

REFERENCE TITLE: decommissioning; solar and wind; standards

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

HB 2618

Introduced by
Representative Griffin

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. Applicability

8 A. AN APPLICANT FOR A SOLAR ENERGY POWER PLANT SHALL APPLY FOR A
9 PERMIT WITH THE COUNTY IN WHICH THE SOLAR ENERGY POWER PLANT IS TO BE
10 LOCATED IN A MANNER PRESCRIBED BY THE COUNTY. THE COUNTY MAY ISSUE A
11 PERMIT TO A SOLAR ENERGY POWER PLANT AS FOLLOWS:

12 1. IN LIGHT INDUSTRIAL AND HIGH INDUSTRIAL AREAS.

13 2. IN RURAL ZONING AND GENERAL BUSINESS ZONING DISTRICTS BY SPECIAL
14 USE AUTHORIZATION ONLY.

15 3. AS PART OF A PROFESSIONAL DEVELOPMENT OR MASTER DEVELOPMENT
16 PLAN.

17 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO RESIDUAL POWER
18 RETURNING TO THE GRID THAT IS PROVIDED BY SMALL-SCALE SYSTEMS THAT
19 PRIMARILY PROVIDE ON-SITE POWER, SUBJECT TO CORPORATION COMMISSION RULES.

20 C. SITE-SPECIFIC CONDITIONS OR PROJECT SCOPE, OR BOTH, MAY REQUIRE
21 AN APPLICANT TO PROVIDE THE COUNTY WITH:

22 1. DRAINAGE AND SOIL REPORTS.

23 2. WATER BUDGETS AND CONSERVATION MEASURES.

24 3. ENVIRONMENTAL ASSESSMENTS OR ENVIRONMENTAL IMPACT STATEMENTS.

25 4. VISUAL IMPACT ANALYSES.

26 5. FEDERAL AVIATION ADMINISTRATION OBSTRUCTION ANALYSES AND
27 CULTURAL RESOURCES ASSESSMENTS.

28 30-902. Site development design standards

29 THE FOLLOWING SITE DEVELOPMENT STANDARDS APPLY FOR THE PERMITTING,
30 CONSTRUCTION AND OPERATION OF A SOLAR ENERGY POWER PLANT:

31 1. A GROUND OR POLE-MOUNTED SOLAR ENERGY SYSTEM MAY NOT EXCEED
32 TWENTY FEET IN HEIGHT WHEN ORIENTED AT MAXIMUM TILT. A ROOF-MOUNTED SOLAR
33 ENERGY SYSTEM MAY NOT EXCEED TEN FEET IN HEIGHT FROM THE ROOF SURFACE WHEN
34 ORIENTED AT MAXIMUM TILT.

35 2. SETBACKS FROM ALL PROPERTY BOUNDARIES AND ROAD TRAVEL WAYS FOR A
36 SOLAR ENERGY POWER PLANT MUST BE AT LEAST TWICE THE MINIMUM SETBACK
37 REQUIREMENT FOR THE RESPECTIVE ZONING DISTRICT OR MUST EQUAL THE HEIGHT OF
38 THE TALLEST STRUCTURE, WHICHEVER IS GREATER.

39 3. SETBACK DISTANCE MUST BE MEASURED FROM THE EDGE OF THE SOLAR
40 ENERGY SYSTEM ARRAY, EXCLUDING SECURITY FENCING, SCREENING OR BERM.

41 4. A MINIMUM DISTANCE IS NOT REQUIRED BETWEEN SOLAR ENERGY POWER
42 PLANT COMPONENTS OR DESIGN FEATURES AND OTHER STRUCTURES ON A PROPERTY.

43 5. A GROUND-MOUNTED SOLAR ENERGY SYSTEM IS EXEMPT FROM LOT COVERAGE
44 OR IMPERVIOUS SURFACE STANDARDS IF THE SOIL UNDER THE COLLECTOR IS
45 MAINTAINED WITH PERENNIAL VEGETATED GROUND COVER AND NOT COMPACTED.

1 6. THE GROUND AROUND AND UNDER SOLAR PANELS AND IN PROJECT SITE
2 BUFFER AREAS MUST BE PLANTED, ESTABLISHED AND MAINTAINED FOR THE LIFE OF
3 THE SOLAR PROJECT WITH A VEGETATED PERENNIAL GROUND COVER.

4 7. ALL ON-SITE UTILITY AND TRANSMISSION LINES, INCLUDING POWER AND
5 COMMUNICATION LINES RUNNING BETWEEN BANKS OF SOLAR PANELS OR
6 INTERCONNECTIONS WITH BUILDINGS, OR BOTH, MUST BE BURIED UNDERGROUND TO
7 THE MAXIMUM EXTENT FEASIBLE. POWER AND COMMUNICATION LINES BETWEEN THE
8 PROJECT AND THE POINT OF INTERCONNECTION WITH THE TRANSMISSION SYSTEM MAY
9 BE OVERHEAD.

10 8. PERIMETER FENCING FOR THE SITE MUST INCORPORATE
11 WILDLIFE-FRIENDLY FENCING STANDARDS SPECIFIC TO THE SITE TO THE GREATEST
12 EXTENT POSSIBLE.

13 30-903. Transfer or sale

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

20 B. FOR A TRANSFER OF UNIT OWNERSHIP, THE COUNTY MAY REASSESS THE
21 AMOUNT OF A BOND AND REQUEST AN ADDITIONAL AMOUNT TO BE POSTED IN ORDER TO
22 PROVIDE ADEQUATE SURETY. THE CURRENT PROJECT OWNER OR OPERATOR SHALL
23 REIMBURSE ANY COSTS TO THE COUNTY ASSOCIATED WITH THESE ACTIVITIES.

24 30-904. Cessation of use; abandonment; damage

25 A. IF A PART OF A SOLAR ENERGY POWER PLANT IS DAMAGED OR IF A SOLAR
26 ENERGY POWER PLANT VIOLATES A PERMIT CONDITION, THE OWNER OR OPERATOR
27 SHALL CURE ANY DEFICIENCY WITHIN NINETY DAYS AFTER WRITTEN NOTICE FROM THE
28 COUNTY.

29 B. IF A SOLAR ENERGY POWER PLANT REMAINS NONFUNCTIONAL OR
30 INOPERATIVE FOR A CONTINUOUS PERIOD OF AT LEAST ONE YEAR, THE APPLICANT OR
31 ITS SUCCESSORS OR ASSIGNS, WITHOUT ANY FURTHER ACTION BY THE COUNTY, SHALL
32 REMOVE THE SYSTEM AND RESTORE THE SITE AT ITS OWN EXPENSE, SUBJECT TO THE
33 DECOMMISSIONING PLAN.

34 30-905. Decommissioning and site restoration

35 A. ALL APPLICATIONS FOR A SOLAR ENERGY POWER PLANT MUST INCLUDE A
36 DECOMMISSIONING PLAN, ACCEPTABLE TO THE COUNTY, TO ENSURE THAT ALL SYSTEM
37 COMPONENTS ARE PROPERLY DECOMMISSIONED ON THE END OF THEIR OPERATIONAL
38 LIFE, CESSATION OF USE OR DETERMINATION OF ABANDONMENT.

39 B. THE DECOMMISSIONING PLAN SHALL STATE HOW THE FACILITY WILL BE
40 DECOMMISSIONED AND SHALL INCLUDE A PROFESSIONAL ENGINEER'S ESTIMATED COST
41 OF DECOMMISSIONING, THE FINANCIAL RESOURCES TO BE USED TO ACCOMPLISH
42 DECOMMISSIONING AND THE FINANCIAL ASSURANCES NECESSARY TO FUND THE
43 DECOMMISSIONING.

- 1 C. THE REMOVAL OF THE SYSTEM SHALL:
2 1. INCLUDE ALL ABOVE GROUND COMPONENTS, INCLUDING SOLAR ARRAYS,
3 TRANSFORMERS, BATTERY ENERGY STORAGE SYSTEMS, ABOVE GROUND COLLECTION
4 CABLES AND POLES AND FENCING.
5 2. COMPLY WITH THE FOLLOWING:
6 (a) FOUNDATIONS AND BURIED PROJECT COMPONENTS, OTHER THAN BURIED
7 COLLECTION LINES, MUST BE REMOVED TO A DEPTH OF AT LEAST THIRTY-SIX
8 INCHES.
9 (b) BURIED COLLECTION LINES MUST BE REMOVED TO A DEPTH OF AT LEAST
10 THIRTY-SIX INCHES. COLLECTION LINES BELOW A DEPTH OF THIRTY-SIX INCHES
11 MAY REMAIN IN PLACE.
12 (c) REMOVAL ACTIVITIES MUST BE COMPLETED WITHIN ONE YEAR AFTER
13 DECOMMISSIONING INITIATION UNLESS OTHERWISE APPROVED BY THE COUNTY.
14 D. THE RESTORATION OF EACH SITE SHALL INCLUDE:
15 1. MINIMIZING GROUND DISTURBANCE AND RESTORING THE SITE TO ITS
16 ORIGINAL GROUND CONTOURS, IF POSSIBLE.
17 2. REASONABLY RESTORING AND REESTABLISHING DISTURBED ON-SITE SOILS
18 AND VEGETATION BY USING NATIVE SEED MIX AND PROPER SOIL NUTRIENTS,
19 INCLUDING FERTILIZER AND LIME, TO PROVIDE AND SUSTAIN GROWTH OR IN
20 COORDINATION WITH THE LANDOWNER TO ALLOW DESIRED VEGETATION TO BE PLANTED.
21 3. ADEQUATELY RESTORING ROADS TO THEIR ORIGINAL CONDITION FOLLOWING
22 DECOMMISSIONING ACTIVITIES.
23 4. ALLOWING ACCESS ROADS, FENCING, ASSOCIATED DRAINAGE IMPROVEMENTS
24 AND ANY OTHER RESIDUAL MINOR IMPROVEMENTS TO REMAIN WITH THE LANDOWNER'S
25 WRITTEN CONSENT.
26 5. REMOVING AND REMEDIATING ANY HAZARDOUS MATERIALS.
27 E. AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER, THE
28 COUNTY MAY ENTER THE SITE TO EFFECT OR COMPLETE DECOMMISSIONING PURSUANT
29 TO THE DECOMMISSIONING PLAN.
30 30-906. Financial assurance
31 A. THE OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT SHALL
32 CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE IN THE AMOUNT OF THE
33 DECOMMISSIONING COSTS IN A MANNER PRESCRIBED BY THE COUNTY. THE FINANCIAL
34 ASSURANCE SHALL BE IN PLACE BEFORE CONSTRUCTION COMMENCES AND BE IN THE
35 AMOUNT OF THE DECOMMISSIONING COSTS AS DETERMINED BY AN ENGINEER WHO IS
36 REGISTERED PURSUANT TO TITLE 32, CHAPTER 1. THE OWNER OR OPERATOR SHALL
37 PAY ALL COSTS OF THE FINANCIAL ASSURANCE. THE OWNER OR OPERATOR MUST
38 UPDATE THE COST ESTIMATE EVERY FIVE YEARS TO ENSURE AN ACCURATE ESTIMATION
39 OF COSTS ASSOCIATED WITH EQUIPMENT VALUE AND SITE RESTORATION, ADJUSTED
40 FOR INFLATION.
41 B. THE COUNTY MAY USE THE FINANCIAL ASSURANCE FOR THE COSTS OF
42 CORRECTING ANY OTHER ACTS OF NONCOMPLIANCE WITH THIS CHAPTER.

1 SETBACK OF ONE THOUSAND FEET TO ANY EXISTING RESIDENCE, SCHOOL, NURSING
2 HOME OR HOSPITAL.

3 3. THE DISTANCE BETWEEN STRUCTURES MUST EQUAL THE FULLY EXTENDED
4 HEIGHT OF THE STRUCTURE, PLUS TEN FEET, FOR FREESTANDING WIND TURBINES.

5 4. NOISE THAT IS GENERATED BY A WIND ENERGY POWER PLANT SYSTEM MAY
6 NOT EXCEED FIFTY DECIBELS, AS MEASURED FROM THE NEAREST PROPERTY LINE,
7 EXCEPT DURING SHORT-TERM EVENTS, INCLUDING UTILITY OUTAGES AND SEVERE
8 WINDSTORMS.

9 5. LIGHT FIXTURES OR ILLUMINATION OF ANY KIND ARE NOT ALLOWED ON A
10 WIND ENERGY POWER PLANT EXCEPT AS REQUIRED BY THE FEDERAL AVIATION
11 ADMINISTRATION OR TO THE EXTENT REQUIRED FOR SAFETY OR APPLICABLE FEDERAL,
12 STATE OR LOCAL LAW. THE APPLICATION SHALL INCLUDE A COPY OF THE
13 DETERMINATION BY THE FEDERAL AVIATION ADMINISTRATION TO ESTABLISH REQUIRED
14 MARKINGS AND LIGHTS FOR THE STRUCTURE.

15 6. SIGNS OF ANY TYPE MAY NOT BE ATTACHED TO A WIND ENERGY POWER
16 PLANT, INCLUDING FENCING AND SUPPORT STRUCTURES. THIS PARAGRAPH DOES NOT
17 APPLY TO ANY MANUFACTURER'S LOGOS THAT MAY BE PART OF THE SYSTEM WHEN
18 PURCHASED, EMERGENCY NOTIFICATION INFORMATION OR APPROPRIATE WARNING
19 SIGNAGE.

20 7. ALL POWER TRANSMISSION LINES FROM THE TOWER TO ANY BUILDING OR
21 OTHER STRUCTURE ASSOCIATED WITH THE DEVELOPMENT MUST BE LOCATED
22 UNDERGROUND TO THE MAXIMUM EXTENT PRACTICABLE.

23 8. ALL TURBINES AND TOWERS THAT ARE PART OF THE APPLICATION MUST BE
24 PAINTED A NEUTRAL COLOR. FINISHES MUST BE MATTE OR NONREFLECTIVE.

25 9. A WIND ENERGY POWER PLANT SYSTEM AND TRANSMISSIONS POLES MUST BE
26 CONSTRUCTED WITH A TUBULAR TOWER OR MONOPOLE STRUCTURE AND NOT A LATTICE
27 TOWER.

28 B. A WIND ENERGY POWER PLANT SHALL BE MAINTAINED IN OPERATIONAL
29 CONDITION AT ALL TIMES, SUBJECT TO REASONABLE MAINTENANCE AND REPAIR
30 OUTAGES. FOR THE PURPOSES OF THIS SUBSECTION, "OPERATIONAL CONDITION"
31 INCLUDES MEETING ALL NOISE REQUIREMENTS AND OTHER PERMIT CONDITIONS AND
32 REQUIREMENTS OF THIS SECTION.

33 C. THE COUNTY MAY REQUIRE ADDITIONAL MITIGATION MEASURES TO
34 MITIGATE ANY SITE-SPECIFIC CONDITIONS TO LESSEN NEGATIVE IMPACTS UNCOVERED
35 BY SUPPLEMENTAL REPORTS INCLUDED IN THE APPLICATION.

36 30-1003. Supplemental safety provisions

37 A. A WIND ENERGY POWER PLANT SYSTEM SHALL BE EQUIPPED WITH A
38 REDUNDANT BRAKING SYSTEM, INCLUDING BOTH:

39 1. AERODYNAMIC OVERSPEED CONTROLS, INCLUDING VARIABLE PITCH, TIP
40 AND OTHER SIMILAR SYSTEMS.

41 2. MECHANICAL BRAKES THAT MUST BE OPERATED IN A FAIL-SAFE MODE.

42 B. APPROPRIATE WARNING SIGNS SHALL BE POSTED. AT LEAST ONE SIGN
43 SHALL BE POSTED AT THE BASE OF THE TOWER WARNING OF ELECTRICAL SHOCK OR
44 HIGH VOLTAGE. A SIGN SHALL BE POSTED ON THE ENTRY AREA OF ANY FENCING
45 AROUND EACH TOWER OR GROUP OF TOWERS AND ANY BUILDING OR ON THE TOWER OR

1 BUILDING IF THERE IS NO FENCE. THE SIGNS SHALL CONTAIN EMERGENCY CONTACT
2 INFORMATION, INCLUDING A LOCAL TELEPHONE NUMBER WITH TWENTY-FOUR HOURS A
3 DAY, EVERY DAY COVERAGE.

4 C. CLIMBING PEGS AND TOWER LADDERS MAY NOT BE LOCATED CLOSER THAN
5 TWELVE FEET TO THE GROUND LEVEL AT THE BASE OF THE STRUCTURE FOR
6 FREESTANDING SINGLE POLE OR GUYED TOWERS.

7 30-1004. Transfer or sale

8 A. THE TRANSFER OF A WIND ENERGY POWER PLANT OR SPECIAL USE PERMIT
9 OR THE SALE OF THE ENTITY OWNING THE WIND ENERGY POWER PLANT MAY NOT OCCUR
10 WITHOUT WRITTEN ACCEPTANCE BY THE TRANSFEREE OF THE TRANSFEROR'S
11 OBLIGATIONS UNDER THIS CHAPTER. A TRANSFER OR SALE MAY NOT ELIMINATE THE
12 LIABILITY OR RESPONSIBILITY OF AN APPLICANT OR OF ANY OTHER PARTY UNDER
13 THIS CHAPTER FOR ACTS OR OMISSIONS OCCURRING BEFORE THE TRANSFER OR SALE.

14 B. FOR A TRANSFER OF UNIT OWNERSHIP, THE COUNTY MAY REASSESS THE
15 AMOUNT OF A BOND AND REQUEST AN ADDITIONAL AMOUNT TO BE POSTED IN ORDER TO
16 PROVIDE ADEQUATE SURETY. THE CURRENT PROJECT OWNER OR OPERATOR SHALL
17 REIMBURSE ANY COSTS TO THE COUNTY ASSOCIATED WITH THESE ACTIVITIES.

18 30-1005. Cessation of use; abandonment; damage

19 A. IF A PART OF A WIND ENERGY POWER PLANT IS DAMAGED OR IF A WIND
20 ENERGY POWER PLANT VIOLATES A PERMIT CONDITION, THE OWNER OR OPERATOR
21 SHALL CURE ANY DEFICIENCY WITHIN NINETY DAYS AFTER WRITTEN NOTICE FROM THE
22 COUNTY.

23 B. IF A WIND ENERGY POWER PLANT REMAINS NONFUNCTIONAL OR
24 INOPERATIVE FOR A CONTINUOUS PERIOD OF AT LEAST ONE YEAR, THE APPLICANT OR
25 ITS SUCCESSORS OR ASSIGNS, WITHOUT ANY FURTHER ACTION BY THE COUNTY, SHALL
26 REMOVE THE SYSTEM AND RESTORE THE SITE AT ITS OWN EXPENSE, SUBJECT TO THE
27 DECOMMISSIONING PLAN.

28 30-1006. Decommissioning and site restoration

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30 DECOMMISSIONING PLAN, ACCEPTABLE TO THE COUNTY, TO ENSURE THAT ALL SYSTEM
31 COMPONENTS ARE PROPERLY DECOMMISSIONED ON THE END OF THEIR OPERATIONAL
32 LIFE, CESSATION OF USE OR DETERMINATION OF ABANDONMENT.

33 B. THE DECOMMISSIONING PLAN SHALL STATE HOW THE FACILITY WILL BE
34 DECOMMISSIONED AND SHALL INCLUDE A PROFESSIONAL ENGINEER'S ESTIMATED COST
35 OF DECOMMISSIONING, THE FINANCIAL RESOURCES TO BE USED TO ACCOMPLISH
36 DECOMMISSIONING AND THE FINANCIAL ASSURANCES NECESSARY TO FUND THE
37 DECOMMISSIONING.

38 C. THE REMOVAL OF THE SYSTEM SHALL:

39 1. INCLUDE ALL ABOVE GROUND COMPONENTS, INCLUDING TURBINES, BLADES,
40 NACELLES, TOWERS, TRANSFORMERS, ABOVE GROUND COLLECTION CABLES AND POLES
41 AND FENCING.

42 2. COMPLY WITH THE FOLLOWING:

43 (a) FOUNDATIONS AND BURIED PROJECT COMPONENTS, OTHER THAN BURIED
44 COLLECTION LINES, MUST BE REMOVED TO A DEPTH OF AT LEAST THIRTY-SIX
45 INCHES.

1 (b) BURIED COLLECTION LINES MUST BE REMOVED TO A DEPTH OF AT LEAST
2 THIRTY-SIX INCHES. COLLECTION LINES BELOW A DEPTH OF THIRTY-SIX INCHES
3 MAY REMAIN IN PLACE.

4 (c) REMOVAL AND REMEDIATION OF ANY HAZARDOUS MATERIALS.

5 (d) REMOVAL ACTIVITIES MUST BE COMPLETED WITHIN ONE YEAR AFTER
6 DECOMMISSIONING INITIATION UNLESS OTHERWISE APPROVED BY THE COUNTY.

7 D. THE RESTORATION OF EACH SITE SHALL INCLUDE:

8 1. MINIMIZING GROUND DISTURBANCE AND RESTORING THE SITE TO ITS
9 ORIGINAL GROUND CONTOURS, IF POSSIBLE.

10 2. REASONABLY RESTORING AND REESTABLISHING ON-SITE SOILS AND
11 VEGETATION BY USING NATIVE SEED MIX AND PROPER SOIL NUTRIENTS, INCLUDING
12 FERTILIZER AND LIME, TO PROVIDE AND SUSTAIN GROWTH OR IN COORDINATION WITH
13 THE LANDOWNER TO ALLOW DESIRED VEGETATION TO BE PLANTED.

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15 DECOMMISSIONING ACTIVITIES.

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17 AND ANY OTHER RESIDUAL MINOR IMPROVEMENTS TO REMAIN WITH THE LANDOWNER'S
18 WRITTEN CONSENT.

19 E. AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER, THE
20 COUNTY MAY ENTER THE SITE TO EFFECT OR COMPLETE DECOMMISSIONING PURSUANT
21 TO THE DECOMMISSIONING PLAN.

22 30-1007. Financial assurance

23 A. THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT SHALL
24 CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE IN A MANNER PRESCRIBED BY THE
25 COUNTY. THE FINANCIAL ASSURANCE SHALL BE IN PLACE BEFORE CONSTRUCTION
26 COMMENCES AND BE IN THE AMOUNT OF THE DECOMMISSIONING COSTS AS DETERMINED
27 BY AN ENGINEER WHO IS REGISTERED PURSUANT TO TITLE 32, CHAPTER 1. THE
28 OWNER OR OPERATOR SHALL PAY ALL COSTS OF THE FINANCIAL ASSURANCE. THE
29 OWNER OR OPERATOR MUST UPDATE THE COST ESTIMATE EVERY FIVE YEARS TO ENSURE
30 AN ACCURATE ESTIMATION OF COSTS ASSOCIATED WITH EQUIPMENT VALUE AND SITE
31 RESTORATION, ADJUSTED FOR INFLATION.

32 B. THE COUNTY MAY USE THE FINANCIAL ASSURANCE FOR THE COSTS OF
33 CORRECTING ANY OTHER ACTS OF NONCOMPLIANCE WITH THIS CHAPTER.

34 30-1008. Liability insurance required

35 THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT SHALL MAINTAIN A
36 CURRENT LIABILITY INSURANCE POLICY TO COVER INSTALLATION AND OPERATION
37 COSTS AND SHALL INCLUDE THE COUNTY AS AN ADDITIONAL INSURED, WITH THE
38 DESIGNATION OF PRIMARY AND NONCONTRIBUTORY. THE APPLICANT SHALL
39 IMMEDIATELY PROVIDE THE COUNTY, IN WRITING, WITH NOTICE OF THE
40 CANCELLATION OF OR ANY OTHER CHANGE TO THIS LIABILITY INSURANCE POLICY.