

STATE OF LOUISIANA

PARISH OF WASHINGTON

**WASHINGTON PARISH COUNCIL**

**ORDINANCE No. 22-707**

Introduced on March 31, 2022

Introduced by Chairman Carley King

Public hearing held on April 14, 2022

**THE WASHINGTON PARISH UTILITY SCALE SOLAR PROJECT  
FACILITY STANDARDS ORDINANCE**

**WHEREAS**, the Washington Parish Council, in order to protect the health, safety and welfare of the public and to provide for the orderly, planned, efficient and healthy development of utility scale solar project facilities in Washington Parish, hereby adopts this ordinance to be entitled The Washington Parish Utility Scale Solar Project Facility Standards Ordinance to be designated as Article 10 of the Washington Parish Development Ordinance.

**BE IT ORDAINED**, that the Washington Parish Utility Scale Solar Project Facility Standards Ordinance be adopted as follows, to-wit:

**ARTICLE 10  
Utility Scale Solar Project Facilities**

**10-1 GENERAL**

The following provisions of Article 10 comprise the Washington Parish Utility Scale Solar Project Facility standards ordinance. This ordinance has been promulgated by the Washington Parish Council (the "Council") in order to protect the health, safety and welfare of the public and to provide for the orderly, planned, efficient and healthy development of Washington Parish (the "Parish"). This ordinance grants the Council sole authority over all matters concerning a Utility Scale Solar Project Facility ("USSPF" or "Facility") in the Parish.

The Council hereby delegates the authority to review, approve and/or deny a Utility Scale Solar Project Facility Permit ("USSPF Permit") to the Washington Parish Permit Office (the "Permit Office"), which operates under the direction of the Washington Parish Director of Public Works (the "Director"). If in the opinion of the Director, the review of a Permit application requires assistance from outside experts, including, but not limited to, third party engineers or accountants, then the Director may employ same to assist the Permit Office with its review of the Permit application in conformance with applicable state and/or Washington Parish procurement laws and regulations.

The Permit Office is responsible for the evaluation of all USSPF Permit applications to ensure the USSPF will be constructed and operated in compliance with the requirements of this ordinance. Upon receipt of the USSPF Permit application, the Permit Office shall perform a review as to content and notify the applicant if the USSPF Permit application is complete. If the Permit Office determines that the USSPF Permit application is incomplete, the applicant shall be notified of any deficiencies in writing sent by certified mail. The applicant will have 30 days from receipt of notice to address any deficiencies by amending the application. The Permit Office shall subsequently notify the USSPF Permit applicant if the amended application is complete. Failure to amend the Permit application within the 30-day time period will result in denial of the USSPF Permit application.

The Director, after receipt of a recommendation from the Permit Office, shall either deny or approve and issue the USSPF Permit. If the Permit is denied, an appeal may be taken by the applicant in accordance with Section 10-7. Construction of the USSPF shall not commence prior to issuance of a USSPF Permit.

The Permit Office shall not issue a USSPF Permit unless the USSPF Permit application demonstrates that the USSPF will conform to the requirements of this ordinance.

The issuance of an USSPF Permit does not require the approval of the Washington Parish Planning Commission or the Council.

## **10-2 PURPOSE**

The purpose of this ordinance is to set minimum standards and requirements for the permitting and operation of USSPFs in the Parish.

## **10-3 APPLICABILITY**

This ordinance applies to all USSPFs constructed and/or operated in the Parish. This ordinance allows both Photovoltaic (PV) systems and Photovoltaic-thermal (PV/T) USSPF systems, as defined herein, to be constructed and operated in the Parish.

## **10-4 VALIDITY AND SEVERABILITY**

Should any provision of this ordinance be held unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

## **10-5 DEFINITIONS**

**Photovoltaic (PV) System:** A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

**Photovoltaic-thermal (PV/T) System:** A photovoltaic system that, in addition to converting sunlight into electricity, collects the residual heat energy and delivers both heat and electricity in usable form. Also called a total energy system or solar thermal system.

**Utility Scale Solar Project Facility:** Sometimes referred to herein as “USSPF” or a “Facility”, this is a solar electric power generating facility constructed on immovable property for the purpose of producing photovoltaic electricity, photovoltaic electricity and heated fluids and solar thermal electricity. The power generated is sold to power purchasers for distribution throughout the power grid.

**Utility Scale Solar Project Facility Permit:** A permit issued by the Washington Parish Permit Office authorizing the construction and operation of an USSPF in Washington Parish.

## **10-6 UTILITY SCALE SOLAR PROJECT FACILITY DEVELOPMENT AND DESIGN STANDARDS**

- a. **Minimum Lot Size:** A Facility shall not be constructed on aggregate parcels of immovable property that are less than twenty (20) contiguous acres in size.
- b. **Height Restrictions:** All photovoltaic panels located in a Facility with rotating panels shall be restricted to a maximum height of the torque tube to sixteen (16) feet measured from the ground to the top of the torque tube.

Facilities that have non-rotating (fixed) photovoltaic panels shall be limited to a maximum photo voltaic panel height of eighteen (18) feet measured from the ground to the top of the photovoltaic panel.

- c. **Setbacks:** All photovoltaic solar panels and support structures associated with a Facility (excluding perimeter security fencing) shall be setback a minimum of one hundred (100) feet from public roads and neighboring immovable property boundaries, unless the adjoining immovable property boundary is wooded with no residence on the immovable property, in which case the setback shall be no less than fifty (50) feet. Inverters, transformers and mechanical equipment shall be set back a minimum of one hundred (100) feet from adjacent immovable property boundaries even if the adjacent boundary is wooded. If an adjoining section of immovable property has an existing occupied residence or formal place of worship (e.g., Church, Synagogue, Mosque, etc.) all photovoltaic solar panels and support structures, including inverters, transformers and mechanical equipment, associated with a Facility shall be setback a minimum of five hundred (500) feet from the occupied residence or formal place of worship. These requirements are not applicable to adjoining participating landowners.
- d. **Fire Protection:** Areas of the Facility susceptible to fire, including but not limited to transformers and other equipment that pose a risk of fire, shall be equipped with a fire monitoring system. The system shall automatically notify off-site emergency personnel listed in the Facility's Emergency Response Plan that the fire monitoring system has been activated. The Facility's Emergency Response Plan will be coordinated with the Chief of the servicing Fire Department and the Director in accordance with the National Electrical Safety Code ("NESC") guidelines. The Facility shall comply with all applicable codes and regulatory standards for fire protection and shall be designed and constructed utilizing engineering controls to limit the spread of fire from any area susceptible to fire.
- e. **Safety/Access:** A minimum eight (8) foot security fence (height and material to be established through the USSPF Permit process) shall be placed around the entire perimeter of the Facility to deter individuals from entering the premises and all electrical control equipment shall be equipped with a lock to prevent access. Lock boxes and keys to each shall be stored at locked entrances for emergency personnel access.
- f. **Signage:** One or more signs shall be affixed to the fence at the main entrance identifying the owner (and operator if there is a separate operator) of the Facility and emergency contact information. Warning signage, including the identification of the owner or operator and emergency contact information, shall be placed every three hundred (300) feet around the security perimeter fence of the Facility.
- g. **Emergency Services:** For purposes of emergency services, the owner or operator of the USSPF shall provide a copy of the electrical schematic and site plan to the Chief of the servicing Fire Department and the Director. The owner or operator shall develop an Emergency Response Plan and provide it to the Fire Department Chief and the Director. All means of shutting down the system shall be clearly marked on the plan. The system shall be equipped with a solar electric quick disconnect/rapid shutdown mechanism. The owner or operator shall identify a responsible person to the Director and the Chief of the servicing Fire Department for public inquiries throughout the life of the Facility.
- h. **Noise:** The USSPF shall not exceed fifty (50) A-weighted decibels ("dBA") or five (5) dBA over existing ambient levels, whichever is greater, as measured at the Facility's immovable property boundary(s) while the Facility is in operation.
- i. **Magnetic Fields:** Magnetic fields shall not be above 4mG at the Facility's immovable property boundary(s) while the Facility is in operation; measurements will not be taken at locations where pre-existing power lines cross the property boundary.
- j. **Maintenance:** The owner or operator of the USSPF shall maintain the Facility in good condition. Maintenance shall include, without limitation, painting, structural repairs, vegetation control and integrity of security equipment. The owner or operator shall also be responsible for the cost of maintaining the non-public access road(s) associated with the Facility.

- k. **Landscaping:** A USSPF shall install perimeter landscaping that creates an opaque vegetative/foliage “hedge” along each Facility property boundary that is adjacent to public roads, highways and existing occupied residences within five hundred (500) feet of the Facility’s property boundary. The vegetative perimeter shall consist of trees, foliage, bamboo, etc. such that the Facility equipment is concealed from view from the Facility boundaries. Landscaping shall be maintained and in good condition for the life of the Facility. To maintain vegetation in good condition, all unhealthy (sixty [60] percent dead or greater) and dead material shall be replaced by the Facility’s owner or operator within one (1) year, or the next appropriate planting period, whichever occurs first. Any preexisting natural barrier that creates such conditions shall be deemed sufficient. Roads internal to the USSPF shall not be subject to vegetative requirements.
- l. **Lighting:** All lighting must be shielded from nonparticipating landowners’ adjoining immovable property and light poles are restricted to a maximum height of eighteen (18) feet.
- m. **Transportation:** Access drives, driveways and parking lots must be covered by sufficient limestone, gravel or similar aggregate to prevent pitting.
- n. **Local, State and Federal Permits and Standards:** An USSPF shall be required to obtain all applicable permits from the U.S. Government, State of Louisiana and Washington Parish. An USSPF shall comply with all applicable standards, requirements and/or guidelines set by the United States Government, including, but not limited to, the Environmental Protection Agency and U.S. Army Corp of Engineers. An USSPF shall comply with all applicable standards, requirements and/or guidelines set by the State of Louisiana, including the Louisiana Department of Environmental Quality and the Louisiana Department of Natural Resources. At the time of installation, solar panels must meet the then current ASCE (American Society of Civil Engineers) standards and/or guidelines, including, but not limited to, applicable wind loads based on suggested area to be installed.
- o. **Electrical Interconnections:** Electrical interconnection or distribution lines shall comply with all applicable codes, standards and requirements for commercial and industrial large-scale utilities. Above ground transmission lines within the site shall not exceed a height of more than eight (8) feet above the ground; provided, however that this height limitation shall not apply to tie-in lines at the point of interconnection to the electric grid, or rail, pipeline, road, or similar crossings for which underground crossing is prohibited or impractical.
- p. **USSPF Permit Application:** The following information shall be provided to the Permit Office in an USSPF Permit application for each proposed Facility. The USSPF Permit application must sufficiently set forth all information required to demonstrate that the Facility will comply with requirements of Article 10-4.
  - 1. **Facility description and rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system. Identify build out time frame, project life, development phases, likely markets for the generated energy and possible future expansions. Identify the name of the Facility, name(s) and addresses of the Facility owner and/or operator, name(s) of the property owner(s) and the engineers, surveyors and contractors to be engaged in the design and construction of the Facility. Prior to beginning construction, the Facility owner shall submit the make and model number of the equipment being installed along with the name and address of the manufacturer.
  - 2. **Permits:** The Facility owner or operator shall provide a copy of all applicable state and federal permits that have been issued at the time of the USSPF Permit application submission and shall supplement this information as applicable state and federal permits are issued after the USSPF Permit application is submitted. The USSPF shall not begin delivering power in commercial quantities to the electrical grid until all required permits are provided to the Permit Office for its review.

During construction, limited operational testing is allowed prior to receipt of all required permits.

3. **Lease:** If the immovable property site of the Facility is leased, the Facility owner or operator shall submit a copy of the recorded Notice of Lease, which shall contain the following: (a) a declaration that the property is leased and the names and addresses of the lessor and lessee; (b) an immovable property description of the leased property and size of leased property; (c) the date of the lease, its term and the provisions of any extensions and renewals of the term provided for in the lease; (d) a reference to the existence of an option, right of first refusal, or other agreement of the lessor to transfer all or any part of the leased premises; (e) if a sublease, the notice shall contain reference to the recordation information of the primary lease or notice of lease that is subleased; and (f) the Notice of Lease must be signed by the lessor and lessee of the lease or sublease. The Facility owner or operator shall file the Notice of Lease in the Parish's conveyance records and shall provide a copy of the recorded Notice of Lease to the Permit Office.
4. **Economic Impact:** The Facility owner or operator shall submit a report detailing the estimated financial economic impact to the Parish over the entire life of the USSPF. The report shall be prepared by a qualified third party. The draft report shall be provided to the Permit Office for review prior to finalization of the USSPF Permit and the Permit Office may request additional information that it deems necessary for its review.

The Permit Office, in consultation with the Parish Finance Director, may retain a consultant to review the report.

5. **Boundaries:** Identify all immovable property boundaries and actual dimensions upon which the USSPF will be located, including total acreage, with bearings and distances. Identify the names and addresses of adjoining immovable property owners.
6. **Site Plan:** Present a site plan showing streets, circulations, driveways, service buildings, easements, arrangements and locations of solar panels and all systems and equipment on the immovable property. Include the location of all Facility signage, including warning signage.
7. **Analysis of Onsite Traffic:** Provide an estimate of the number of temporary construction jobs and the number of permanent jobs, including job titles, associated with the Facility.
8. **Visual Impacts:** Demonstrate the visual impact of the proposed USSPF using photos or renditions of the Facility with consideration given to vegetative plantings and setback requirements. Include the Facility's landscaping plan demonstrating how the requirements of 10-6 (k) will be met.
9. **Wildlife:** Submit a report summarizing the potential effects of the Facility on wildlife and endangered species in the area. The report must be prepared by a qualified third party with expertise in biology, ecology, wildlife management and/or environmental studies.
10. **Environmental and Health Safety Standards.** All applicable environmental, health and safety regulations and standards shall be complied with during construction and operation of the Facility in order to protect the public health and the environment. For any materials brought on site, a Safety Data Sheet ("SDS") shall be provided to the Permit Office. The SDS must include the following information: the properties of the material, the physical, health and environmental hazards of the material; protective measures; and safety precautions for handling, storing and transporting the material. No materials that are an environmental, health or safety hazard shall be used without prior written notice and approval of the Permit Office.

11. **Elevation:** Provide an immovable property elevation profile that includes the immovable property contours and a topography survey showing elevation contours and drainage.
12. **Drainage:** Provide a drainage plan that ensures that watershed, runoff and/or drainage from the Facility area flows to the appropriate ditches/canals, as identified by the Parish, so as to be disbursed appropriately. The drainage plan shall demonstrate that no immovable property within a mile radius of the Facility will experience measurably adverse impacts from watershed, runoff and/or drainage from the Facility site. The drainage plan shall be reviewed by the Permit Office and additional requirements regarding drainage may be imposed on the Facility. The application must also indicate if a storm water permit from the Louisiana Department of Environmental Quality for construction, operation, or both is required.
13. **Solid and Hazardous Waste:** Identify solid waste or hazardous waste that will be generated by the Facility. The application shall include a plan for spill prevention, clean-up and disposal of fuels, oils and hazardous wastes, as well as collection and storage methods for solid waste generated by the Facility.
14. **Wind:** Provide an analysis of the solar equipment's ability to withstand hurricane sustained winds that could be reasonably expected in the vicinity of the Facility.
15. **Lighting:** Provide lighting plans showing all lighting within and on the perimeter of the Facility.
16. **Transportation Plan:** Provide an access plan for both the construction and operation phases of the Facility. The plan must show proposed Facility service road ingress and egress access onto primary and secondary routes and the layout of the Facility service road system.
17. **Vegetative Maintenance Plan:** Submit a plan for the upkeep and maintenance of the vegetation consistent with the requirements of Section 10-6 (k). Emphasis should be placed on maintaining the required vegetation.
18. **Public Safety:** Submit a plan outlining routine and emergency shutdown procedures. Include a plan of how the Facility will comply with applicable fire protection regulatory requirements, including the International Fire Code and NFPA. Submit a copy of the Emergency Response Plan to the Fire Department Chief and the Parish Department of Public Works. Identify potential hazards to adjacent immovable properties, public roadways and to the community in general related to operation and/or shutdown of the Facility.
19. **Sound Limitations:** Identify anticipated noise levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
20. **Magnetic Field Limitations:** Identify anticipated magnetic field levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
21. **Telecommunications Interference:** Identify electromagnetic fields and communications interference to be generated by the Facility when construction is complete and when the Facility is in operation.
22. **Photovoltaic Panel Angles:** Submit a vehicular glare analysis on the layout, mounting and movement of the photovoltaic panels and demonstrate that the glare will be minimized and will not materially interfere with vehicular traffic.
23. **Aviation Analysis:** Submit an aviation glare analysis developed by a qualified third party contractor showing any potential Aviation Glare Hazards (AGH) that would arise from the Facility and its effect on local airports and/or flightpaths.

24. **Life of the Facility and Final Reclamation:** Submit a Decommissioning and Final Immovable Property Reclamation Plan (“Decommissioning Plan”) after anticipated useful life or abandonment or termination of the Facility, including evidence of an agreement with the immovable property owner that ensures proper final removal of power generating equipment no later than twelve (12) months after decommissioning in accordance with the requirements of Section 10-12. The Decommissioning Plan shall include the following: (a) the anticipated life of the Facility, (b) the estimated decommissioning cost in current dollars, (c) how said estimate was determined, including how credit for salvage value was calculated, (d) the manner in which the Facility will be decommissioned and (e) an acceptable performance guarantee to cover the cost of decommissioning, as set forth in Section 10-6 (q), subpart 8. The plan must be prepared by a professional engineer licensed in Louisiana.

q. **Additional Requirements:** All USSPF shall comply with the following requirements.

1. **Construction:** The installation of equipment shall be performed in accordance with generally accepted industry standards for such installation and in accordance with the manufacturer’s standards and specifications.
2. **Licensed Contractor:** The contractor(s) hired to construct, install, service, monitor and/or maintain the Facility and any of the equipment therein, shall be duly licensed by the Louisiana State Licensing Board for Contractors in the classification of solar energy equipment as required by La. R.S. 37:2156.3 and LAC 46:XXIX, Chapters 1-7 at Section 311, as amended. Each contractor and subcontractor shall register with the Permit Office prior to furnishing any labor, materials, services, or work to the USSPF project.
3. **Build Completion:** Upon substantial completion of the construction of the Facility, a certified as-built plan stamped by a professional engineer licensed in Louisiana shall be submitted to the Permit Office for review, which shall clearly show the as-built Facility, including any and all as-built construction, concealed or buried conduit, utilities, etc. The Permit Office must approve the as-built plan prior to the Permit Office’s final inspection of the Facility. Once approved, the owner or operator shall file the as-built plan in the Washington Parish mortgage records and the Permit Office shall maintain a copy of the as-built plan on file for three (3) years after the Facility has completed the decommissioning process.
4. **Proof of Adherence to Noise Limitations:** Proof of adherence to noise limitations by the Facility shall be submitted to the Permit Office within three (3) months from the commencement of operation of the Facility. This proof shall be based upon actual measurement of the noise level at the property line of each neighboring property during Facility operation.
5. **Proof of Adherence to Magnetic Field Limitations:** Proof of adherence to magnetic field limitations by the Facility shall be submitted to the Permit Office within three (3) months from the commencement of operation of the Facility. This proof shall be based upon actual measurement of the magnetic field background levels at the property line of each neighboring property during Facility operation.
6. **Delayed or Incomplete Construction:** An USSPF Permit will expire three (3) years from date of issuance if construction of the Facility has not commenced. An USSPF Permit shall expire four (4) years from date of issuance if the construction of the Facility has not reached substantial completion and/or final acceptance, both of which must be determined and certified by an engineer licensed in Louisiana. After expiration of an USSPF Permit, the applicant may reapply.
7. **Experts and Consultants:** Should the Permit Office determine that review of any element of the application, including but not limited to the Decommissioning Plan, requires assistance from outside experts, including but not limited to engineers,

accountants, or other technical consultants, the Permit Office shall bear the cost of retaining the expert.

Where provisions of this ordinance require submittal of a report or other information prepared by or work performed by a third party contractor, engineer or other consultant, the Director has the authority to hire consultants to review the submitted report, information, or work performed by third party contractor, engineer or other consultant.

8. **Performance Guarantee for Decommissioning:** After an USSPF Permit is issued, as a precondition to commencing construction, the Facility owner or operator shall submit to the Permit Office a performance guarantee in the form of a performance bond, irrevocable letter of credit, or cash escrow held by a federally insured financial institution in the amount of the estimated decommissioning cost of the Facility based on the report prepared in Section 10-6 (p), subpart 24. Credit shall be given for salvage value of the equipment and such credit may be subtracted from the estimated decommissioning cost but under no circumstances may the performance guarantee be less than \$500,000.00 even if the salvage value of the equipment exceeds estimated decommissioning cost. If providing a performance bond, it shall be issued by a solvent, legal surety that is licensed to do business in the State of Louisiana, subject to the approval of the Permit Office. Any financial institution issuing an irrevocable letter of credit or holding a cash escrow shall be subject to the approval of the Permit Office.

For the performance guarantee, whether utilizing a bond, letter of credit, or cash escrow, the immovable property owner(s) shall be listed as the primary beneficiary of the performance guarantee, with the Washington Parish Government listed as the secondary beneficiary. The performance guarantee shall provide that it cannot be amended, cancelled, or revoked without the prior written consent of all beneficiaries thereto. The amount of the estimated decommissioning cost and the performance guarantee shall be reviewed at least every five (5) years by the Permit Office and shall be increased as needed in accordance with the Consumer Price Index for inflation and any reduction in value of the credit given for estimated salvage value. The performance guarantee shall be released at such time that it or its assignees remove the system(s) and associated abandoned structures of the Facility and such completed removal is found to be satisfactory by the Director.

9. **Final Inspection/Permission to Operate:** Prior to operation of the Facility, the owner and/or operator shall submit a written request for final inspection of the Facility to the Permit Office.

The Permit Office shall perform both a file review and a physical inspection of the Facility in conducting the final inspection. The review shall be performed to confirm that applicable requirements of the ordinance have been met and that the approved as-built plan reflects the Facility design as constructed. The Permit office shall prepare a report of its final inspection and submit the report to the Director.

If the Director determines that the Facility has passed the final inspection and all applicable fees have been remitted, the Permit Office shall notify the owner or operator in writing that operation of the Facility may commence.

If the Permit Office determines that the Facility does not pass the final inspection, the owner or operator shall be notified in writing and provided with a list of deficiencies that must be corrected. The owner or operator shall correct the deficiencies and notify the Permit Office in writing of same at which time the Permit Office will conduct another final inspection.



## **10-7 APPEALS**

If an USSPF Permit is denied by the Permit Office, the Permit Office shall provide a written statement as to the reasons for the denial to the applicant and the applicant shall be afforded thirty (30) days from receipt of the notice of denial to submit additional information or an amended plan to remediate the defects that were the basis for the permit denial. If the application is again denied, the applicant shall have the option to appeal the denial to the Council within thirty (30) days of receipt of the Permit Office's notice of denial. If timely appealed, the Council shall hold a hearing and the Council may, by majority vote, affirm the decision of the Permit Office or may repeal the decision of the Permit Office and grant the Permit. The Council's decision is final, but it may be appealed to the 22<sup>nd</sup> Judicial District Court within ten (10) days from the mailing of the Council's final decision to the appellant.

## **10-8 PERMIT FEE**

The USSPF Permit fee shall be one (1) percent (%) of the total construction cost of the Facility, plus any other applicable permit fees outlined in Washington Parish's permit fee schedule. The USSPF Permit fee shall be due upon issuance of the USSPF Permit.

## **10-9 INSPECTIONS**

Upon 24-hours prior notification, with the exception of emergency situations, as determined at the discretion of the Permit Office, authorized representatives of the Parish may enter upon the premises and conduct an inspection of the Facility at any time, whether during construction, operation, or decommissioning, to verify compliance with any and all applicable requirements, standards and/or guidelines.

## **10-10 ENFORCEMENT: PENALTIES AND/OR FINES**

The Washington Parish Government may at its discretion set, enforce and collect any penalties for noncompliance of this ordinance and/or the terms of the USSPF Permit itself set as follows: not more than \$1,000 per day for a first violation, \$1,500 per day for a second violation and \$2,000 per day for a third and subsequent violations. A notice of noncompliance shall be sent by certified mail, return receipt requested, to the owner or operator of the Facility setting forth the noncompliant activities and a deadline for achieving compliance. If the owner or operator does not meet the requirements for compliance within the allotted time period, a notice of penalty shall be sent by certified mail, return receipt requested, to the owner or operator. The owner or operator has thirty (30) days from receipt of the certified mail to remit payment or appeal the penalty to the Council. If the owner or operator fails to timely appeal the penalty, the penalty becomes final and non-appealable. Failure to pay the penalty timely is a violation of this ordinance and may result in the revocation of the USSPF Permit. Repeat violations of this ordinance and/or terms of the USSPF Permit may result in revocation of the USSPF Permit.

## **10-11 DEVIATIONS FROM APPLICATION**

The owner or operator of the Facility must immediately notify, update and/or supplement its USSPF Permit application with the Permit Office in the event of any material changes or deviations from the information represented in its original application. The Director will determine whether the changes and/or deviations result in noncompliance with this ordinance and require the Parish to reconsider the status of the permit.

## **10-12 DECOMMISSIONING, REMOVAL AND ABANDONMENT**

- a. Any Facility that has reached the end of its useful life, ceases to generate power as set forth in Section 10-12 (c), or has been abandoned shall be removed in accordance with the Decommissioning Plan. The removal and decommissioning activities shall commence within ninety (90) days of termination of site use, abandonment, or revocation of the USSAF Permit. The Facility owner or operator shall physically remove the installation no more than twelve (12) months after the date of discontinued operations. The owner or operator shall notify the Public Works Director by certified mail, return receipt requested, of the proposed date of the discontinued operations and provide detailed plans for removal.

b. Decommissioning shall consist of:

1. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site including cabling up to a depth of three (3) feet;
  2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations;
  3. Stabilize or revegetation of the Facility site as necessary to minimize erosion. The contour of the immovable property shall be returned to what it was at the inception of the project, or as similar as reasonably possible, except that this requirement shall not apply where the immovable property owner(s) consents to the altered contour of the immovable property remaining and permanent drainage structures are in place to ensure that no adjoining immovable property has adverse effects from watershed, runoff and/or drainage from the immovable property. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation. The immovable property owner(s) and/or the Director may require that roads and/or buildings be retained; and
  4. Remediation of any environmental hazards remaining on the site, as determined by the EPA, LDEQ, or the Director.
- c. Absent a written notice of a proposed date of decommissioning or written notice of a force majeure, the Facility shall be considered abandoned when it fails to generate electricity for more than one (1) year after the commercial operations commencement date, without having first obtained the written consent of the Director. Determination of abandonment shall be made by the Director.
- d. If the owner or operator of the Facility fails to remove the installation in accordance with the requirements of this section within twelve (12) months of abandonment or the proposed date of decommissioning, the Parish may utilize the performance guarantee and any and all legal or available means necessary to cause the abandoned, hazardous, or decommissioned Facility to be removed and to complete all of the decommissioning steps under this section.

### **10-13 INDUSTRIAL TAX EXEMPTION PROGRAM (ITEP)**

The Council reserves the right to accept, reject, or request modification of the Louisiana Industrial Ad Valorem Tax Program, which provides an 80% property tax abatement for an initial five (5) years with the option of renewal.

### **10-14 TRANSFER AND/OR SALE OF USSPF**

The Director shall be notified within thirty (30) days of any transfer of ownership, operation and/or sale of the Facility. The new owners or operators of the Facility shall be held to the same standards, requirements and permit conditions as the original Facility owner or operator.

### **10-15 CONFLICT OF LAWS**

Whenever the requirements of this ordinance conflict with each other or with the requirements of any other applicable statute, regulation, or law, including, without limitation, any regulations that may be promulgated by the Louisiana Department of Natural Resources, the more restrictive regulation shall apply. In the event the requirements of this ordinance conflict with any ordinance previously enacted by the Council, the provisions of this ordinance shall apply.

**BE IT FURTHER ORDAINED**, that to the extent that any prior ordinances may be contradictory to the provisions of this ordinance, such prior ordinances are repealed.

**BE IT FURTHER ORDAINED**, that as authorized by Sections 2-13(C) of the Washington Parish Home Rule Charter that this ordinance shall be published in summary by title.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: (7) McMasters, King, Culpepper, Wagner, Harry, and Fornea

NAYS: (0)

ABSENT: (1) Rice

ABSTAIN: (0)

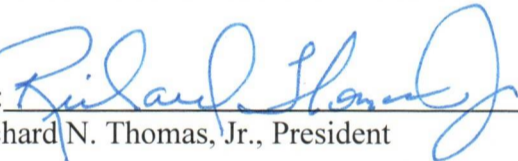
The ordinance was declared adopted on the 14<sup>th</sup> day of April, 2022.

WASHINGTON PARISH COUNCIL

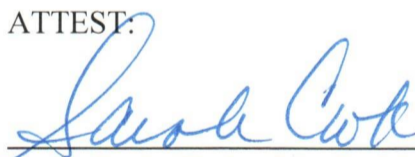
By:   
Carley King, Chairman

Delivered to the Parish President on the 14<sup>th</sup> day of April, 2022.

WASHINGTON PARISH GOVERNMENT

By:   
Richard N. Thomas, Jr., President

Returned to the Clerk of the Parish Council on the 14<sup>th</sup> day of April, 2022.

ATTEST:  
  
Sarah Cook, Clerk of the Parish Council

**CERTIFICATION**

**I, SARAH COOK, CLERK TO THE WASHINGTON PARISH COUNCIL**, do hereby certify that this is a true and correct copy of the Ordinance adopted by the Washington Parish Council, in regular session convened on the 14<sup>th</sup> day of April, 2022, at which meeting a quorum was present.

**GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE**, this 14<sup>th</sup> day of April, 2022 Franklinton, Louisiana.

  
Sarah Cook, Clerk  
Washington Parish Council