

HB 3073 -- UTILITY-SCALE SOLAR PROJECTS

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This bill specifies that the owner of a utility-scale solar project is responsible for proper decommissioning of the project upon closing the project and restoration of the property, including all associated costs, within one year following ceasing operation. The owner must notify the Department of Natural Resources within 30 days of ceasing operations and must provide the Department with the information specified in the bill.

The condition of the property must comply with any applicable state requirements and requirements in local ordinance. Land that was cleared of trees for the solar project can be revegetated or reforested with seedlings.

The owner of a utility-scale solar project must submit a decommissioning plan to the Department for approval prior to starting energy production. The decommissioning plan must be prepared, signed, and certified by an independent licensed professional engineer, be certified or licensed in this State, and contain the information required in the bill.

The owner of a utility-scale solar project must establish financial assurance, as required in the bill, in an amount acceptable to the Department to ensure that sufficient funds are available for decommissioning of the project and restoration of the property, even if the owner becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Financial assurance must be maintained until such time as the project is decommissioned and restoration of the property has been completed.

Each owner of a utility-scale solar project must register with the Department and update such registration every five years from the registration submission date, or with a transfer of ownership, until the site is completely decommissioned. At the time of registration or periodic required update required by the Department, the owner must provide certain information, as required in the bill. Existing utility-scale solar projects operating before August 28, 2026, will have until December 31, 2027, to comply with the requirements of the bill.

The Department must notify the owner of the utility-scale solar project of any needed modifications to the plan for decommissioning. The owner can appeal a modification by the

Department of a plan within 30 days of receiving notice of the modification to the plan, in the same manner as appeals are filed from the Department's decision.

The public service commission must develop and maintain a list of all utility-scale solar projects operating within this State and provide the Department with an updated list annually on or before July first of each year.

Nothing in the bill should be construed as limiting the authority of any landowner to enter into an agreement with an owner to lease property on which a utility-scale solar project will be sited that expressly establishes requirements that are more stringent for decommissioning and financial assurance for utility-scale solar projects to be located on the landowner's property.

The Department is authorized to collect reasonable fees from the owner of a utility-scale solar project at the time of registration. Fees collected will be applied to the Department's cost of administering the program.

If the owner of a utility-scale solar project fails to comply with the decommissioning plan or the financial assurances requirements, the surety bond or similar security posted by the owner to secure the owner's obligations will be deemed forfeited. The Attorney General will institute a civil action for forfeiture of the bond on behalf of the Department, and the Department will use the proceeds or moneys obtained from the surety bond to pay for the decommissioning and restoration of the property.

Whenever it appears to the Department that the owner has or is about to violate the requirements of the bill, the director can request the county prosecuting attorney or the Attorney General to bring an action for injunctive relief to prevent such violation, or in the case of a violation concerning the owner's failure to comply with the decommissioning plan or financial assurances, for the assessment of a penalty not to exceed \$1,200 per day. The prevailing party will be awarded costs and reasonable attorney's fees.