

House Engrossed

decommissioning; solar and wind; standards

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2618

AN ACT

AMENDING TITLE 30, ARIZONA REVISED STATUTES, BY ADDING CHAPTERS 7 AND 8;  
RELATING TO POWER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 30, Arizona Revised Statutes, is amended by adding  
3 chapters 7 and 8, to read:

4 CHAPTER 7

5 SOLAR ENERGY POWER PLANTS

6 ARTICLE 1. GENERAL PROVISIONS

7 30-901. Local government; requirements; procedures

8 A. A CITY, TOWN OR COUNTY MAY ADOPT ZONING STANDARDS, SITE SPECIFIC  
9 CONDITIONS AND PERMITTING REQUIREMENTS OR PROCEDURES FOR A SOLAR ENERGY  
10 POWER PLANT THAT IS LOCATED IN THE CITY, TOWN OR COUNTY.

11 B. AN APPLICANT FOR A SOLAR ENERGY POWER PLANT SHALL COMPLY WITH  
12 THE REQUIREMENTS OR PROCEDURES FOR A SOLAR ENERGY POWER PLANT THAT ARE  
13 ADOPTED BY THE CITY, TOWN OR COUNTY IN WHICH THE SOLAR ENERGY POWER PLANT  
14 IS TO BE LOCATED.

15 30-902. Transfer or sale

16 A. THE TRANSFER OF A SOLAR ENERGY POWER PLANT OR SPECIAL USE PERMIT  
17 OR THE SALE OF THE ENTITY OWNING THE SOLAR ENERGY POWER PLANT MAY NOT  
18 OCCUR WITHOUT WRITTEN ACCEPTANCE BY THE TRANSFEREE OF THE TRANSFEROR'S  
19 OBLIGATIONS UNDER THIS CHAPTER. A TRANSFER OR SALE DOES NOT ELIMINATE THE  
20 LIABILITY OR RESPONSIBILITY OF AN APPLICANT OR OF ANY OTHER PARTY UNDER  
21 THIS CHAPTER FOR ACTS OR OMISSIONS OCCURRING BEFORE THE TRANSFER OR SALE.

22 B. FOR A TRANSFER OF UNIT OWNERSHIP, THE CITY, TOWN OR COUNTY MAY  
23 REASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SECTION  
24 30-905 AND THE SOLAR ENERGY POWER PLANT PROJECT OWNER OR OPERATOR SHALL  
25 REIMBURSE ANY REASONABLE COSTS INCURRED BY THE CITY, TOWN OR COUNTY TO  
26 OBTAIN THE REASSESSMENT.

27 30-903. Cessation of use; abandonment; damage; applicability

28 A. IF A PART OF A SOLAR ENERGY POWER PLANT IS DAMAGED OR IF A SOLAR  
29 ENERGY POWER PLANT VIOLATES A PERMIT CONDITION IMPOSED BY A CITY, TOWN OR  
30 COUNTY, THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL CURE ANY  
31 DAMAGE OR DEFICIENCY WITHIN NINETY DAYS AFTER WRITTEN NOTICE FROM THE  
32 CITY, TOWN OR COUNTY. IF IT IS NOT REASONABLY POSSIBLE FOR THE SOLAR  
33 ENERGY POWER PLANT OWNER OR OPERATOR TO CURE THE DAMAGE OR DEFICIENCY  
34 WITHIN NINETY DAYS AFTER RECEIVING THE WRITTEN NOTICE, THE SOLAR ENERGY  
35 POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR COUNTY WITH  
36 A PLAN TO CURE THE DAMAGE OR DEFICIENCY AS SOON AS REASONABLY POSSIBLE.

37 B. IF A SOLAR ENERGY POWER PLANT REMAINS NONFUNCTIONAL OR  
38 INOPERATIVE FOR A CONTINUOUS PERIOD OF AT LEAST ONE YEAR, THE APPLICANT OR  
39 ITS SUCCESSORS OR ASSIGNS, WITHOUT ANY FURTHER ACTION BY THE CITY, TOWN OR  
40 COUNTY, SHALL REMOVE THE SYSTEM AND RESTORE THE SITE AT ITS OWN EXPENSE AS  
41 PRESCRIBED IN SECTION 30-904. IF IT IS NOT REASONABLY POSSIBLE FOR A  
42 SOLAR ENERGY POWER PLANT OWNER OR OPERATOR TO RESTORE THE SOLAR ENERGY  
43 POWER PLANT TO BE FUNCTIONAL OR OPERATIONAL WITHIN ONE YEAR, THE SOLAR  
44 ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR

1 COUNTY WITH A PLAN TO RESTORE THE SOLAR ENERGY POWER PLANT TO BE  
2 FUNCTIONAL OR OPERATIONAL AS SOON AS REASONABLY POSSIBLE.

3 C. THIS SECTION APPLIES TO A SOLAR ENERGY POWER PLANT THAT BEGINS  
4 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
5 SECTION.

6 30-904. Decommissioning and site restoration; applicability

7 A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE A  
8 CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED WITH A  
9 DECOMMISSIONING AND SITE RESTORATION PLAN AS PRESCRIBED IN THIS SECTION.

10 B. THE DECOMMISSIONING AND SITE RESTORATION PLAN SHALL STATE HOW  
11 THE SOLAR ENERGY POWER PLANT WILL BE DECOMMISSIONED AND THE SITE WILL BE  
12 RESTORED AND SHALL INCLUDE ALL OF THE FOLLOWING:

13 1. AN ESTIMATE OF THE COST OF DECOMMISSIONING AND RESTORATION, NET  
14 OF SALVAGE VALUE. THE ESTIMATE SHALL BE MADE BY A PERSON WHO IS QUALIFIED  
15 TO ESTIMATE DECOMMISSIONING AND SITE RESTORATION COSTS AND SALVAGE VALUE  
16 FOR THE SOLAR ENERGY POWER PLANT.

17 2. THE FINANCIAL RESOURCES THAT THE SOLAR ENERGY POWER PLANT WILL  
18 USE TO ACCOMPLISH DECOMMISSIONING AND RESTORATION.

19 3. FINANCIAL ASSURANCES THAT COMPLY WITH SECTION 30-905.

20 C. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL REMOVE A  
21 SOLAR ENERGY POWER PLANT AND RESTORE A SOLAR ENERGY POWER PLANT SITE AS  
22 PRESCRIBED IN THIS SECTION UNLESS A CITY, TOWN OR COUNTY DETERMINES THAT A  
23 PROVISION OF THIS SECTION RELATING TO RESTORATION IS NOT NECESSARY.

24 D. THE REMOVAL OF A SOLAR ENERGY POWER PLANT SHALL:

25 1. INCLUDE ALL ABOVE GROUND COMPONENTS, INCLUDING SOLAR ARRAYS,  
26 TRANSFORMERS, BATTERY ENERGY STORAGE SYSTEMS, ABOVE GROUND COLLECTION  
27 CABLES AND POLES AND FENCING.

28 2. COMPLY WITH THE FOLLOWING:

29 (a) FOUNDATIONS AND BURIED PROJECT COMPONENTS, OTHER THAN BURIED  
30 COLLECTION LINES, MUST BE REMOVED TO A DEPTH OF AT LEAST THIRTY-SIX INCHES  
31 OR AS PRESCRIBED BY A CITY, TOWN OR COUNTY.

32 (b) BURIED COLLECTION LINES MUST BE REMOVED TO A DEPTH OF AT LEAST  
33 THIRTY-SIX INCHES. COLLECTION LINES BELOW A DEPTH OF THIRTY-SIX INCHES  
34 MAY REMAIN IN PLACE UNLESS OTHERWISE PRESCRIBED BY A CITY, TOWN OR COUNTY.

35 (c) REMOVAL ACTIVITIES MUST BE COMPLETED WITHIN EIGHTEEN MONTHS  
36 AFTER DECOMMISSIONING INITIATION UNLESS OTHERWISE APPROVED BY THE CITY,  
37 TOWN OR COUNTY.

38 E. THE RESTORATION OF EACH SITE SHALL INCLUDE:

39 1. MINIMIZING GROUND DISTURBANCE AND RESTORING THE SITE TO ITS  
40 ORIGINAL GROUND CONTOURS, IF POSSIBLE, OR COORDINATING WITH THE LANDOWNER  
41 TO RESTORE THE SITE.

42 2. REASONABLY RESTORING AND REESTABLISHING DISTURBED ON-SITE SOILS  
43 AND VEGETATION BY USING NATIVE SEED MIX AND PROPER SOIL NUTRIENTS,  
44 INCLUDING FERTILIZER AND LIME, IF NECESSARY, TO PROVIDE AND SUSTAIN GROWTH  
45 OR IN COORDINATION WITH THE LANDOWNER TO ALLOW DESIRED VEGETATION TO BE

1 PLANTED OR RETURNING THE ON-SITE SOILS AND VEGETATION TO THEIR ORIGINAL  
2 CONDITIONS.

3 3. ADEQUATELY RESTORING PAVED ROADS TO THEIR ORIGINAL CONDITION  
4 FOLLOWING DECOMMISSIONING ACTIVITIES OR LEAVING IMPROVEMENTS IN PLACE WITH  
5 THE LANDOWNER'S CONSENT.

6 4. ALLOWING ACCESS ROADS, FENCING, ASSOCIATED DRAINAGE IMPROVEMENTS  
7 AND ANY OTHER RESIDUAL MINOR IMPROVEMENTS TO REMAIN WITH THE LANDOWNER'S  
8 WRITTEN CONSENT.

9 5. REMOVING AND REMEDIATING ANY HAZARDOUS MATERIALS AND WASTE.

10 F. AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER, THE  
11 CITY, TOWN OR COUNTY MAY ENTER THE SITE TO EFFECT OR COMPLETE  
12 DECOMMISSIONING PURSUANT TO THE DECOMMISSIONING PLAN.

13 G. AFTER THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR COMPLETES  
14 THE DECOMMISSIONING OF A SOLAR ENERGY POWER PLANT AND RESTORATION OF THE  
15 SOLAR ENERGY POWER PLANT SITE AS PRESCRIBED IN THIS SECTION:

16 1. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL NOTIFY THE  
17 CITY, TOWN OR COUNTY WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE OWNER  
18 OR OPERATOR COMPLETES DECOMMISSIONING AND RESTORATION.

19 2. THE CITY, TOWN OR COUNTY SHALL CERTIFY TO THE SOLAR ENERGY POWER  
20 PLANT OWNER OR OPERATOR THAT DECOMMISSIONING AND RESTORATION IS COMPLETE  
21 WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE CITY, TOWN OR COUNTY  
22 RECEIVES NOTICE FROM THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR.

23 H. AFTER THE CITY, TOWN OR COUNTY CERTIFIES THAT DECOMMISSIONING  
24 AND RESTORATION IS COMPLETE:

25 1. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR IS RELEASED FROM  
26 ANY OBLIGATION PRESCRIBED IN THIS CHAPTER.

27 2. THE CITY, TOWN OR COUNTY SHALL RETURN OR RELEASE ANY REMAINING  
28 FINANCIAL ASSURANCE REQUIRED UNDER SECTION 30-905.

29 I. THIS SECTION APPLIES TO A SOLAR ENERGY POWER PLANT THAT BEGINS  
30 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
31 SECTION.

32 30-905. Financial assurance; applicability

33 A. BEGINNING ON A DATE DETERMINED BY THE CITY, TOWN OR COUNTY WHERE  
34 A SOLAR ENERGY POWER PLANT IS LOCATED, A SOLAR ENERGY POWER PLANT OWNER OR  
35 OPERATOR SHALL CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE, INCLUDING IN THE  
36 FORM OF A BOND OR PARENT GUARANTEE, IN AN AMOUNT EQUAL TO THE COST TO  
37 DECOMMISSION THE SOLAR ENERGY POWER PLANT AND RESTORE THE SOLAR ENERGY  
38 POWER PLANT SITE AS PRESCRIBED IN SECTION 30-904, NET SALVAGE VALUE, AS  
39 DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT  
40 IS LOCATED. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL UPDATE  
41 THE COST ESTIMATE EVERY TEN YEARS TO ENSURE AN ACCURATE ESTIMATION OF  
42 COSTS ASSOCIATED WITH DECOMMISSIONING, EQUIPMENT VALUE AND SITE  
43 RESTORATION, ADJUSTED FOR INFLATION.

44 B. THE CITY, TOWN OR COUNTY MAY USE THE FINANCIAL ASSURANCE FOR THE  
45 COSTS OF CORRECTING ANY OTHER ACTS OF NONCOMPLIANCE WITH THIS CHAPTER.

1 C. IF A SOLAR ENERGY POWER PLANT OWNER SELLS THE SOLAR ENERGY POWER  
2 PLANT TO A PUBLIC SERVICE CORPORATION REGULATED BY THE CORPORATION  
3 COMMISSION, THE SOLAR ENERGY POWER PLANT OWNER SHALL PROVIDE A NOTICE OF  
4 THE SALE TO THE CITY, TOWN OR COUNTY. WITHIN FIFTEEN DAYS AFTER RECEIVING  
5 THE NOTICE, THE CITY, TOWN OR COUNTY SHALL WAIVE THE REQUIREMENTS OF THIS  
6 SECTION AND RETURN OR RELEASE ANY FINANCIAL ASSURANCE PROVIDED TO THE  
7 CITY, TOWN OR COUNTY TO THE SOLAR ENERGY POWER PLANT OWNER.

8 D. THIS SECTION APPLIES TO A SOLAR ENERGY POWER PLANT THAT BEGINS  
9 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
10 SECTION.

11 30-906. Liability insurance required; applicability

12 A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL MAINTAIN AN  
13 INSURANCE POLICY THAT INCLUDES COVERAGE OF ANY REASONABLE LIABILITY OF THE  
14 CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED RELATED  
15 TO THE CONSTRUCTION AND OPERATION OF THE SOLAR ENERGY POWER PLANT.

16 B. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL IMMEDIATELY  
17 PROVIDE WRITTEN NOTICE OF ANY CHANGE IN THE INSURANCE POLICY DESCRIBED IN  
18 SUBSECTION A OF THIS SECTION TO THE CITY, TOWN OR COUNTY WHERE THE SOLAR  
19 ENERGY POWER PLANT IS LOCATED.

20 C. THIS SECTION APPLIES TO AN OWNER OR OPERATOR OF A SOLAR ENERGY  
21 POWER PLANT THAT BEGINS COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE  
22 EFFECTIVE DATE OF THIS SECTION.

23 CHAPTER 8

24 WIND ENERGY POWER PLANTS

25 ARTICLE 1. GENERAL PROVISIONS

26 30-1001. Local government; requirements; procedures

27 A. A CITY, TOWN OR COUNTY MAY ADOPT ZONING STANDARDS, SITE SPECIFIC  
28 CONDITIONS AND PERMITTING REQUIREMENTS OR PROCEDURES FOR A WIND ENERGY  
29 POWER PLANT THAT IS LOCATED IN THE CITY, TOWN OR COUNTY.

30 B. AN APPLICANT FOR A WIND ENERGY POWER PLANT SHALL COMPLY WITH THE  
31 REQUIREMENTS OR PROCEDURES FOR A WIND ENERGY POWER PLANT THAT ARE ADOPTED  
32 BY THE CITY, TOWN OR COUNTY IN WHICH THE WIND ENERGY POWER PLANT IS TO BE  
33 LOCATED.

34 30-1002. Transfer or sale

35 A. THE TRANSFER OF A WIND ENERGY POWER PLANT OR SPECIAL USE PERMIT  
36 OR THE SALE OF THE ENTITY OWNING THE WIND ENERGY POWER PLANT MAY NOT OCCUR  
37 WITHOUT WRITTEN ACCEPTANCE BY THE TRANSFEREE OF THE TRANSFEROR'S  
38 OBLIGATIONS UNDER THIS CHAPTER. A TRANSFER OR SALE MAY NOT ELIMINATE THE  
39 LIABILITY OR RESPONSIBILITY OF AN APPLICANT OR OF ANY OTHER PARTY UNDER  
40 THIS CHAPTER FOR ACTS OR OMISSIONS OCCURRING BEFORE THE TRANSFER OR SALE.

41 B. FOR A TRANSFER OF UNIT OWNERSHIP, THE CITY, TOWN OR COUNTY MAY  
42 REASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SECTION  
43 30-1005 AND THE WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL REIMBURSE  
44 ANY REASONABLE COSTS INCURRED BY THE CITY, TOWN OR COUNTY TO OBTAIN THE  
45 REASSESSMENT.

1           30-1003. Cessation of use; abandonment; damage; applicability

2           A. IF A PART OF A WIND ENERGY POWER PLANT IS DAMAGED OR IF A WIND  
3 ENERGY POWER PLANT VIOLATES A PERMIT CONDITION IMPOSED BY A CITY, TOWN OR  
4 COUNTY, THE WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL CURE ANY  
5 DAMAGE OR DEFICIENCY WITHIN NINETY DAYS AFTER WRITTEN NOTICE FROM THE  
6 CITY, TOWN OR COUNTY. IF IT IS NOT REASONABLY POSSIBLE FOR THE WIND  
7 ENERGY POWER PLANT OWNER OR OPERATOR TO CURE THE DAMAGE OR DEFICIENCY  
8 WITHIN NINETY DAYS AFTER RECEIVING THE WRITTEN NOTICE, THE WIND ENERGY  
9 POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR COUNTY WITH  
10 A PLAN TO CURE THE DAMAGE OR DEFICIENCY AS SOON AS REASONABLY POSSIBLE.

11           B. IF A WIND ENERGY POWER PLANT REMAINS NONFUNCTIONAL OR  
12 INOPERATIVE FOR A CONTINUOUS PERIOD OF AT LEAST ONE YEAR, THE APPLICANT OR  
13 ITS SUCCESSORS OR ASSIGNS, WITHOUT ANY FURTHER ACTION BY THE CITY, TOWN OR  
14 COUNTY, SHALL REMOVE THE WIND ENERGY POWER PLANT AND RESTORE THE SITE AT  
15 ITS OWN EXPENSE AS PRESCRIBED IN SECTION 30-1004. IF IT IS NOT REASONABLY  
16 POSSIBLE FOR A WIND ENERGY POWER PLANT OWNER OR OPERATOR TO RESTORE THE  
17 WIND ENERGY POWER PLANT TO BE FUNCTIONAL OR OPERATIONAL WITHIN ONE YEAR,  
18 THE WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN  
19 OR COUNTY WITH A PLAN TO RESTORE THE WIND ENERGY POWER PLANT TO BE  
20 FUNCTIONAL OR OPERATIONAL AS SOON AS REASONABLY POSSIBLE.

21           C. THIS SECTION APPLIES TO A WIND ENERGY POWER PLANT THAT BEGINS  
22 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
23 SECTION.

24           30-1004. Decommissioning and site restoration; applicability

25           A. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE A  
26 CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED WITH A  
27 DECOMMISSIONING AND SITE RESTORATION PLAN AS PRESCRIBED IN THIS SECTION.

28           B. THE DECOMMISSIONING AND SITE RESTORATION PLAN SHALL STATE HOW  
29 THE WIND ENERGY POWER PLANT WILL BE DECOMMISSIONED AND THE SITE WILL BE  
30 RESTORED AND SHALL INCLUDE ALL OF THE FOLLOWING:

31           1. AN ESTIMATE OF THE COST OF DECOMMISSIONING AND RESTORATION, NET  
32 OF SALVAGE VALUE. THE ESTIMATE SHALL BE MADE BY A PERSON WHO IS QUALIFIED  
33 TO ESTIMATE DECOMMISSIONING AND SITE RESTORATION COSTS AND SALVAGE VALUE  
34 FOR THE WIND ENERGY POWER PLANT.

35           2. THE FINANCIAL RESOURCES THAT THE WIND ENERGY POWER PLANT WILL  
36 USE TO ACCOMPLISH DECOMMISSIONING AND RESTORATION.

37           3. FINANCIAL ASSURANCES THAT COMPLY WITH SECTION 30-1005.

38           C. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL REMOVE A WIND  
39 ENERGY POWER PLANT AND RESTORE A WIND ENERGY POWER PLANT SITE AS  
40 PRESCRIBED IN THIS SECTION UNLESS A CITY, TOWN OR COUNTY DETERMINES THAT A  
41 PROVISION OF THIS SECTION RELATING TO RESTORATION IS NOT NECESSARY.

42           D. THE REMOVAL OF A WIND ENERGY POWER PLANT SHALL:

43           1. INCLUDE ALL ABOVE GROUND COMPONENTS, INCLUDING TURBINES, BLADES,  
44 NACELLES, TOWERS, TRANSFORMERS, ABOVE GROUND COLLECTION CABLES AND POLES  
45 AND FENCING.

- 1           2. COMPLY WITH THE FOLLOWING:
- 2           (a) FOUNDATIONS AND BURIED PROJECT COMPONENTS, OTHER THAN BURIED
- 3 COLLECTION LINES, MUST BE REMOVED TO A DEPTH OF AT LEAST THIRTY-SIX INCHES
- 4 OR AS PRESCRIBED BY A CITY, TOWN OR COUNTY.
- 5           (b) BURIED COLLECTION LINES MUST BE REMOVED TO A DEPTH OF AT LEAST
- 6 THIRTY-SIX INCHES. COLLECTION LINES BELOW A DEPTH OF THIRTY-SIX INCHES
- 7 MAY REMAIN IN PLACE UNLESS OTHERWISE PRESCRIBED BY A CITY, TOWN OR COUNTY.
- 8           (c) REMOVAL ACTIVITIES MUST BE COMPLETED WITHIN EIGHTEEN MONTHS
- 9 AFTER DECOMMISSIONING INITIATION UNLESS OTHERWISE APPROVED BY THE CITY,
- 10 TOWN OR COUNTY.
- 11           E. THE RESTORATION OF EACH SITE SHALL INCLUDE:
- 12           1. MINIMIZING GROUND DISTURBANCE AND RESTORING THE SITE TO ITS
- 13 ORIGINAL GROUND CONTOURS, IF POSSIBLE, OR COORDINATING WITH THE LANDOWNER
- 14 TO RESTORE THE SITE.
- 15           2. REASONABLY RESTORING AND REESTABLISHING ON-SITE SOILS AND
- 16 VEGETATION BY USING NATIVE SEED MIX AND PROPER SOIL NUTRIENTS, INCLUDING
- 17 FERTILIZER AND LIME, IF NECESSARY, TO PROVIDE AND SUSTAIN GROWTH OR IN
- 18 COORDINATION WITH THE LANDOWNER TO ALLOW DESIRED VEGETATION TO BE PLANTED
- 19 OR RETURNING THE ON-SITE SOILS AND VEGETATION TO THEIR ORIGINAL
- 20 CONDITIONS.
- 21           3. ADEQUATELY RESTORING PAVED ROADS TO THEIR ORIGINAL CONDITION
- 22 FOLLOWING DECOMMISSIONING ACTIVITIES OR LEAVING IMPROVEMENTS IN PLACE WITH
- 23 THE LANDOWNER'S CONSENT.
- 24           4. ALLOWING ACCESS ROADS, FENCING, ASSOCIATED DRAINAGE IMPROVEMENTS
- 25 AND ANY OTHER RESIDUAL MINOR IMPROVEMENTS TO REMAIN WITH THE LANDOWNER'S
- 26 WRITTEN CONSENT.
- 27           5. REMOVING AND REMEDIATING ANY HAZARDOUS MATERIALS AND WASTE.
- 28           F. AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER, THE
- 29 CITY, TOWN OR COUNTY MAY ENTER THE SITE TO EFFECT OR COMPLETE
- 30 DECOMMISSIONING PURSUANT TO THE DECOMMISSIONING PLAN.
- 31           G. AFTER THE WIND ENERGY POWER PLANT OWNER OR OPERATOR COMPLETES
- 32 THE DECOMMISSIONING OF A WIND ENERGY POWER PLANT AND RESTORATION OF THE
- 33 WIND ENERGY POWER PLANT SITE AS PRESCRIBED IN THIS SECTION:
- 34           1. THE WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL NOTIFY THE
- 35 CITY, TOWN OR COUNTY WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE OWNER
- 36 OR OPERATOR COMPLETES DECOMMISSIONING AND RESTORATION.
- 37           2. THE CITY, TOWN OR COUNTY SHALL CERTIFY TO THE WIND ENERGY POWER
- 38 PLANT OWNER OR OPERATOR THAT DECOMMISSIONING AND RESTORATION IS COMPLETE
- 39 WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE CITY, TOWN OR COUNTY
- 40 RECEIVES NOTICE FROM THE WIND ENERGY POWER PLANT OWNER OR OPERATOR.
- 41           H. AFTER THE CITY, TOWN OR COUNTY CERTIFIES THAT DECOMMISSIONING
- 42 AND RESTORATION IS COMPLETE:
- 43           1. THE WIND ENERGY POWER PLANT OWNER OR OPERATOR IS RELEASED FROM
- 44 ANY OBLIGATION PRESCRIBED IN THIS CHAPTER.

1           2. THE CITY, TOWN OR COUNTY SHALL RETURN OR RELEASE ANY REMAINING  
2 FINANCIAL ASSURANCE REQUIRED UNDER SECTION 30-1005.

3           I. THIS SECTION APPLIES TO A WIND ENERGY POWER PLANT THAT BEGINS  
4 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
5 SECTION.

6           30-1005. Financial assurance; applicability

7           A. BEGINNING ON A DATE DETERMINED BY THE CITY, TOWN OR COUNTY WHERE  
8 A WIND ENERGY POWER PLANT IS LOCATED, A WIND ENERGY POWER PLANT OWNER OR  
9 OPERATOR SHALL CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE, INCLUDING IN THE  
10 FORM OF A BOND OR PARENT GUARANTEE, IN AN AMOUNT EQUAL TO THE COST TO  
11 DECOMMISSION THE WIND ENERGY POWER PLANT AND RESTORE THE WIND ENERGY POWER  
12 PLANT SITE AS PRESCRIBED IN SECTION 30-1004, NET SALVAGE VALUE, AS  
13 DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT  
14 IS LOCATED. THE WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL UPDATE  
15 THE COST ESTIMATE EVERY FIVE YEARS TO ENSURE AN ACCURATE ESTIMATION OF  
16 COSTS ASSOCIATED WITH DECOMMISSIONING, EQUIPMENT VALUE AND SITE  
17 RESTORATION, ADJUSTED FOR INFLATION.

18           B. THE CITY, TOWN OR COUNTY MAY USE THE FINANCIAL ASSURANCE FOR THE  
19 COSTS OF CORRECTING ANY OTHER ACTS OF NONCOMPLIANCE WITH THIS CHAPTER.

20           C. IF A WIND ENERGY POWER PLANT OWNER SELLS THE WIND ENERGY POWER  
21 PLANT TO A PUBLIC SERVICE CORPORATION REGULATED BY THE CORPORATION  
22 COMMISSION, THE WIND ENERGY POWER PLANT OWNER SHALL PROVIDE A NOTICE OF  
23 THE SALE TO THE CITY, TOWN OR COUNTY. WITHIN FIFTEEN DAYS AFTER RECEIVING  
24 THE NOTICE, THE CITY, TOWN OR COUNTY SHALL WAIVE THE REQUIREMENTS OF THIS  
25 SECTION AND RETURN OR RELEASE ANY FINANCIAL ASSURANCE PROVIDED TO THE  
26 CITY, TOWN OR COUNTY TO THE WIND ENERGY POWER PLANT OWNER.

27           D. THIS SECTION APPLIES TO A WIND ENERGY POWER PLANT THAT BEGINS  
28 COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
29 SECTION.

30           30-1006. Liability insurance required; applicability

31           A. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL MAINTAIN AN  
32 INSURANCE POLICY THAT INCLUDES COVERAGE FOR ANY WIND ENERGY POWER PLANT  
33 RELATED LIABILITY OF THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER  
34 PLANT IS LOCATED.

35           B. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL IMMEDIATELY  
36 PROVIDE WRITTEN NOTICE OF ANY CHANGE IN THE INSURANCE POLICY DESCRIBED IN  
37 SUBSECTION A OF THIS SECTION TO THE CITY, TOWN OR COUNTY WHERE THE WIND  
38 ENERGY POWER PLANT IS LOCATED.

39           C. THIS SECTION APPLIES TO AN OWNER OR OPERATOR OF A WIND ENERGY  
40 POWER PLANT THAT BEGINS COMMERCIAL OPERATIONS BEFORE, ON AND AFTER THE  
41 EFFECTIVE DATE OF THIS SECTION.