NOTICE

Notice is hereby given to the citizens and residents of East Buffalo Township, Union County, Pennsylvania, that the Supervisors of East Buffalo Township, Union County, Pennsylvania will hold a public hearing on Monday, December 14, at 5:30 o'clock P.M. at the East Buffalo Township Municipal Building, 589 Fairground Road, Lewisburg, Pennsylvania 17837, to consider the adoption of an Ordinance amending Chapter 27 of the Code of Ordinances of East Buffalo Township to provide regulations regarding Solar Decommissioning within East Buffalo Township, Union County, Pennsylvania. Copies of the proposed ordinance are available during normal business hours at the East Buffalo Township Municipal Building, 589 Fairground Road, Lewisburg, Pennsylvania, 17837 and at the office of Peter L. Matson, Esquire, Solicitor for East Buffalo Township, 222 Market Street, Lewisburg, Pennsylvania.

EAST BUFFALO TOWNSHIP

Jeffrey Oberdorf
Secretary

Peter L. Matson
Township Solicitor

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EAST BUFFALO TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF EAST BUFFALO TOWNSHIP, UNION COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF EAST BUFFALO TOWNSHIP TO PROVIDE REGULATIONS REGARDING SOLAR DECOMMISSIONING WITHIN EAST BUFFALO TOWNSHIP, UNION COUNTY, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF EAST BUFFALO TOWNSHIP, UNION COUNTY, PENNSYLVANIA AND IT IS HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1: Chapter 27, Part 2, Section 201 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania, is hereby amended by adding as follows:

§201. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

COMMENCEMENT OF CONSTRUCTION – The moment when a grantee issues a full notice to proceed order to the construction contractor.

DECOMISSIONING PLAN – A document on file with the county recorder of deeds detailing the steps that will be taken to decommission a solar energy facility and the amount, form and timing of financial assurance.

DEPARTMENT – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

GRANTEE – The owner of a solar energy facility on leased property.

PROFESSIONAL ENGINEER – As defined in section 2(e) of the act of May

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23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law.

SOLAR ENERGY FACILITY – The development or construction of a facility that utilizes solar energy to produce or distribute energy.

SOLAR ENERGY FACILITY AGREEMENT – A lease agreement between a grantee and a surface property owner that authorizes the grantee to operate a solar energy facility on leased property.

SECTION 2: Chapter 27, Part 4, Section 509 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania, is hereby amended to provide as follows:

§509. Solar Energy.

(b) Principal Solar Energy System Design and Regulation.

(10) Decommissioning of Solar Energy Facilities.

(a) Decommissioning requirements in solar energy facility agreements.

(1) A solar energy facility agreement executed after the effective date of this section shall provide that the grantee is responsible for decommissioning the grantee's solar energy facility on the surface property owner's property in accordance with this chapter no later than 18 months after the facility has ceased producing electricity, except for an instance when the grantee is actively working to recommence production of electricity, including an instance after the occurrence of a force majeure or similar event.

(b) Financial assurance requirements in solar energy facility agreements.

(1) Proof of financial assurance. A grantee who executes a

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solar energy facility agreement on or after the effective date of this subsection shall provide a decommissioning plan, submit proof of financial assurance to the county recorder of deeds and provide notice to the surface property owner party to the solar energy facility agreement. The financial assurance shall conform to the requirements of this chapter to secure the performance of the grantee's obligation to decommission the grantee's solar energy facility. If the grantee does not fulfill the grantee's obligation to decommission the solar energy facility, the financial assurance shall be made payable to the surface property owner.

(2) Amount of financial assurance. The amount of financial assurance shall be equal to the estimated cost to decommission the solar energy facility. The amount of financial assurance shall be calculated and updated every five years by a third-party professional engineer retained by the grantee from a list of professional engineers compiled by the department and published on the department's publicly accessible Internet website.

(3) Delivery. A grantee shall deliver a decommissioning plan and proof of financial assurance to the county recorder of deeds in accordance with the following:

(a) No later than 30 days before the commencement of construction of the solar energy facility, the grantee shall provide the decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 10% of the estimated cost of decommissioning as determined by a third-party professional engineer.

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(b) On or before the fifth anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 10% of the estimated cost of decommissioning as determined by a third-party professional engineer.

(c) On or before the 10th anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 40% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 25% of the total estimated cost of decommissioning as determined by a third-party professional engineer.

(d) On or before the 15th anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 60% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 40% of the total estimated cost of decommissioning, as determined by a third-party professional engineer.

(e) On or before the 20th anniversary of the commencement of construction of the solar energy facility, the

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grantee shall provide an updated decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 80% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 60% of the total estimated cost of decommissioning, as determined by a third-party professional engineer.

(f) On or before the 25th anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance to the county recorder of deeds in an amount equal to 100% of the estimated cost of decommissioning, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 70% of the total estimated cost of decommissioning, as determined by a third-party professional engineer.

(g) The calculation of the salvage value of a solar energy facility by a third-party professional engineer shall be limited to salvageable steel, aluminum and copper.

(4) Forms of financial assurance. Any of the following shall be an acceptable form of financial assurance:

(a) An escrow account.

(b) A certificate of deposit or an automatically renewable, irrevocable letter of credit from a financial institution chartered or authorized to do business in this Commonwealth and regulated and examined by a Federal agency or the

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Commonwealth.

(c) A bond executed between the grantee and a corporate surety licensed to do business in this Commonwealth.

(d) A negotiable bond of the Federal Government, the Commonwealth or a municipality within this Commonwealth.

(5) Transferability. A decommissioning plan, the associated financial assurance and the salvage value of a solar energy facility to reduce the financial assurance may not be separated from the solar energy facility through a change in grantee ownership. The new grantee shall submit proof of financial assurance in accordance with subsection (1). The prior grantee may not release or revoke the prior grantee's financial assurance until the new grantee's proof of financial assurance is filed with the county recorder of deeds and notice is provided to the surface property owner party to the solar energy facility agreement.

(c) Form and content of decommissioning plans.

(1) Development of form.

(a) Within 180 days of the effective date of this paragraph, the department shall, by regulation and in consultation with the solar energy industry, develop a provisional standard form for a decommissioning plan and financial assurance to be filed with the county recorder of deeds in accordance with this chapter. In order to facilitate the prompt implementation of this chapter, regulations promulgated to develop a provisional standard form under this paragraph shall be deemed temporary regulations. Temporary regulations promulgated under this paragraph shall not be subject to any of the following:

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(i) Section 612 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(ii) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(iii) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(iv) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) After the promulgation of the temporary regulations under paragraph (a), the department shall, by regulation and in consultation with the solar energy industry, develop a final standard form for a decommissioning plan and financial assurance to be filed with the county recorder of deeds in accordance with this chapter. The temporary regulations under paragraph (a) shall expire upon the promulgation of the final regulations under this paragraph, or two years after the effective date of this paragraph, whichever is later.

(2) Contents. The provisional standard form and final standard form under subsection (1) shall include all of the following provisions:

(a) Unless the surface property owner and grantee mutually agree in writing on an alternative condition for restoring the property, the grantee's decommissioning plan shall include all

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of the following:

(i) The removal of all non-utility-owned equipment, conduits, structures, fencing and foundations to a depth of at least three feet below grade. The grantee shall not be required to remove equipment and materials that the public utility requires to remain on site.

(ii) The removal of graveled areas and access roads, unless the surface property owner requests in writing for graveled areas and access roads to stay in place.

(iii) The restoration of the property to a condition reasonably similar to the property's condition before the commencement of construction, including the replacement of top soil removed or eroded on previously productive agricultural land.

(iv) The reseeding of a cleared area, unless requested in writing by the surface property owner to not reseed due to plans for agricultural planting.

(b) The required financial assurance under Subsection (b) (relating to Financial assurance requirements in solar energy facility agreements).

(c) The grantee's attestation required under Subsection (d) (relating to Prevention of forced labor).

(d) Prevention of forced labor. The grantee of a solar energy facility commenced on or after the effective date of this section shall attest to the

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grantee's compliance with the Uyghur Forced Labor Prevention Act (Public Law 117-78, 135 Stat. 1525) or any other Federal law, rule or regulation that restricts the import or use of goods, wares, articles or merchandise mined, produced or manufactured wholly or in part with forced labor.

(e) Applicability. The requirements under this chapter shall not apply to any of the following:

(1) A solar energy facility with a nameplate capacity of two megawatts AC or less.

(2) A customer-generator as defined in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act.

(3) An owner or operator of a normal agricultural operation as defined in section 2 of the act of June 10, 1982 (P.L.454, No.133), referred to as the Right-to-Farm Law, who owns and operates a solar energy facility on the normal agricultural operation premises, regardless of the location or consumption of the energy generated.

SECTION 3: ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED.

SECTION 4: THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

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ENACTED THIS _____ DAY OF _____, 2026, BY THE BOARD OF SUPERVISORS OF EAST BUFFALO TOWNSHIP, UNION COUNTY, PENNSYLVANIA.

ATTEST:

BOARD OF SUPERVISORS OF EAST BUFFALO TOWNSHIP

_____
Secretary

_____
Chairman

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ATTESTATION

COMMONWEALTH OF PENNSYLVANIA *

* SS.

COUNTY OF UNION *

PETER L. MATSON, Solicitor of East Buffalo Township, Union County, PA, personally appearing before the undersigned officer, and after being duly sworn according to law, doth depose and say that he is the Solicitor of East Buffalo Township, Union County, PA, and that the attached is a true and correct copy of the original proposed ordinance that is in his possession.

Peter L. Matson
Solicitor
East Buffalo Township

Sworn to and subscribed
before me this 23rd day
of November, 2026.

Notary Public
My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal
Alexiz Watson, Notary Public
Union County
My commission expires August 21, 2030
Commission number 1471554
Member, Pennsylvania Association of Notaries

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