
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 284 Session of
2021

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

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 26, 2021

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for bonding for alternative
3 energy production projects.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 43

9 BONDING FOR ALTERNATIVE ENERGY PRODUCTION PROJECTS

10 Sec.

11 4301. Definitions.

12 4302. Posting of bond.

13 4303. Separate bond not required.

14 4304. Amount of bond.

15 4305. Duration of liability for bond.

16 4306. Applicability.

17 § 4301. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

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

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

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

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

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

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

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

30 § 4302. Posting of bond.

1 The operator of an alternative energy production project
2 commenced on or after the effective date of this section shall
3 post a bond with the department on a form prescribed by the
4 department. The bond shall be payable to the Commonwealth.
5 § 4303. Separate bond not required.

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

14 § 4304. Amount of bond.

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

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

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

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

- 30 (1) A statement of the estimated cost incurred by an

1 operator of an alternative energy production project to
2 remove potential hazardous liabilities.

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

6 (3) An inspection of the affected site.

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

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

10 § 4305. Duration of liability for bond.

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

15 § 4306. Applicability.

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

19 Section 2. This act shall take effect in 60 days.