ~~Sec.~~

28 ~~6701. Scope of chapter.~~

29 ~~6702. Definitions.~~

30 ~~6703. Solar forced labor prevention list.~~

1 ~~6704. Requirements.~~

2 ~~§ 6701. Scope of chapter.~~

3 ~~This chapter relates to solar forced labor prevention.~~

4 ~~§ 6702. Definitions.~~

5 ~~The following words and phrases when used in this chapter~~  
6 ~~shall have the meanings given to them in this section unless the~~  
7 ~~context clearly indicates otherwise:~~

8 ~~"Department." The Department of Environmental Protection of~~  
9 ~~the Commonwealth.~~

10 ~~§ 6703. Solar forced labor prevention list.~~

11 ~~(a) Establishment. Within 90 days of the effective date of~~  
12 ~~this section, the department shall establish a solar forced~~  
13 ~~labor prevention list and a rolling application process for~~  
14 ~~admittance onto the solar forced labor prevention list.~~

15 ~~(b) Application. A solar panel manufacturer may submit an~~  
16 ~~application to be placed on the solar forced labor prevention~~  
17 ~~list.~~

18 ~~(c) Inclusion. To be included on the solar forced labor~~  
19 ~~prevention list, an applicant must:~~

20 ~~(1) Certify via a signed statement from an executive~~  
21 ~~officer of the applicant that the solar panel manufacturer~~  
22 ~~does not use polysilicon sourced from the Xinjiang Province~~  
23 ~~of China or with the use of forced labor from other regions,~~  
24 ~~whether for products shipped to the United States or to any~~  
25 ~~other country where the solar panel manufacturer does~~  
26 ~~business.~~

27 ~~(2) Demonstrate proof of compliance with the forced~~  
28 ~~labor criteria in at least one of the following standards and~~  
29 ~~frameworks:~~

30 ~~(i) The validated audit program of the Responsible~~

1 Business Alliance.

2 ~~(ii) The Electronic Product Environmental Assessment~~  
3 ~~Tool (EPEAT) NSF 457 sustainability leadership standard~~  
4 ~~for photovoltaic modules and inverters.~~

5 ~~§ 6704. Requirements.~~

6 ~~(a) Commonwealth entities. Each Commonwealth entity seeking~~  
7 ~~to own, procure or otherwise participate in a solar project~~  
8 ~~shall comply with the provisions of this chapter by ensuring~~  
9 ~~that a selected solar panel manufacturer is included on the~~  
10 ~~solar forced labor prevention list.~~

11 ~~(b) Local government entities. A political subdivision or~~  
12 ~~other local government entity is encouraged to seek a solar~~  
13 ~~panel manufacturer from the solar forced labor prevention list~~  
14 ~~when participating in a solar project.~~

15 ~~(c) Solar projects. A solar project receiving financial~~  
16 ~~incentives from the Commonwealth shall demonstrate compliance~~  
17 ~~with the provisions of this chapter by ensuring that a selected~~  
18 ~~solar panel manufacturer is included on the solar forced labor~~  
19 ~~prevention list.~~

20 ~~Section 2. The addition of 27 Pa.C.S. Ch. 67 shall apply to~~  
21 ~~solar projects that have commenced construction on or after the~~  
22 ~~effective date of this section.~~

23 ~~Section 3. This act shall take effect as follows:~~

24 ~~(1) The addition of 27 Pa.C.S. Ch. 43 shall take effect~~  
25 ~~in 60 days.~~

26 ~~(2) The remainder of this act shall take effect~~  
27 ~~immediately.~~

28 SECTION 1. TITLE 27 OF THE PENNSYLVANIA CONSOLIDATED  
29 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

30 CHAPTER 43

<--

1 DECOMMISSIONING OF SOLAR ENERGY FACILITIES

2 SEC.

3 4301. DEFINITIONS.

4 4302. DECOMMISSIONING REQUIREMENTS IN SOLAR ENERGY FACILITY

5 AGREEMENTS.

6 4303. FINANCIAL ASSURANCE REQUIREMENTS IN SOLAR ENERGY FACILITY

7 AGREEMENTS.

8 4304. FORM AND CONTENT OF DECOMMISSIONING PLANS.

9 4305. PREVENTION OF FORCED LABOR.

10 4306. PREEMPTION OF LOCAL ORDINANCES AND REGULATIONS.

11 4307. APPLICABILITY.

12 § 4301. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "COMMENCEMENT OF CONSTRUCTION." THE MOMENT WHEN A GRANTEE  
17 ISSUES A FULL NOTICE TO PROCEED ORDER TO THE CONSTRUCTION  
18 CONTRACTOR.

19 "DECOMMISSIONING PLAN." A DOCUMENT ON FILE WITH THE COUNTY  
20 RECORDER OF DEEDS DETAILING THE STEPS THAT WILL BE TAKEN TO  
21 DECOMMISSION A SOLAR ENERGY FACILITY AND THE AMOUNT, FORM AND  
22 TIMING OF FINANCIAL ASSURANCE.

23 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
24 THE COMMONWEALTH.

25 "GRANTEE." THE OWNER OF A SOLAR ENERGY FACILITY ON LEASED  
26 PROPERTY.

27 "PROFESSIONAL ENGINEER." AS DEFINED IN SECTION 2(E) OF THE  
28 ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE ENGINEER,  
29 LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW.

30 "SOLAR ENERGY FACILITY." THE DEVELOPMENT OR CONSTRUCTION OF

1 A FACILITY THAT UTILIZES SOLAR ENERGY TO PRODUCE OR DISTRIBUTE  
2 ENERGY.

3 "SOLAR ENERGY FACILITY AGREEMENT." A LEASE AGREEMENT BETWEEN  
4 A GRANTEE AND A SURFACE PROPERTY OWNER THAT AUTHORIZES THE  
5 GRANTEE TO OPERATE A SOLAR ENERGY FACILITY ON LEASED PROPERTY.  
6 § 4302. DECOMMISSIONING REQUIREMENTS IN SOLAR ENERGY FACILITY  
7 AGREEMENTS.

8 A SOLAR ENERGY FACILITY AGREEMENT EXECUTED AFTER THE  
9 EFFECTIVE DATE OF THIS SECTION SHALL PROVIDE THAT THE GRANTEE IS  
10 RESPONSIBLE FOR DECOMMISSIONING THE GRANTEE'S SOLAR ENERGY  
11 FACILITY ON THE SURFACE PROPERTY OWNER'S PROPERTY IN ACCORDANCE  
12 WITH THIS CHAPTER NO LATER THAN 18 MONTHS AFTER THE FACILITY HAS  
13 CEASED PRODUCING ELECTRICITY, EXCEPT FOR AN INSTANCE WHEN THE  
14 GRANTEE IS ACTIVELY WORKING TO RECOMMENCE PRODUCTION OF  
15 ELECTRICITY, INCLUDING AN INSTANCE AFTER THE OCCURRENCE OF A  
16 FORCE MAJEURE OR SIMILAR EVENT.

17 § 4303. FINANCIAL ASSURANCE REQUIREMENTS IN SOLAR ENERGY  
18 FACILITY AGREEMENTS.

19 (A) PROOF OF FINANCIAL ASSURANCE.--A GRANTEE WHO EXECUTES A  
20 SOLAR ENERGY FACILITY AGREEMENT ON OR AFTER THE EFFECTIVE DATE  
21 OF THIS SECTION SHALL PROVIDE A DECOMMISSIONING PLAN, SUBMIT  
22 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS AND  
23 PROVIDE NOTICE TO THE SURFACE PROPERTY OWNER PARTY TO THE SOLAR  
24 ENERGY FACILITY AGREEMENT. THE FINANCIAL ASSURANCE SHALL CONFORM  
25 TO THE REQUIREMENTS OF THIS CHAPTER TO SECURE THE PERFORMANCE OF  
26 THE GRANTEE'S OBLIGATION TO DECOMMISSION THE GRANTEE'S SOLAR  
27 ENERGY FACILITY. IF THE GRANTEE DOES NOT FULFILL THE GRANTEE'S  
28 OBLIGATION TO DECOMMISSION THE SOLAR ENERGY FACILITY, THE  
29 FINANCIAL ASSURANCE SHALL BE MADE PAYABLE TO THE SURFACE  
30 PROPERTY OWNER.



1 (B) AMOUNT OF FINANCIAL ASSURANCE.--THE AMOUNT OF FINANCIAL  
2 ASSURANCE SHALL BE EQUAL TO THE ESTIMATED COST TO DECOMMISSION  
3 THE SOLAR ENERGY FACILITY. THE AMOUNT OF FINANCIAL ASSURANCE  
4 SHALL BE CALCULATED AND UPDATED EVERY FIVE YEARS BY A THIRD-  
5 PARTY PROFESSIONAL ENGINEER RETAINED BY THE GRANTEE FROM A LIST  
6 OF PROFESSIONAL ENGINEERS COMPILED BY THE DEPARTMENT AND  
7 PUBLISHED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
8 WEBSITE.

9 (C) DELIVERY.--A GRANTEE SHALL DELIVER A DECOMMISSIONING  
10 PLAN AND PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF  
11 DEEDS IN ACCORDANCE WITH THE FOLLOWING:

12 (1) NO LATER THAN 30 DAYS BEFORE THE COMMENCEMENT OF  
13 CONSTRUCTION OF THE SOLAR ENERGY FACILITY, THE GRANTEE SHALL  
14 PROVIDE THE DECOMMISSIONING PLAN AND PROOF OF FINANCIAL  
15 ASSURANCE TO THE COUNTY RECORDER OF DEEDS IN AN AMOUNT EQUAL  
16 TO 10% OF THE ESTIMATED COST OF DECOMMISSIONING AS DETERMINED  
17 BY A THIRD-PARTY PROFESSIONAL ENGINEER.

18 (2) ON OR BEFORE THE FIFTH ANNIVERSARY OF THE  
19 COMMENCEMENT OF CONSTRUCTION OF THE SOLAR ENERGY FACILITY,  
20 THE GRANTEE SHALL PROVIDE AN UPDATED DECOMMISSIONING PLAN AND  
21 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS  
22 IN AN AMOUNT EQUAL TO 10% OF THE ESTIMATED COST OF  
23 DECOMMISSIONING AS DETERMINED BY A THIRD-PARTY PROFESSIONAL  
24 ENGINEER.

25 (3) ON OR BEFORE THE 10TH ANNIVERSARY OF THE  
26 COMMENCEMENT OF CONSTRUCTION OF THE SOLAR ENERGY FACILITY,  
27 THE GRANTEE SHALL PROVIDE AN UPDATED DECOMMISSIONING PLAN AND  
28 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS  
29 IN AN AMOUNT EQUAL TO 40% OF THE ESTIMATED COST OF  
30 DECOMMISSIONING, LESS THE FACILITY'S SALVAGE VALUE, EXCEPT

1 THAT THE REQUIRED PROOF OF FINANCIAL ASSURANCE SHALL NOT BE  
2 LESS THAN 25% OF THE TOTAL ESTIMATED COST OF DECOMMISSIONING  
3 AS DETERMINED BY A THIRD-PARTY PROFESSIONAL ENGINEER.

4 (4) ON OR BEFORE THE 15TH ANNIVERSARY OF THE  
5 COMMENCEMENT OF CONSTRUCTION OF THE SOLAR ENERGY FACILITY,  
6 THE GRANTEE SHALL PROVIDE AN UPDATED DECOMMISSIONING PLAN AND  
7 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS  
8 IN AN AMOUNT EQUAL TO 60% OF THE ESTIMATED COST OF  
9 DECOMMISSIONING, LESS THE FACILITY'S SALVAGE VALUE, EXCEPT  
10 THAT THE REQUIRED PROOF OF FINANCIAL ASSURANCE SHALL NOT BE  
11 LESS THAN 40% OF THE TOTAL ESTIMATED COST OF DECOMMISSIONING,  
12 AS DETERMINED BY A THIRD-PARTY PROFESSIONAL ENGINEER.

13 (5) ON OR BEFORE THE 20TH ANNIVERSARY OF THE  
14 COMMENCEMENT OF CONSTRUCTION OF THE SOLAR ENERGY FACILITY,  
15 THE GRANTEE SHALL PROVIDE AN UPDATED DECOMMISSIONING PLAN AND  
16 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS  
17 IN AN AMOUNT EQUAL TO 80% OF THE ESTIMATED COST OF  
18 DECOMMISSIONING, LESS THE FACILITY'S SALVAGE VALUE, EXCEPT  
19 THAT THE REQUIRED PROOF OF FINANCIAL ASSURANCE SHALL NOT BE  
20 LESS THAN 60% OF THE TOTAL ESTIMATED COST OF DECOMMISSIONING,  
21 AS DETERMINED BY A THIRD-PARTY PROFESSIONAL ENGINEER.

22 (6) ON OR BEFORE THE 25TH ANNIVERSARY OF THE  
23 COMMENCEMENT OF CONSTRUCTION OF THE SOLAR ENERGY FACILITY,  
24 THE GRANTEE SHALL PROVIDE AN UPDATED DECOMMISSIONING PLAN AND  
25 PROOF OF FINANCIAL ASSURANCE TO THE COUNTY RECORDER OF DEEDS  
26 IN AN AMOUNT EQUAL TO 100% OF THE ESTIMATED COST OF  
27 DECOMMISSIONING, LESS THE FACILITY'S SALVAGE VALUE, EXCEPT  
28 THAT THE REQUIRED PROOF OF FINANCIAL ASSURANCE SHALL NOT BE  
29 LESS THAN 70% OF THE TOTAL ESTIMATED COST OF DECOMMISSIONING,  
30 AS DETERMINED BY A THIRD-PARTY PROFESSIONAL ENGINEER.

1           (7) THE CALCULATION OF THE SALVAGE VALUE OF A SOLAR  
2 ENERGY FACILITY BY A THIRD-PARTY PROFESSIONAL ENGINEER SHALL  
3 BE LIMITED TO SALVAGEABLE STEEL, ALUMINUM AND COPPER.

4           (D) FORMS OF FINANCIAL ASSURANCE.--ANY OF THE FOLLOWING  
5 SHALL BE AN ACCEPTABLE FORM OF FINANCIAL ASSURANCE:

6           (1) AN ESCROW ACCOUNT.

7           (2) A CERTIFICATE OF DEPOSIT OR AN AUTOMATICALLY  
8 RENEWABLE, IRREVOCABLE LETTER OF CREDIT FROM A FINANCIAL  
9 INSTITUTION CHARTERED OR AUTHORIZED TO DO BUSINESS IN THIS  
10 COMMONWEALTH AND REGULATED AND EXAMINED BY A FEDERAL AGENCY  
11 OR THE COMMONWEALTH.

12           (3) A BOND EXECUTED BETWEEN THE GRANTEE AND A CORPORATE  
13 SURETY LICENSED TO DO BUSINESS IN THIS COMMONWEALTH.

14           (4) A NEGOTIABLE BOND OF THE FEDERAL GOVERNMENT, THE  
15 COMMONWEALTH OR A MUNICIPALITY WITHIN THIS COMMONWEALTH.

16           (E) TRANSFERABILITY.--A DECOMMISSIONING PLAN, THE ASSOCIATED  
17 FINANCIAL ASSURANCE AND THE SALVAGE VALUE OF A SOLAR ENERGY  
18 FACILITY TO REDUCE THE FINANCIAL ASSURANCE MAY NOT BE SEPARATED  
19 FROM THE SOLAR ENERGY FACILITY THROUGH A CHANGE IN GRANTEE  
20 OWNERSHIP. THE NEW GRANTEE SHALL SUBMIT PROOF OF FINANCIAL  
21 ASSURANCE IN ACCORDANCE WITH SUBSECTION (A). THE PRIOR GRANTEE  
22 MAY NOT RELEASE OR REVOKE THE PRIOR GRANTEE'S FINANCIAL  
23 ASSURANCE UNTIL THE NEW GRANTEE'S PROOF OF FINANCIAL ASSURANCE  
24 IS FILED WITH THE COUNTY RECORDER OF DEEDS AND NOTICE IS  
25 PROVIDED TO THE SURFACE PROPERTY OWNER PARTY TO THE SOLAR ENERGY  
26 FACILITY AGREEMENT.

27 § 4304. FORM AND CONTENT OF DECOMMISSIONING PLANS.

28           (A) DEVELOPMENT OF FORM.--

29           (1) WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS  
30 SECTION, THE DEPARTMENT SHALL, BY REGULATION AND IN

1 CONSULTATION WITH THE SOLAR ENERGY INDUSTRY, DEVELOP A  
2 PROVISIONAL STANDARD FORM FOR A DECOMMISSIONING PLAN AND  
3 FINANCIAL ASSURANCE TO BE FILED WITH THE COUNTY RECORDER OF  
4 DEEDS IN ACCORDANCE WITH THIS CHAPTER. IN ORDER TO FACILITATE  
5 THE PROMPT IMPLEMENTATION OF THIS CHAPTER, REGULATIONS  
6 PROMULGATED TO DEVELOP A PROVISIONAL STANDARD FORM UNDER THIS  
7 PARAGRAPH SHALL BE DEEMED TEMPORARY REGULATIONS. TEMPORARY  
8 REGULATIONS PROMULGATED UNDER THIS PARAGRAPH SHALL NOT BE  
9 SUBJECT TO ANY OF THE FOLLOWING:

10 (I) SECTION 612 OF THE ACT OF APRIL 9, 1929  
11 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
12 1929.

13 (II) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT  
14 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
15 COMMONWEALTH DOCUMENTS LAW.

16 (III) SECTIONS 204(B) AND 301(10) OF THE ACT OF  
17 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE  
18 COMMONWEALTH ATTORNEYS ACT.

19 (IV) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),  
20 KNOWN AS THE REGULATORY REVIEW ACT.

21 (2) AFTER THE PROMULGATION OF THE TEMPORARY REGULATIONS  
22 UNDER PARAGRAPH (1), THE DEPARTMENT SHALL, BY REGULATION AND  
23 IN CONSULTATION WITH THE SOLAR ENERGY INDUSTRY, DEVELOP A  
24 FINAL STANDARD FORM FOR A DECOMMISSIONING PLAN AND FINANCIAL  
25 ASSURANCE TO BE FILED WITH THE COUNTY RECORDER OF DEEDS IN  
26 ACCORDANCE WITH THIS CHAPTER. THE TEMPORARY REGULATIONS UNDER  
27 PARAGRAPH (1) SHALL EXPIRE UPON THE PROMULGATION OF THE FINAL  
28 REGULATIONS UNDER THIS PARAGRAPH, OR TWO YEARS AFTER THE  
29 EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS LATER.

30 (B) CONTENTS.--THE PROVISIONAL STANDARD FORM AND FINAL

1 STANDARD FORM UNDER SUBSECTION (A) SHALL INCLUDE ALL OF THE  
2 FOLLOWING PROVISIONS:

3 (1) UNLESS THE SURFACE PROPERTY OWNER AND GRANTEE  
4 MUTUALLY AGREE IN WRITING ON AN ALTERNATIVE CONDITION FOR  
5 RESTORING THE PROPERTY, THE GRANTEE'S DECOMMISSIONING PLAN  
6 SHALL INCLUDE ALL OF THE FOLLOWING:

7 (I) THE REMOVAL OF ALL NON-UTILITY-OWNED EQUIPMENT,  
8 CONDUITS, STRUCTURES, FENCING AND FOUNDATIONS TO A DEPTH  
9 OF AT LEAST THREE FEET BELOW GRADE. THE GRANTEE SHALL NOT  
10 BE REQUIRED TO REMOVE EQUIPMENT AND MATERIALS THAT THE  
11 PUBLIC UTILITY REQUIRES TO REMAIN ON SITE.

12 (II) THE REMOVAL OF GRAVELED AREAS AND ACCESS ROADS,  
13 UNLESS THE SURFACE PROPERTY OWNER REQUESTS IN WRITING FOR  
14 GRAVELED AREAS AND ACCESS ROADS TO STAY IN PLACE.

15 (III) THE RESTORATION OF THE PROPERTY TO A CONDITION  
16 REASONABLY SIMILAR TO THE PROPERTY'S CONDITION BEFORE THE  
17 COMMENCEMENT OF CONSTRUCTION, INCLUDING THE REPLACEMENT  
18 OF TOP SOIL REMOVED OR ERODED ON PREVIOUSLY PRODUCTIVE  
19 AGRICULTURAL LAND.

20 (IV) THE RESEEDING OF A CLEARED AREA, UNLESS  
21 REQUESTED IN WRITING BY THE SURFACE PROPERTY OWNER TO NOT  
22 RESEED DUE TO PLANS FOR AGRICULTURAL PLANTING.

23 (2) THE REQUIRED FINANCIAL ASSURANCE UNDER SECTION 4303  
24 (RELATING TO FINANCIAL ASSURANCE REQUIREMENTS IN SOLAR ENERGY  
25 FACILITY AGREEMENTS).

26 (3) THE GRANTEE'S ATTESTATION REQUIRED UNDER SECTION  
27 4305 (RELATING TO PREVENTION OF FORCED LABOR).

28 § 4305. PREVENTION OF FORCED LABOR.

29 THE GRANTEE OF A SOLAR ENERGY FACILITY COMMENCED ON OR AFTER  
30 THE EFFECTIVE DATE OF THIS SECTION SHALL ATTEST TO THE GRANTEE'S

1 COMPLIANCE WITH THE UYGHUR FORCED LABOR PREVENTION ACT (PUBLIC  
2 LAW 117-78, 135 STAT. 1525) OR ANY OTHER FEDERAL LAW, RULE OR  
3 REGULATION THAT RESTRICTS THE IMPORT OR USE OF GOODS, WARES,  
4 ARTICLES OR MERCHANDISE MINED, PRODUCED OR MANUFACTURED WHOLLY  
5 OR IN PART WITH FORCED LABOR.

6 § 4306. PREEMPTION OF LOCAL ORDINANCES AND REGULATIONS.

7 THE REGULATION OF THE DECOMMISSIONING OF SOLAR ENERGY  
8 FACILITIES IS A MATTER OF GENERAL STATEWIDE INTEREST THAT  
9 REQUIRES UNIFORM STATEWIDE REGULATION. THIS CHAPTER AND THE  
10 REGULATIONS PROMULGATED UNDER THIS CHAPTER CONSTITUTE A  
11 COMPREHENSIVE PLAN WITH RESPECT TO ALL ASPECTS OF SOLAR ENERGY  
12 FACILITY AGREEMENTS, FINANCIAL ASSURANCE AND DECOMMISSIONING  
13 PLANS ASSOCIATED WITH SOLAR ENERGY FACILITIES WITHIN THIS  
14 COMMONWEALTH. ANY COUNTY, MUNICIPAL OR OTHER LOCAL GOVERNMENT  
15 ORDINANCE OR REGULATION THAT MATERIALLY IMPEDES THE PURPOSES OF  
16 THIS CHAPTER SHALL BE PREEMPTED AND SHALL BE WITHOUT FORCE AND  
17 EFFECT.

18 § 4307. APPLICABILITY.

19 THE REQUIREMENTS UNDER THIS CHAPTER SHALL NOT APPLY TO ANY OF  
20 THE FOLLOWING:

21 (1) A SOLAR ENERGY FACILITY WITH A NAMEPLATE CAPACITY OF  
22 TWO MEGAWATTS AC OR LESS.

23 (2) A CUSTOMER-GENERATOR AS DEFINED IN SECTION 2 OF THE  
24 ACT OF NOVEMBER 30, 2004 (P.L.1672, NO.213), KNOWN AS THE  
25 ALTERNATIVE ENERGY PORTFOLIO STANDARDS ACT.

26 (3) AN OWNER OR OPERATOR OF A NORMAL AGRICULTURAL  
27 OPERATION AS DEFINED IN SECTION 2 OF THE ACT OF JUNE 10, 1982  
28 (P.L.454, NO.133), REFERRED TO AS THE RIGHT-TO-FARM LAW, WHO  
29 OWNS AND OPERATES A SOLAR ENERGY FACILITY ON THE NORMAL  
30 AGRICULTURAL OPERATION PREMISES, REGARDLESS OF THE LOCATION

1       OR CONSUMPTION OF THE ENERGY GENERATED.

2       SECTION 2.   THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3           (1)   THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

4               (I)   THE ADDITION OF 27 PA.C.S. § 4304.

5               (II)   THIS SECTION.

6           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180  
7       DAYS.