



Kane County Development & Community Services

Kane County Government Center

719 S. Batavia Ave, Geneva, IL 60134 - Building A, 4th Floor | (630) 232-3485

APPENDIX G: DECOMMISSIONING & SITE RECLAMATION PLAN [Format Guidelines]

An application for a Commercial Solar Energy Facility must include a Decommissioning and Site Reclamation Plan to ensure that the Commercial Solar Energy Facility is properly decommissioned. A signed Decommissioning and Site Reclamation Plan must be submitted to the County prior to the granting of the Special Use Permit.

The following document outlines the information required to be included in the Decommissioning and Site Reclamation Plan, pursuant to the Kane County Zoning Ordinance [Section 25-5-4-9: COMMERCIAL SOLAR ENERGY FACILITIES](#). Please reference the document guidelines and follow the required formatting to ensure a complete and accurate submittal.

DECOMMISSIONING AND SITE RECLAMATION PLAN

I. TITLE PAGE

Document Name: *Decommissioning and Site Reclamation Plan*
Project Name: *Kane County Solar X*
Zoning Petition No.: *XXXX*
Site Location: *East of Illinois Highway 47, and north of Highway 20 in Rutland Township*
Parcel Number(s): *00-00-000-000*
Solar Company: *Name and Contact Information for the Solar Company/Applicant*
Prepared By: *Name and Contact Information for the independent Illinois Certified Professional Engineer that prepared the document.*
Signature: *Illinois Certified Professional Engineer Stamp*
Prepared Date: *Date document was prepared and each subsequent revision date*

II. INTRODUCTION

1. Owner Information
2. Operator Information
3. Property Information
4. Facility Description

III. DECOMMISSIONING ACTIVITIES

A. Scope of Work

1. A description of the methodology and cost to remove all above ground and below ground Commercial Solar Energy Facility equipment of the approved Special Use Permit;
2. Provisions for the removal of all above ground and below ground Commercial Solar Energy Facility equipment of the approved Special Use Permit;
3. Methodology and cost to restore all areas used for construction, operation and access to a condition equivalent to the land prior to the Commercial Solar Energy Facility construction;
4. Methodology to identify and manage any hazardous or special materials;
5. Provisions for the removal of structures, debris and cabling, both above and below the soil surface:
 - a. Items required to be removed include but are not limited to: solar panels, cells and modules; solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems; solar panel foundations, if used, to a depth of 60 inches; transformers, inverters, energy storage facilities, or substations; overhead collection system components; operations/maintenance buildings, spare parts buildings and substations/switching gear buildings; access roads; operation/maintenance yard/staging area; debris and litter; underground cables, fencing, access roads and culverts.
 - b. A landowner must sign an agreement if they wish for operations/maintenance buildings, spare parts buildings and substations/switching gear buildings; operation/maintenance yard/staging area; access roads or culverts to remain.



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- c. The Applicant shall include removal of all physical material of the project improvements to a depth of sixty (60) inches beneath the soil surface and the restoration of the area in accordance with the Agricultural Impact Mitigation Agreement.
6. Provisions for the restoration of soil and vegetation:
 - a. A Kane County Stormwater Management permit is required prior to beginning any decommissioning work.
 - b. All affected areas shall be inspected, thoroughly cleaned and all construction related debris shall be removed.
 - c. All affected areas must be remediated pursuant to the terms of the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - d. Items required to be restored include but are not limited to: windbreaks, waterways, site grading, drainage tile systems and topsoil to former productive levels.
 - i. In work areas involving decommission from widening access roads or any other work areas, the topsoil must be first removed, identified and stored separate from other excavated material for later replacement as applicable.
 - ii. The sixty (60)-inch below-surface excavation area shall be filled with clean sub-grade material of similar quality to that in the immediate surrounding area.
 - iii. All sub-grade material will be compacted to a density similar to surrounding grade material.
 - iv. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner that adequately restores the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.
 - v. Where possible, the topsoil shall be replaced at a minimum of the original depth and surface contours.
 - vi. Any topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of the effected site.
 - e. Items required to be repaired after decommissioning include but are not limited to: roads, bridges and culverts.
 - f. An independent drainage engineer shall be present to ensure drainage tiles, waterways, culverts, etc. are repaired as work progresses.
 - g. A soil erosion control plan shall be approved by the County Soil and Water Conservation District.
 - h. All applicable stormwater management, floodplain and other surface water rules, regulations and ordinances shall be followed including CHAPTER 9 STORMWATER MANAGEMENT, of the Kane County Code.

B. Permits Required

The permits listed below are the *minimum anticipated permitting requirements* expected and may be subject to revisions based on local, state, and federal regulations at the time of decommissioning.

1. **Building Permit** – A building permit is required to construct the facility. A building permit must also be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.
2. **Kane County Stormwater Management Permit** – *Kane County Stormwater Management Commission (SMC)* – Ground disturbance of greater than 5,000 square feet of soil requires preparation of a SWPPP and permit application.
3. **National Pollutant Discharge Elimination System (NPDES) Construction General Permit** – *U.S. Environmental Protection Agency* – Ground disturbance of greater than 1 acre requires preparation of a Storm Water Pollution Prevention Plan, including erosion and sedimentation controls.

C. Schedule

The Applicant shall ensure that the Commercial Solar Energy Facility is properly decommissioned within twelve (12) months of the end of the Commercial Solar Energy Facility life.



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IV. DECOMMISSIONING TRIGGERS & COUNTY ACCESS

1. Provisions triggering the decommissioning of any portion of the Commercial Solar Energy Facility shall include the following:
 - a. If Applicant has not paid landowners an amount owed in accordance with their lease agreements for a period of six (6) consecutive months.
 - b. The Applicant dissolves or abandons the Commercial Solar Energy Facility without first transferring the Commercial Solar Energy Facility to a successor-in-interest or assign.
 - c. If any part of the Commercial Solar Energy Facility falls into disrepair or creates any other health and safety issue as determined by the County.
2. The County shall have access to the site, pursuant to reasonable notice to affect or complete decommissioning.
3. The County shall have immediate access, upon written notice to the Applicant, to use the Decommission Security if:
 - a. After abandonment of the Commercial Solar Energy Facility, the Applicant, upon a reasonable determination by the County Board, fails to address a health and safety issue in a timely manner; or
 - b. The Applicant fails to decommission the abandoned Commercial Solar Energy Facility in accordance with the Decommissioning and Site Reclamation Plan.
4. The County and its authorized representatives have the right of entry onto the Commercial Solar Energy Facility premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
5. The County shall have the legal right to transfer applicable Commercial Solar Energy Facility material to salvage firms.

V. DECOMMISSIONING COST ESTIMATE

Estimating the costs of decommissioning:

1. Costs shall include but not be limited to engineering fees, legal fees, accounting fees, insurance costs, decommissioning and site restoration minus the salvage value of the Commercial Solar Energy Facility.
2. Adjustments to the financial assurance amount that reflect changes in the decommissioning costs shall be submitted every five (5) years after the initial ten (10) years of operation and shall be adjusted for inflation and other factors. The amount of the Decommission Security shall be adjusted accordingly within six (6) months of receiving the updated information as determined by an Illinois professional engineer. Failure to provide financial assurance as outlined herein shall be considered a cessation of operation.

An independent engineer of the County's choosing, and the Building Officer will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be funded by the Applicant.

VI. DECOMMISSIONING ASSURANCE

1. Submission of a draft form of Financial Security to the County in the form of a surety bond (performance and payment bond), irrevocable letter of credit or a cash escrow account that names the County as the beneficiary, or other type of Financial Security that is approved by the County.
 - a. If an irrevocable letter of credit or surety bond (performance and payment bond) is selected, the original of the irrevocable letter of credit or surety bond shall be held by the County.
 - b. If a cash escrow is selected, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable decommissioning and repair/replacement/restoration obligations of this Agreement as executed by the County and the Applicant.
2. The amount of Financial Security shall be equal to the total cost of all decommissioning and restoration work minus the salvage value of the Commercial Solar Energy Facility equipment. To determine that amount, the Applicant shall:
 - a. Obtain bid specifications provided by a professional structural engineer;
 - b. Request estimates from construction/demolition companies capable of completing the decommissioning of the Commercial Solar Energy Facility; and
 - c. Certification of the selected estimate by a professional structural engineer.



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3. An independent engineer of the County's choosing, and the Building Officer will review all estimates and make a recommendation to the County Board for an acceptable estimate. The County reserves the right to pursue other estimates. All costs to secure the estimates will be funded by the Applicant.
4. Applicant shall provide and describe all required procedures for the County to access the Financial Assurances in detail.
5. The Financial Security shall be phased in and provided to the County over the first eleven (11) years of the project as follows:
 - a. On or before the first anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover ten (10) percent of the estimated costs of decommissioning the Commercial Solar Energy Facility as determined in the Decommissioning and Site Reclamation Plan.
 - b. On or before the sixth anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover fifty (50) percent of the estimated costs of decommissioning the Commercial Solar Energy Facility as determined in the Decommissioning and Site Reclamation Plan.
 - c. On or before the eleventh anniversary of the Commercial Operation Date, the Applicant shall provide the County with Financial Security to cover one hundred (100) percent of the estimated costs of decommissioning the Commercial Solar Energy Facility as determined in the Decommissioning and Site Reclamation Plan.
6. If possible for the type of Decommission Security provided, the Applicant shall grant perfected security in the Decommission Security by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/ et seq.
7. The County Board or its escrow agent shall release the Decommission Security when the Applicant has demonstrated and the County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County to implement the decommissioning plan. Ten percent (10%) of the Decommission Security shall be retained one (1) year past the date to settle any outstanding concerns.
8. Any interest accrued on the Decommission Security that is over and above the total value as determined by the Illinois professional structural engineer shall go to the Applicant.
9. The Applicant shall identify procedures for the County to assess the financial assurances, particularly if it is determined that there is a health and/or safety issue with the Commercial Solar Energy Facility and the principal company fails to adequately respond as reasonably determined by the County Board.
10. The County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy but shall not be responsible for any claims against the Applicant.
11. The Applicant shall agree that the obligations and liabilities under a Special Use Permit shall be binding upon the Applicant (which, for the avoidance of doubt, includes its successors-in-interest and assignees) and the Operator. The Applicant further shall agree that the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the Commercial Solar Energy Facility shall in no way effect or change the Applicant's obligation to continue to comply with the terms, covenants and obligations of a Special Use Permit unless such successor-in-interest or assignee agrees to assume all obligations of the Special Use Permit, including but not limited to the decommissioning obligations associated with the Commercial Solar Energy Facility.

VII. STATEMENT OF UNDERSTANDING / SIGNATURES

The Decommissioning and Site Reclamation Plan shall be binding upon the Applicant and its successors-in-interest and assigns and shall apply to all participating parcels in the Commercial Solar Energy Facility, irrespective of the owner of title to such parcels.

ATTACHMENTS:

Solar Facility Decommissioning Bond Agreement – Draft form of Financial Security to the County in the form of a surety bond (performance and payment bond), irrevocable letter of credit or a cash escrow account that names the County as the beneficiary, or other type of Financial Security that is approved by the County.

Lease Agreement Affidavit – Confirmation by affidavit that the obligation to decommission the Commercial Solar Energy Facility is included in the lease agreement for every parcel included in the Special Use Permit application. A list of all landowners should be kept current, and affidavits shall be secured from Applicant and landowners stating their financial understanding.