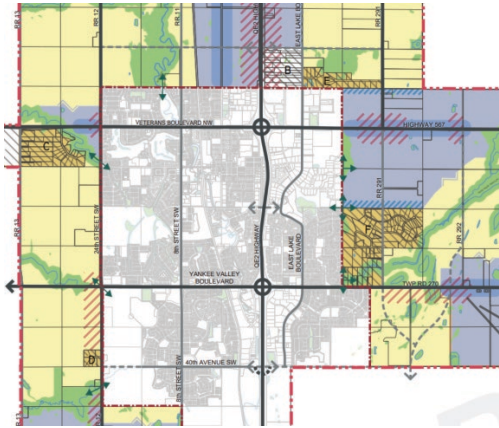


MPSC Renewable Energy and Energy Storage Facility Siting Meeting



MPSC Staff

April 5, 2024



Disclaimer

The opinions expressed today are the speaker's own and do not reflect the view of the Michigan Public Service Commission or the State of Michigan.

This meeting will be recorded and the recording will be posted.

Agenda

- **Welcome and Intro – Cathy Cole, MPSC**
- Decommissioning Panel Discussion
 - Moderator: Julie Baldwin MPSC
- MPSC Staff Straw Proposals for Comment
 - MPSC Staff
- Informal Comment Request from MPSC Staff
- Open Comment Period – All participants
- Next Steps and Closing – Julie Baldwin, MPSC

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www.michigan.gov/mpsc/commission/workgroups/2023-energy-legislation/renewable-energy-and-energy-storage-facility-siting

Implementation Process

Collaborate on solutions

Work collaboratively to develop potential draft guidance and application instructions

Public comment period

Public comment period in case docket followed by Commission order adopting application instructions and guidance



Solicit input

What questions and issues should the Commission address prior to the effective date?

File Staff proposal

File Staff proposed application instructions and guidance in docket June, 21, 2024

Implementation

The effective date of the new law is 11/29/24.

Agenda

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PA 233 Section 225 (1)(r):Decommissioning Plan

- ❑ Ensures the return of all participating properties to a useful condition similar to that which existed before construction.
- ❑ Financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash.
- ❑ The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant.
- ❑ The financial assurance may be posted in increments as follows:
 - At least 25% by the start of full commercial operation.
 - At least 50% by the start of the fifth year of commercial operation.
 - 100% by the start of the tenth year of commercial operation.

MPSC Staff Draft Straw Proposals

- (1) Pre-application process flowchart
- (2) Public notice and community participation
- (3) CREO guidance
- (4) One-time grants to local units
- (5) Application fees

Application Fee Structure

- *Sec. 226: (4) The commission may assess reasonable application fees to the applicant to cover the commission's administrative costs in processing the application, including costs for consultants to assist the commission in evaluating issues raised by the application. The commission may retain consultants to assist the commission in evaluating issues raised by the application and may require the applicant to pay the cost of the services.*

[Chapter XVIII, Title 19 of NYCRR Part 900-1.5](#): Office of Renewable Energy Siting Review Fee
Article 10

- ❑ The Office shall charge a fee to the applicant in order to recover the costs of reviewing and processing an application in an amount equal to **\$1,000 for each 1,000 kW** of generating capacity

MARYLAND

Md. Code , Pub. Util 7-207-208; Md code, Pub Util 7-207.1

- ❑ Base application fee of **\$10,000** upon submission of application to the PSC (https://mgaleg.maryland.gov/cmte_testimony/2020/ecm/4010_03052020_105521-141.pdf)
- ❑ May file an exemption application for \$500
- ❑ For Siting Solar on Brownfields- separate fee structure through Renewable Energy Development and Siting (REDS)
 - An initial application fee of **\$6,000** which the Department may reduce on a demonstration of financial hardship in accordance
 - An application fee of \$2,000 for each application submitted subsequent to the initial application for the same property;
 - An application fee of \$2,000 for each application submitted subsequent to the initial application for contiguous or adjacent properties that are part of the same planned unit development or a similar development plan

CALIFORNIA

AB 205 SEC. 7. Section 25806 (a-e)

- ❑ An application fee of **\$250,000, plus** \$500 per MW of generating capacity or MWh of energy storage capacity (or \$0.70 per square foot of a thermal generation plant not fueled by fossil fuels)
- ❑ Shall not exceed \$750,000
- ❑ Shall pay an annual fee of \$25,000
- ❑ These fees shall be adjusted annually to reflect the percentage change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services
- ❑ Fees to be paid to the Energy Facility License and Compliance Fund (within State Treasury Office)
- ❑ Amendment fee of \$5,000
- ❑ The commission shall conduct a full accounting of the actual cost of processing the amendment; if the costs exceed \$5,000 the project owner shall reimburse the commission

OREGON

Oregon Administrative Rules, Chapter 345

- ❑ Energy Facility Siting Council (EFSC) is responsible for review of wind and solar applications
- ❑ The applicant is responsible for expenses related to:
 - ❑ The Department's application review and associated recommendations to the EFSC
 - ❑ State agency, local government, and Tribal Government reimbursable review & comment, as requested by the Department
 - ❑ EFSC's review and decision
 - ❑ Ongoing expenses related to compliance & monitoring once a certificate is issued
- ❑ All expenses paid by the applicant or holder of certificate are required to be necessary, just, and reasonable.



ENERGY FACILITY SITING COUNCIL

ATTACHMENT A: SCHEDULE OF FEES

Proposed Effective 1/1/23

All processes of the Energy Facility Siting Council are subject to full cost recovery per ORS 469.421. While the fees below reflect the anticipated costs, the applicant or Site Certificate Holder is responsible for all costs associated with their proposal.

NOTICE OF INTENT (NOI)

OPTION A: Customized NOI Approach (Applies to all Facility Types)

Initial Filing Fee	\$6,000
Custom NOI Fee (Based on Cost Estimate)	not less than \$42,000

OPTION B: Standard NOI Approach

Natural Gas Fired Generation (CCR Only)	\$67,000
BioFuels	\$79,000
Electrical Transmission	\$152,000
Pipeline Transmission	\$152,000
Wind, Solar, Geothermal, & All Other Generation	\$42,000

EXPEDITED REVIEW

Determination of Qualification for Expedited Review	\$10,000
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APPLICATION REVIEW

All Facility Types	Cost estimate is generated by ODOE. 25% of total cost estimate required upon submittal. When costs approach 75%, project will be evaluated to determine if costs will go over 110%. If yes, a revised estimate will be completed.
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REQUEST TO AMEND A SITE CERTIFICATE

All Facility Types	Site Certificate holders will be invoiced monthly to recover the cost of the review of the Amendment.
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SITE CERTIFICATE ANNUAL FEE

Specific Regulation (All Facility Types)	To ensure facilities are being operated consistently with the terms and conditions of their site certificate. Amount based on size and complexity of facility.
General Regulation (All Facility Types)	To cover the costs of work conducted for general EFSC related activities related to the council's business. Based on not more than 35% of the annual Specific Regulation amount collected.

OTHER TYPES OF REQUESTS

All Requests for Exemption	\$25,000
Request for Pipeline under ORS 469.405 (3)	\$3,000

Wisconsin Legislature: 196.85 Payment of Commission's expenditures

- ❑ Sec. 1(a) Upon its own motion, the Commission, upon an application to carry out its duties imposed by law [...] the public utility, power district, or sewerage system shall pay the expenses attributable to the investigation, including the cost of litigation, appraisal or service
- ❑ The Commission shall mail a bill for the expenses to the public utility either at the conclusion of the investigation or during its process
- ❑ The bill constitutes as notice of the assessment and demand of payment and the utility must pay within 30 days
- ❑ Fee is not prescribed and based on staff hours spent on the case
- ❑ No known caps or amendment fees

Ohio Administrative Code Rule 4906-3-12

- ❑ Applicant responsible for Board's expenses associated with review, analysis, processing, & monitoring of applications
- ❑ Includes expenses associated with monitoring, construction, & operation of the facility & compliance with certificate conditions
- ❑ Fees submitted to the board shall be utilized for direct expenses associated with the consideration of an application & granting of a certificate & monitoring of construction & initial operation of the facility
- ❑ Application filing fee for a certificate shall consist of the product of **50 cents times the max kW electric capacity**, as determined by the estimated net demonstrated capability of the highest capacity alternative.
- ❑ The max application filing fee shall be \$150,000

MPSC Adopted Fee Schedule for Pipeline Applications

Michigan Public Service Commission Fee Schedule (Proposed) Required by Sec. 9, Act 299, P.A. 1972	
	Pipeline Application
	Natural Gas (Act 9, PA 1929) or Petroleum (Act 16, PA 1929)
Act 9 & Act 16 Pipelines: Application fee	
ex-parte	\$2,000
contested case (includes up to 150 staff hours.)	\$10,000
Act 9 & Act 16 Pipelines: Additional fees	
Additional Staff hours ¹	Billed hourly above application fee
Expert testimony	Actual fees
External public meetings	Actual fees
Court fees - including transcription and court reporting ²	Actual fees
Environmental reporting and testing ³	Actual fees
Miscellaneous filings and Additional fees	
Formal complaints	\$500
Requests for Exceptions to Standard Rules	\$1,000
Fees associated with the Rules for Production and Transmission of Natural Gas (D-2883)	
Standard Well Connection Permits	\$500
Temporary Allowable	\$500
Gas Well Retesting	\$500



DRAFT Proposed Fee Structure

PROPOSED RENEWABLE ENERGY & STORAGE SITING APPLICATION FEE SCHEDULE

Base Application Fee

Applicable to third-party developers not regulated by the MPSC

Contested case (includes up to 150 Staff hours)	\$10,000
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Additional Fees

Applicable to both third-party developers and IOUs regulated by the MPSC

Additional Staff hours ¹	Billed hourly above application fee
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Consultant Expert testimony	Actual Fees
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External Public Meetings	Actual Fees
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Court Fees- including transcription & court reporting ²	Actual Fees
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Environmental Reporting & Testing ³	Actual fees
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Miscellaneous Filings & Additional Fees

Miscellaneous maintenance following certificate	Actual fees billed hourly
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Formal Complaints	\$500
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Requests for Exceptions to Standard Rules	\$1,000
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- (1) Includes Staff time associated with the case proceeding through the completion of cross examination or final evidentiary hearing, whichever is later. This item also includes an additional forty (40) hours of staff time to allow for working on briefs, reply briefs, exceptions & replies to the PFD.
- (2) All hearing costs associated with Staff hours will be included in Additional Staff hours, not in "Court Fees".
- (3) Any fees in this category are limited to those necessary to satisfy the Commission's required agency review and environmental obligations under MEPA, Part 17 of MREPA, MCL 324.1701 et seq.

DRAFT Proposed Fee Structure

1. A process should be developed which provides the applicant an opportunity to object to any assessed fee(s) as part of a contested case proceeding and adopts the following process to effectuate this.
 - a. At the cross-examination or final evidentiary hearing in a contested case proceeding, whichever is later, the Staff shall file an exhibit containing the total assessed fee.
 - b. Within 14 days of the filing and service of the Fee Exhibit, the applicant shall file any objections to the total assessed fees.
 - c. Within 14 days of any objections filed, the Staff shall file a response indicating its position on the disputed issues.
 - d. If a dispute remains after the required filings, the administrative law judge (ALJ) who presided over the proceedings shall include a decision regarding the total assessed fees in the proposal for final decision (PFD) without further proceedings unless an additional hearing is deemed necessary.
 - e. The Commission may choose to “read the record”, in which case a PFD will not be issued. In this event, the Commission reserves the right to address disputed issues and the total assessed fees in the final order.
 - f. If a contested case is settled prior to the issuance of a PFD, the applicant shall file any objection to the total assessed fees within 14 days of the filing and service of the Fee Exhibit.
 - g. The Commission will render a decision with regard to the total assessed fee in its final order.
 - h. Furthermore, if a contested case proceeding is settled by the parties and accrued Staff time does not exceed 150 hours, the base application fee of \$10,000 must still be paid by the applicant, along with the additional fees.
 - i. There will be no reduction in the base application fee for a contested proceeding if Staff hours are less than 150 hours.
2. Environmental reporting and testing fees are limited to those related to the Commissions’ required agency review and environmental obligations.
3. The Staff may provide a non-binding estimate of its expected hours and anticipated additional fees, upon the reasonable request of an applicant.
4. The Staff should work informally with the applicant to give the applicant a sense of whether the fees associated with outside expert witnesses would be expected to support the Staff’s case and the magnitude of such costs.
5. Fees associated with attorneys representing the Staff will not be included in any fees assessed to the applicant under the provisions of [MCL 460.1221 – 460.1232](#)
6. Staff hours associated with any appeal of a final Commission order will not be included in any fees assessed to the applicant under the provisions of [MCL 460.1221 – 460.1232](#).
7. Staff hours included in the assessed fees for a contested case proceeding shall be hours associated with the contested case proceeding through the completion of cross examination, or final evidentiary hearing, whichever is later. Additionally, another 40 hours of Staff time will be included in assessed fees to account for the Staff’s efforts to work on initial briefs, reply briefs, and exceptions/replies to exceptions.
8. The Staff may provide a summary of accrued Staff hours associated with a contested case proceeding and other known expenses that will be assessed as part of the additional fees, upon the reasonable request of an applicant.
9. The Commission may charge reasonable fees of ongoing staff billable hours after a certificate has been granted for the lifetime of the project. Examples of such costs may include but are not limited to: environmental site analysis if site plan has been altered, any project follow-up considerations post construction & operation, other accounting, engineering, or legal aspects.
10. The Commission may consider capping the total cost of the application fees to \$250,000.

Informal Comments Requested

Access the **Comment Request** posted with the April 5 meeting materials on the [Renewable Energy and Energy Storage Facility Siting Webpage](#). We are seeking comments on the Staff Straw Proposals presented today.

Please submit your informal comments on these items by email to colec1@michigan.gov and baldwinj2@michigan.gov with Siting Comments in the subject line. Your comments are requested on these items by April 24, 2024.

Comments received will help to outline where further discussions are needed and to further refine Staff's proposal that will be formally submitted in Case No. U-21457 by June 21, 2024.

Sign up for email distribution list:

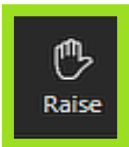
www.michigan.gov/mpsc/commission/workgroups/2023-energy-legislation/renewable-energy-and-energy-storage-facility-siting

How To Submit A Comment

Online

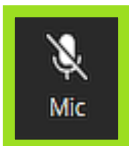
All attendees will be muted until called upon to speak which is on a first-come, first-serve basis.

To Be Called On:

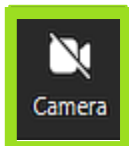


Raise your hand by clicking on the “Raise” icon.

When Called On:



Unmute your mic by clicking on the “Mic” icon.



You may turn on your camera by clicking on the “Camera” icon.

By Telephone

Dial: 248-509-0316;
Passcode: 513 308 297#

To Be Called On:

Press *5 to enter the line to speak.

When Called On:

Press *6 to unmute.

By Email

Send informal comments to:
colec1@michigan.gov and
baldwinj2@michigan.gov

Next Steps and Closing

- Thank you for your input and participation in today's meeting.
- Your input is needed:
 - **Please send your feedback on the Staff Straw Proposals by April 24, 2024**
 - All responsive submissions will be posted on the Renewable Energy and Storage website

Written Comments

Email To:

Colec1@michigan.gov and
Baldwinj2@michigan.gov

Mail To:

Michigan Public Service Commission
Attn: Cathy Cole
P.O. Box 30221
Lansing, MI 48909

Sign up for our email distribution list:

www.michigan.gov/mpsc/commission/workgroups/2023-energy-legislation/renewable-energy-and-energy-storage-facility-siting

Upcoming Meetings

- **Friday, April 26, 2024** via Microsoft Teams
 - Site plans
- **Wednesday, May 15, 2024 - *NEW DATE***

Please email questions and informal comments to colec1@michigan.gov and baldwinj2@michigan.gov

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Appendix

Materials received related to Decommission Panel

From: Sarah Mills, University of Michigan
To: MPSC
Date: April 5, 2024

In response to the question posed on today's call, I had a research assistant (Izzy Beshouri) comb through the decommissioning requirements from the zoning ordinances of existing wind and solar facilities in the state. These are zoning codes that developers have found "workable". We/she looked at 7 ordinances in places with solar farms; 13 with wind. It isn't all ordinances, but it's all of the most recent ones.

I want to give credit to colleagues at EGLE and a team of my current soon-to-graduate urban planning students who have been pulling together this data. EGLE's research will be on their website soon; the students' report will be done in a month or so. Any errors (e.g., misattribution to a township/county, errors in highlighting) are mine; I confess that I did this quickly.

This memo applies color-coding to each of the questions posed on today's panel to each of the questions. I also introduced two other colors for things that appear frequently with respect to decommissioning within these local ordinances but which weren't explicitly asked by the MPSC.

Highlighting code based on MPSC-posed QUESTIONS

1. What are the **typical elements of a decommissioning plan**? Is it common for **landowners to have requirements** specific to their property in the plan? If so, are decommissioning specifications for each landowner **combined in one complete decommissioning plan**? Do you have any recommendations for **what should be included** in a PA 233 decommissioning plan?
2. How are **decommissioning costs** determined currently by local governments and the Commission?
3. Do local governments currently update decommissioning costs after commercial operation? Does PA 233 provide the option **to review/update decommissioning costs** throughout the project's life?
4. Section 225(1)(r) provides that financial assurance may be posted in increments. Is **posting in increments** a typical current practice?
5. What are your thoughts on **including solar panel recycling costs** in the decommissioning calculation **rather than landfilling** at the end of the project's lifetime? Does PA 233 provide the option for this?
6. What are the mechanics for developers to **provide financial assurance** in the form of a bond, parent company guarantee, or irrevocable letter of credit? Do local governments currently require periodic confirmations from the developer's financial institution that the financial assurance continues to be in place? Have local governments preferred one method of financial assurance over the others? Does PA 233 provide the Commission authority to determine the type of financial assurance that a developer must use?

Additional highlighting

Stipulations on what equipment can stay / what must go

Stipulations on when decommissioning kicks in and how long it's allowed to take to complete

Ordinances in Zoning Jurisdictions with Approved/Completed large(r) scale SOLAR Projects

Shiawassee County

"Commercial SES facilities considered under this Section must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or improvement abandonment. (Quite detailed - refer to section M - SES Ordinance, Shiawassee County)"

1. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer shall accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.

2. Any Commercial SES that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a Commercial SES is abandoned, the Planning Commission upon notice by the Shiawassee County Zoning Administrator, or their assign, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the Commercial SES should not be decommissioned.

3. If a Commercial SES is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the Commercial SES safety prior to the resumption of operation.

4. Within ninety (90) days of the hearing where the Planning Commission has determined that a Commercial SES is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove any Commercial SES.

a. Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the County to remove the Commercial SES.

5. Decommissioning shall include removal of all equipment associated with the Commercial SES including all materials above and below ground, up to four (4) feet in depth. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.

a. The restoration shall include: road repair and hazardous waste cleanup, if any, all regrading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the solar energy system.

b. The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.

c. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for completed decommissioning.

6. The decommissioning plan shall also include an agreement between the applicant and the County that includes, but is not limited to the following conditions:

a. The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Shiawassee County.

b. The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.

c. The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the County shall require the owner/operator to make additional deposits to increase the amount of the surety bond to

cure such inadequacy.

d. The County shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of Commercial SES or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.

e. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

f. The County is granted the right to seek injunctive relief to effect or complete decommissioning for decommissioning costs in excess of the surety bond amount which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

Penfield Township

""6.38.2I (1-3) Decommissioning plan.

1. The commercial solar installation project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

2. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four feet, restoration of the soil, and restoration of vegetation within 12 months of the end of project life or facility abandonment.

3. The decommissioning plan shall state how the facility will be decommissioned, the professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to construction. ""

Adrian Township

Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (i.e. Township, any lessor or property owner, etc.) that ensure proper final reclamation of the Solar Farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. The ground must be restored to its original condition within 180 days.

Aurelius Township

Abandonment and Decommissioning. Commercial SES/solar farm facilities considered under this section must contain a decommissioning plan acceptable to the planning commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or improvement abandonment. A decommissioning plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a licensed professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited. The estimated costs of decommissioning for the purposes of financial security shall include actual labor and materials, including attorney and professional service fees, permit fees and other fees necessary for decommissioning ("actual costs") and shall not use or incorporate the salvage value or other potential cost savings. The applicant shall provide proof of financial security covering the actual

costs of the decommission plan to the planning commission. Every three years after special use permit approval and site plan approval, whichever is later, the applicant shall provide an updated estimate of the actual costs of the decommissioning plan to the township, subject to the approval of the planning commission. The applicant shall provide the township proof of financial security covering the actual costs of the decommission plan to the planning commission. Failure to provide an updated actual cost estimate acceptable to the planning commission for the decommissioning plan shall be considered a violation of this section subject to enforcement as provided by law and may result in revocation of the special use permit. Any commercial SES/solar farm facility or any portion thereof, including but not limited to panels or accessory structures, that is not operated or found to be inoperable due to disrepair for a continuous period of 12 months shall be considered abandoned. If it is found that a commercial SES/solar farm is abandoned, the planning commission upon notice by the Aurelius Township Zoning Administrator, or their assign, shall provide written notice to the applicant/owner/operator of a hearing before the planning commission to hear

Clinton County

Life of the project and final reclamation. Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. a. To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the County within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the County. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the County. b. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the County, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

Erie Township

Decommissioning: A decommission plan is required as part of the site plan application. 1. Decommission Plan Requirements: The decommission plan shall include the following, at a minimum: a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. b. The projected decommissioning costs for removal of the solar power plant (net of salvage value in current dollars) and soil stabilization. c. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of an irrevocable letter of credit, cash deposit, or other form of assurance acceptable to Erie Township). 2. Periodic Review: A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every 3 years, for the life of the project, and

approved by the Township Board. A solar power plant owner may at any time: a. Proceed with the decommissioning plan approved by the Township Board and remove the system as indicated in the most recent approved plan; or b. Amend the decommissioning plan with Township Board approval. 3.

Decommissioning. Decommissioning a solar power plant must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. A solar power plant that has not produced electrical energy for 12 consecutive months shall prompt a revocation hearing of the site plan approval.

Coldwater Township

Decommissioning. A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval: a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.) Specific Use Requirements Coldwater Township Zoning Ordinance Page 7-39 7 b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. c. Restoration of property to condition prior to development of the system. d. The timeframe for completion of decommissioning activities. e. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable. f. The entity or individual responsible for decommissioning. g. Plans for updating the decommissioning plan. h. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval. i. The owner and responsible party shall agree to the decommissioning plan, and the Township's requirements for decommissioning, in the form of a written agreement with the Township that shall be filed with the Branch County Register of Deeds office.

Ordinances in Zoning Jurisdictions with more-recently Approved/Completed WIND Projects

Isabella County

The WECS application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of individual WECS turbine, or facility abandonment.

Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, (c) the financial resources to be used to accomplish decommissioning, and (d) the escrow agent with which the resources shall be deposited. The Decommissioning Plan shall also include an agreement between the applicant and the County specifying that: The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the County. The County shall have access to the escrow account funds for the express purpose of completing the decommissioning, if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning as necessary. The County is also granted the right to seek and obtain injunctive relief to effect or complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.

Porter Township

"249.6 Decommissioning

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within twelve months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine or to achieve renewed commercial operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of the Township and may be provided jointly as a single instrument for multiple governmental units within a single wind farm, provided that any such

single instrument shall be in an amount of at least \$1 million per unit and shall contain a replenishment option.

"

Mount Haley Township

"621.2.13.a. Abandonment

621.2.13.a.i. Any WES that is not used for the production of energy for a period of 12 successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the Applicant receives a written extension of that period from the Planning Commission due to an extended repair schedule for good cause. All above and below ground materials (down to 5 feet below the ground) must be removed. The ground must be restored to its original condition within 12 months of abandonment.

621.2.13.b. Continuing Security and Decommissioning

621.2.13.b.i. If any WES is approved for construction under this Ordinance, the Applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction which shall remain in effect until the WES has been finally removed, as provided below:

1. Continuing Security: If a Special Land Use Permit is approved pursuant to this section, the Planning Commission shall require a security in the form of a cash deposit, irrevocable letter of credit, or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the Applicant to the Township in order to ensure full compliance with this section and any condition of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences upon a WES. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WES fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this Ordinance or the Special Land Use Permit. Such financial security shall be kept in full force and effect during the entire time while a WES exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the WES).

2. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the Applicant prior to the commencement of construction of any WES and shall be maintained by the WES owner until the WES has been permanently removed. The monetary amount placed by the Applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs of any consultants, reports or studies which the Township anticipates it may have to perform that are reasonably related to enforcement of

this Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit, or if the existing escrow amount paid by the Applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require that the WES owner place additional monies into escrow with the Township. Alternatively, if lawful, Applicant will pay permit fees equivalent to estimate of all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. As for the escrow requirement, the permit fees will also include a replenishment obligation if the permit fees paid by the Applicant prove to be insufficient to cover the Township's enforcement fees, costs and expenses.

3. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WES exists or is in place shall constitute a material and significant (4.) Violation of a Special Land Use Permit and this Ordinance, and will subject the WES owner to all remedies available to the Township, including possible enforcement

621.2.13.c. Decommissioning Plan and Bond

621.2.13.c.i. This Ordinance requires that the Applicant for a Utility Grid WES Special Land Use Permit submit a decommissioning plan that is to be implemented at the end of the project's useful life. The plan is to describe the process for disposition of the project, equipment removal agreements with landowners, and financial assurance for the decommissioning process.

621.2.13.c.ii. Prior to commencing with the decommissioning of one or more Utility Grid WES, a demolition permit shall be obtained from the building inspector. The fee of this permit shall include the Township's cost to hire a professional qualified to interpret the decommissioning plan and capable of determining if and when the decommissioning plan has been carried out.

621.2.13.c.iii. The following paragraphs describe the project's decommissioning plan per the requirements of this Ordinance. Facility Dismantling, Removal and Site Restoration:

Decommissioning includes four primary phases: (1) ground preparation; (2) dismantling of project components; (3) transportation and traffic related to the dismantling; and (4) site reclamation. These are described below.

1. Ground Preparation. The decommissioning of each Utility Grid WES will first require ground preparation to insure that cranes and transport trucks can access the site. Depending on the site-specific land use at each Utility Grid WES site, this may include enlarging the access roads. A crane pad area and disassembly area will also be required on the ground to provide space for crane movement, truck movement, and lowering of Utility Grid WES components. This activity may require grubbing and clearing, as well as upgrading access roads with road material such as gravel. Top soil and natural debris will be salvaged for site reclamation.

2. Dismantling of Project Components. This phase involves dismantling of each Utility Grid WES using similar cranes which are used for assembly. The Utility Grid WES components include the rotor, the nacelle, and the tower which are all disassembled during the process. The sequence of disassembly would be to detach the rotor from the nacelle and lower it to the crane pad area/disassembly area,

detach the nacelle from the top tower section, detach the top section from the middle section and then detach the middle section and the bottom section. Components are then separated into categories of reuse, salvage, or disposal. The top section of the concrete foundations used to secure the bottom tower section will be removed to a depth of no less than 5 feet below surrounding grade. The underground cabling will be removed as per the landowner lease agreement. Any overhead cabling and support structures, as well as substation or switching station components, will be disassembled and transported off the site.

3. Transportation and Traffic. The transportation and traffic portion of the decommissioning is key to the process as the mobilization and demobilization of the large cranes and hauling of materials require careful planning and traffic management. The towers will be separated into sections appropriate for transport on the local system. Any roads or crossings built for the project will be left in place for the use of the landowners unless otherwise specified.

4. Site Reclamation. After all material and debris have been removed, the site can be regraded. Salvaged subsoil will be replaced and capped with topsoil and salvaged organic material, such as woody debris, will be added in required areas. Soils at the bases of Utility Grid WES will be resorted to a depth of five (5) feet and to conditions similar to the surrounding ground. Seed mixes and fertilizer will then be applied to the disturbed areas. Landowners will be consulted on specific seed mixes if necessary.

621.2.13.c.iv. Prior to decommissioning, the input of the landowners will be considered as to the extent of decommissioning that will be undertaken on their land. The future owners or lease holders of the land affected by distribution lines and underground cabling will be consulted prior to decommissioning. The project will be decommissioned in accordance with the decommissioning laws and regulations that will apply at the time of decommissioning."

Huron Township

The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Huron Township; provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

Fairbanks Township

"A Planning Commission approved decommissioning plan indicating:

- a. The anticipated life of the project,
- b. The estimated decommissioning costs based on: i. Ground preparation activities in order to access the site and provide room for disassembly. ii. Dismantling of the project components which include the tower and operating components, the concrete foundations, any underground or overhead cabling, and

electrical substation or switching equipment. 67 iii. Transportation issues including creating load sizes that meet height, width and weight restrictions. Traffic control issues necessary to create egress of components to the disposal points must also be considered. iv. Site reclamation includes the removal and disposal of contaminated soils. The materials for remediation of the site to match the surrounding land use and form. v. Salvage value of materials.

c. The method of ensuring that funds will be available for decommissioning shall be one or more of the following: i. A surety bond equal to the estimated costs in favor of Delta County ii. Cash equal to the estimated costs payable to Delta County iii. An escrow plan approved by the Planning Commission to be paid over time to Delta County or to an escrow agent acceptable to Delta County. An escrow account may be converted to a surety bond at any time by the applicant."

Adams Township

"1. The MWET or L WET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or L WET, and for a good cause, the township board may grant a reasonable extension of time. Each MWET and L WET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).

2. Decommissioning shall mean the removal of each MWET or L WET, buildings and foundations, as well as any other associated facilities to a depth of sixty (60") inches, at the Turbine Site. Electrical components, located outside of Turbine Site, must be removed to a minimum depth of forty eight (48") inches. Following the removal, the location of any remaining wind turbine foundation shall be identified on a map, as such with GPS coordinates and recorded, with the deed to the property, with the County Register of Deeds.

3. All access roads to the MWET or L WET shall be removed, cleared, and graded by the MWET or L WET Owner(s), unless he property owner(s) requests, in writing, a desire to maintain the access road. The township will not be assumed to take ownership of any access road unless through official action of the township board.

4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or L WET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

6. In addition to the Decommissioning Requirements previously listed, the L WET shall also be subject to the following:

a) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs").

When determining this amount, the township may also require an annual escalator or increase based on

the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the township zoning administrator after the first year of operation and every fifth year thereafter.

b) The L WET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than One hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state-chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the township.

c) Decommissioning Funds shall be in the form of a performance bond made out to the township.

d) A condition of the bond shall be notification by the bond company to the township zoning administrator when the bond is about to expire or be terminated.

e) At Grantee's expense, an independent and certified professional examiner shall be retained, to estimate the total cost of decommissioning. ("Decommissioning Costs") Decommissioning costs can include the salvage value of equipment. When determining this amount, the township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the township zoning administrator after the first year of operation and every fifth year thereafter.

f) The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the township concurs that decommissioning has been satisfactorily completed, or upon written approval of the township in order to implement the decommissioning plan.

g) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the township may take such action as necessary to implement the decommissioning plan."

Wheatland Township

Plan for WECS Removal: The applicant shall submit with its application a plan that indicates the design life of the WECS, the estimated cost for the removal of the WECS and the manner in which the WECS shall be removed, and the site reclaimed once the WECS is no longer in operation. The owner of the WECS shall, within twelve (12) months after the WECS ceases to be in operation either: (1) remove the WECS in accordance with the removal plan submitted hereunder or (2) repair or replace the deficient WECS component(s) and resume operation of the WECS. All replacement components shall conform in all material respects to the components they replace, (e.g., height, setback, noise, vibration, shadow flicker, wildlife impact, other impacts on the surrounding area) or receive amended conditional use permit approval from the Planning Commission and Township Board. The Township Board shall have authority, if it deems it necessary to assure satisfaction of the general standards for conditional use permit approval, to require the applicant to file and maintain with the Township a financial guaranty in

an adequate amount to cover the cost of the proper removal of the WECS. The financial guaranty shall be in the form of cash, certified check or an irrevocable bank letter of credit in a form acceptable to the Township and shall give the Township the right, but not the obligation, to use such funds to cause the removal of the WECS if the owner fails to do so within the time frame prescribed herein.

Gratiot County

"The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Gratiot County and may be provided jointly as a single instrument for multiple Townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed."

Fairgrove Township

The applicant shall submit a decommissioning plan. The plan shall include a. the anticipated life of the project, b. the estimated decommissioning costs net of salvage value in current dollars, c. the method of ensuring that funds will be available for decommissioning and restoration. d. the anticipated manner in which the project will be decommissioned, and the site restored. e. A provision to give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning may be required. f. The standard for inactivity shall be twelve (12) months.

Gilford Township

The applicant shall submit a decommissioning plan. The plan shall include a. The anticipated life of the project. b. The estimated decommissioning costs net of salvage value in current dollars. c. A surety bond is the required form for a performance bond and payment bond, intended for decommissioning and restoration. d. The anticipated manner in which the project will be decommissioned, and the site restored. e. State the standard for inactivity shall be twelve (12) months.

Pine River Township

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/tower must submit a plan to the township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed commercial operation. Any tower/turbine left unused or inoperable for over 24 months would be

deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of the township and may be provided jointly as a single instrument for multiple governmental units within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

Bethany Township

Abandonment: Any WECS that is not used for the production of energy equal to 20% of the energy output described in the site plan for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Zoning Administrator in a case involving an extended repair schedule for good cause. All above and below ground materials (down four (4) feet below the ground) must be removed. The ground must be restored to its original condition within one hundred and eighty (180) days of abandonment. The cost of such removal shall be borne solely by the applicant or its successor(s) or assign(s).

Columbia Township

"a. The applicant shall submit a plan describing the intended disposition of the Utility-Grid Wind Energy System at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Prior to the start of construction, a surety bond or equivalent financial instrument ("Surety Bond") shall be posted and maintained as set forth in subsection (f) below.

b. The Utility-Grid Wind Energy System owner shall complete decommissioning within twenty-four (24) months after the end of the useful life of the Utility-Grid Wind Energy System or within twenty-four (24) months of not correcting a default or other event of noncompliance. Upon request of the owner(s) or the assignee of the Utility-Grid Wind Energy System, and for good cause, the Township Board may grant a reasonable extension of time in which to accomplish decommissioning. The Utility-Grid Wind Energy System will be presumed to be at the end of its useful life if no more than 10% of its cumulative nameplate capacity in commercially viable electricity is available for generation for a continuous period of twelve (12) months. All decommissioning expenses shall be the responsibility of the owner(s).

c. Decommissioning shall include the removal of each wind turbine, all electrical components, and associated facilities (such as MET towers) within the footprint of the wind turbine foundation to a depth of forty eight (48) inches below original grade, or to the level of bedrock if less than forty eight (48) inches below original grade, provided, however, that the land owner may submit a request allowing concrete foundations to be left for other uses, subject to the approval of the Township Zoning administrator. Following removal, the location of any remaining turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Tuscola County Register of Deeds.

d. All access roads to the Utility-Grid Wind Energy System shall be removed, cleared, and graded by the facility owner(s) unless, unless the property owner(s) requests, in writing, a desire to maintain the access

road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.

e. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris the owner of the Utility-Grid Wind Energy System or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activity, unless the property owner(s) requests in writing that the land surface area not be restored.

f. In addition to the requirements listed previously, the Utility-Grid Wind Energy System shall also be subject to the following:

1. If the Utility-Grid Wind Energy System owner fails to complete decommissioning within the period prescribed above including extensions, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged against the decommissioning Surety Bond.

2. An independent and certified professional engineer shall be retained by the Owner(s) to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("Net Decommission Cost"). These estimates shall be submitted to the Township Zoning Administrator prior to the start of construction and every fifth year thereafter and the Surety Bond amount shall be adjusted accordingly.

3. Prior to the start of construction of the Utility-Grid Wind Energy System, the applicant shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs, as determined by the certified professional engineer pursuant to subsection 2 above.

4. Decommissioning Funds shall be in the form of a performance surety bond or equivalent financial instrument made out to the Township and determined to be acceptable by the Township Board.

5. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administration thirty (30) days prior to its expiration or termination.

6. Failure to keep the Surety Bond in effect while Utility-Grid Wind Energy Systems is in place shall constitute a violation of the permit. If a lapse of the Surety Bond occurs, the Township may take action up to and including requiring cessation of operation of the Utility-Grid Wind Energy System until the Surety Bond is restored.

7. The surety company shall pay over to the Township the decommissioning funds when the Township has demonstrated that decommissioning has not been satisfactorily completed as required herein.

8. The Surety Bond shall be terminated when the owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed in accordance with the plan submitted under subsection (a) above. "