

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-2241.2, relating to rezoning*  
3 *and site plan approval; decommissioning solar energy equipment, facilities, or devices.*

4 [H 2621]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 15.2-2241.2 as follows:**8 **§ 15.2-2241.2. Bonding provisions for decommissioning of solar energy equipment, facilities, or**  
9 **devices.**

10 A. As used in this section, unless the context requires a different meaning:

11 "Decommission" means the removal and proper disposal of solar energy equipment, facilities, or  
12 devices on real property that has been determined by the locality to be subject to § 15.2-2232 and  
13 therefore subject to this section. "Decommission" includes the reasonable restoration of the real  
14 property upon which such solar equipment, facilities, or devices are located, including (i) soil  
15 stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation  
16 of such equipment, facilities, or devices.17 "Solar energy equipment, facilities, or devices" means any personal property designed and used  
18 primarily for the purpose of collecting, generating, or transferring electric energy from sunlight.19 B. As part of the local legislative approval process or as a condition of approval of a site plan, any  
20 locality shall require an owner, lessee, or developer of real property subject to this section to enter into  
21 a written agreement to decommission solar energy equipment, facilities, or devices upon the following  
22 terms and conditions: (i) if the party that enters into such written agreement with the locality defaults in  
23 the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such  
24 agreement, the locality has the right to enter the real property of the record title owner of such property  
25 without further consent of such owner and to engage in decommissioning and (ii) such owner, lessee, or  
26 developer provides financial assurance of such performance to the locality in the form of certified funds,  
27 cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional  
28 engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing  
29 decommissioning estimates and approved by the locality; such estimate shall not exceed the total of the  
30 projected cost of decommissioning, which may include the net salvage value of such equipment,  
31 facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default  
32 of the owner, lessee, or developer, and an annual inflation factor.