

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 211

PRINTER NO. 180

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 31, 2023

PRIME SPONSOR

Senator Yaw

DESCRIPTION

Senate Bill 211 amends Title 27 (Environmental Resources) to add Chapter 43 pertaining to the decommissioning of solar energy facilities and provides for requirements for complying with forced labor laws.

This legislation requires that the owner of a solar facility on leased property (grantee) shall be responsible for the decommissioning of the facility no later than 18 months after the facility has ceased producing electricity. A grantee shall provide a decommissioning plan and submit proof of financial assurance to the county recorder of deeds and provide notice to the property owner. The amount of financial assurance shall be equal to the estimated cost to decommission the facility and shall be calculated and updated every five years by a third-party engineer from a list compiled and maintained by the Department of Environmental Protection (department). The plan and proof of financial assurance shall be delivered to the county recorder of deeds on a schedule outlined in the bill. The financial assurance may take the form of an escrow account, a certificate of deposit or letter of credit from a financial institution, a bond with a corporate surety or a bond with the federal government, Commonwealth, or a municipal government.

This bill requires the department to promulgate regulations regarding requirements of a decommissioning plan. The regulations must include:

- Removal of all non-utility-owned equipment, conduits, structures, fencing and foundations;
- Removal of graveled areas and access roads;
- Restoration to a condition reasonably similar to the pre-construction condition;
- Reseeding of any cleared areas;
- Requirements of financial assurance; and
- Attestation to prevention of forced labor.

Senate Bill 211 adds Section 4305 which requires compliance with any federal law that restricts the import or use of goods, wares, articles or merchandise mined, produced or manufactured wholly or in part with forced labor. Section 4306 provides

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for preemption of all local ordinance and regulations. Section 4307 outlines the criteria by which a solar facility would not meet the requirements of this legislation.

FISCAL IMPACT:

Senate Bill 211 will have no fiscal impact on Commonwealth funds. The bill requires the department to promulgate regulations regarding plans to decommission facilities and maintain a list of third-party engineers which can be performed by department staff within current appropriation levels. Owners of solar facilities for which a solar energy facility agreement is executed after the effective date of the legislation will be required to obtain a sufficient level of financial assurance to decommission solar facilities in instances where a facility has ceased producing electricity.