

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF GREEN RIVER)	
SOLAR, LLC FOR A CERTIFICATE TO)	
CONSTRUCT AN APPROXIMATELY 200)	
MEGAWATT MERCHANT SOLAR ELECTRIC)	CASE NO.
GENERATING FACILITY IN BRECKINRIDGE)	2020-00387
COUNTY AND MEADE COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700 AND 807 KAR)	
5:110)	

ORDER

On June 30, 2021, Green River Solar, LLC (Green River Solar or Applicant) filed an application with the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) requesting a Certificate of Construction to construct an approximately 200-megawatt alternating current (MWac) solar photovoltaic (PV) electric generating facility in Breckinridge County and Meade County, Kentucky (Project).¹

There are no intervenors in this matter. Pursuant to KRS 278.708(5), the Siting Board hired BBC Research & Consulting (BBC) to review the applicant’s site assessment report (SAR). Pursuant to a procedural schedule established July 14, 2021, Green River Solar responded to two rounds of discovery; BBC filed a Review and Evaluation² (BBC Report) of the applicant’s SAR after conducting a site visit; and Green River Solar filed comments regarding the BBC Report. A formal evidentiary hearing was held on

¹ Application, Volume 1 at unnumbered page 1.

² BBC Report (Ky. PSC Sept. 29, 2021).

November 1, 2021. Green River Solar filed responses to post-hearing data requests on November 15, 2021. The Siting Board received one written public comment. The Siting Board received no public comments at the beginning of the November 1, 2021 formal evidentiary hearing. The matter now stands submitted for a decision.

LEGAL STANDARD

The filing requirements and standard of review for requests to construct a merchant generating facility are set forth in KRS 278.700–718. KRS 278.704(1) requires that an application be filed with and approved by the Siting Board before the construction of a merchant electric generating facility can commence. KRS 278.706 requires that the application include evidence of public notice and compliance with local planning and zoning ordinances.

KRS 278.708(2) requires the applicant to prepare a site assessment report (SAR) that includes (1) a detailed description of the proposed site; (2) an evaluation of the compatibility of the facility with scenic surroundings; (3) potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the site; (4) evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; (5) the impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility; and (6) any mitigating measures to be suggested by the applicant to minimize or avoid adverse effects identified in the SAR.

KRS 278.710(1) delineates the criteria on which the Siting Board will grant or deny the certificate, which include: (1) impact on scenic surroundings, property values, and surrounding roads; (2) anticipated noise levels during construction and operation of the facility; (3) economic impact on the region and state; (4) whether the proposed facility meets all local planning and zoning requirements existing on the date the application was filed; (5) impact of the additional load on the reliability of jurisdictional utilities; (6) setback requirements; (7) efficacy of mitigation measures proposed by an applicant; and (8) whether the applicant has a good environmental compliance history.

PROPOSED FACILITY

The Project will be located in Breckinridge County and Meade County, Kentucky. The Project includes approximately 800,000 photovoltaic solar panels, associated ground-mounted racking, 89 inverters, and a substation transformer that will connect to the 161 kV Meade Substation owned by Big Rivers Electric Corporation (BREC) at Guston Road and Highway 79 in Meade County.³

DISCUSSION AND FINDINGS

I. KRS 278.708: SAR Filing Requirements

Detailed Site Description

KRS 278.708 (3)(a)(1)–(6) requires that the detailed site description in the SAR include (1) surrounding land uses for residential, commercial, agricultural, and recreational purposes; (2) the legal boundaries of the proposed site; (3) proposed access control to the site; (4) the location of facility buildings, transmission lines, and other

³ Application, Volume 1 at unnumbered page 2.

structures; (5) location and use of access ways, internal roads, and railways; and (6) existing or proposed utilities to service the facility.

Green River Solar submitted a detailed site plan, attached as Appendix B to this Order, that displays solar arrays, electric inverters and transformers, the underground electrical collection lines, parcel boundaries, parcel setbacks, other setbacks, overhead electric lines, easements, surface waters and wetlands, the security fence, internal gravel roads, and vegetative screening. Three local parks and one elementary school lie within 2,000 feet of the boundary, as does a small portion of the city of Irvington. There are two residential neighborhoods within a two-mile radius of the proposed Project site in Breckinridge County. Existing karst features are present at the ground surface and were identified, located, and characterized in a Karst Feature Survey and Assessment Report (Karst Survey) submitted by Green River Solar.⁴ The Karst Survey contains detailed Karst Risk Maps, where surface karst features are characterized by five levels of risk, which will be used to evaluate the amount of risk to both the project infrastructure and the karst aquifer.⁵ The Applicant has stated it will observe a setback from high or moderate risk active karst/sinkhole features.⁶

The BBC Report concluded that Green River Solar has generally complied with the legislative requirements for describing the facility and site development plan.⁷ Security fencing and signage, meeting National Electrical Safety Code (NESC) and

⁴ Green River Solar's Response to Staff's Post-Hearing Request for Information (filed Nov. 15, 2021), Attachment 2.

⁵ *Id.*

⁶ November 1, 2021 Hearing Video Transcript at 1:56:08.

⁷ BBC Report, Section C at 13.

Occupational Safety and Health Administration (OSHA) standards, will be installed along the perimeter of the Project.⁸ Internal roadways will be gravel.⁹ Any electric service required during construction or operation will be obtained from Meade County Rural Electric Cooperative Corporation.¹⁰

Having reviewed the record of this proceeding, the Siting Board finds that Green River Solar has complied with the requirements for describing the facility and a site development plan, as required by KRS 278.708. However, the Siting Board finds it necessary to impose certain mitigation measures and requirements related to the description of the facility and the proposed site development plan. Specifically, the Siting Board will require that Green River Solar keep the Siting Board apprised of changes throughout the development of the Project, and as such will order Green River Solar to provide the final site plan before the commencement of construction. This plan shall clearly indicate and highlight any change, including those to the design and boundaries of the Project, from the proposed site plan provided to the Siting Board during the pendency of this matter. The Siting Board further finds it necessary to impose requirements to monitor karst areas in the Project, as well as notification and reporting requirements when any property damage occurs due to karst subsidence. Additionally, based on the concerns and proposals of the BBC Report, the Siting Board further finds that the mitigation measures outlined in Appendix A to this Order, and in particular, mitigation measures 1 through 7 shall be adhered to.

⁸ Application, Volume 2, Tab 11, Attachment A, Section 1.0, Description of Proposed Site.

⁹ *Id.* at Section 5.0, Effect on Road, Railways, and Fugitive Dust.

¹⁰ Green River Solar's Response to Staff's First Request for Information (filed Aug. 27, 2021), Item 21 b.

Compatibility with Scenic Surroundings

The Applicant indicated that the Project will be compatible with its surroundings. The proposed site is located within farmlands. The Applicant maintained that it will adhere to the Green River Solar Ordinance, which requires vegetative screening, where none exists, for the entirety of the Project, including the portion located within Breckinridge County.¹¹ In addition to preserving or installing a visual buffer, the proposed site plan would position the solar panels a minimum of 250 feet away from any residence, as required by the Green River Solar Ordinance, for all portions of the Project.¹² The Applicant stated that these steps will result in a facility that is visually compatible with its surroundings.

Having reviewed the record of the proceeding, the Siting Board finds that, while there will always be an impact on the scenery of neighboring properties, the impact of this project is minimal. The proposed vegetative buffers, along with other mitigation measures proposed by Green River Solar, will minimize the effects that the proposed facility will have on the scenic surroundings of the site. The physical characteristics of the proposed solar facility also do not pose any adverse impact to the scenic surroundings given the location of the solar facility components, and the proposed and current vegetative buffering. However, to ensure the continued compatibility of scenic surrounding, mitigation measures addressing obligations to maintain or further develop vegetative buffers and keep the Siting Board informed of potentially material changes to the site plan are necessary. As such, and based on the record, additional mitigation measures

¹¹ Application, Volume 2, Tab 11, Attachment A, Section 2.0 Compatibility with Scenic Surroundings.

¹² *Id.*

regarding scenic compatibility are outlined in Appendix A to this Order, and in particular, mitigation measures 8 through 12.

Impact on Property Values

With respect to impact on property values, Green River Solar submitted a Property Value Impact Report from a certified real estate appraiser that found that, based upon a comparative analysis, the solar facility will have no impact on the property values of abutting or adjacent residential or agricultural properties. The report indicated that the solar facility would function in a harmonious manner with the nearby surroundings, which is mostly agricultural, and that operation of the solar facility would not generate the level of noise, odor, or traffic impacts to negatively impact the nearby surroundings as compared to a fossil fuel generating facility or other industrial facility.¹³

The BBC Report noted that the central issue with respect to property values impact is whether, and to what extent, the development and operation of the Green River Solar facility will cause nearby property values to change. The BBC Report reviewed Green River Solar's Property Value Impact Report, noting that the report contained a comparative study analyzing data from numerous solar facilities across the country of property values in proximity to such facilities with similar homes, which are not in close proximity. The BBC Report stated that the analysis performed on behalf of Green River Solar is similar to the approach by which appraisers commonly estimate residential property values. BBC also reviewed recent studies and articles on this subject and notes that no data or analysis has been provided to support the contention that solar

¹³ Application, Volume 2, Site Assessment Report, Attachment A, Exhibit 1, Property Value Impact Study.

developments have had an adverse impact on property values. Based upon a review of Green River Solar's SAR, discovery responses, independent research, and information collected from the site visit, the BBC Report concluded that the Green River Solar facility will unlikely have any meaningful impacts on the property values of adjacent properties or other properties near the solar facility.

Having reviewed the record, the Siting Board finds that there is sufficient evidence to conclude that the proposed Green River Solar facility will more than likely not have any adverse impact on nearby property values. The characteristics of the solar facilities operations is passive in nature in that it does not produce any air, noise, waste, or water pollution nor does it create any traffic issues during operations.

Anticipated Noise Level

Green River Solar's SAR indicated that the project area has historically been used for agricultural and forestry purposes. The project area is bordered by farmland and scattered rural homesteads.¹⁴ According to Green River Solar's Noise Impact Assessment, the anticipated sound pressure levels of the project will be in the range of 26.6 dBA to 50.4 dBA, which is generally equivalent to a quiet rural outdoor area's ambient sound level.¹⁵

The nearest residence to an inverter is approximately 279 feet away and the anticipated noise level at the receptor is 50.4 dBA.¹⁶ The nearest residence to a

¹⁴ Application, Volume 2, Tab 11, Attachment A, Section 1.0 at 5.

¹⁵ Application, Volume 2, Tab 11, Attachment A, Exhibit 4 at 6.

¹⁶ *Id.* at 30.

transformer is approximately 850 feet away and the anticipated noise level at the receptor is 45.6 dBA.¹⁷

The loudest source during the construction phase is anticipated to be pile driving equipment, if pile driving is used. The anticipated noise produced by pile driving equipment will be less than 80 dBA at the nearest residence 280 feet away.¹⁸

When the solar facility is operating, there will be noise associated with the solar inverters and the substation transformer.¹⁹ Green River solar will use fixed solar panels for the array.²⁰ Green River Solar asserted that the ambient sound level environment typically includes farm equipment, natural sounds from wildlife, and moderate sound from traffic. Green River Solar asserted there would be temporary minor sound during construction and minimal to negligible during operation.²¹

The BBC Report likewise noted noise issues stem from construction activities and operational components of the solar facility. The BBC Report concurred with Green River Solar's Noise Impact Assessment that project construction will be temporary, intermittent and within a reasonable range.²²

The BBC Report concluded that during operation of the proposed facility noise levels are unlikely to be disruptive to local residents.²³

¹⁷ Application, Volume 2, Tab 11, Attachment A, Exhibit 4 at 34

¹⁸ *Id.* at 6.

¹⁹ *Id.* at 14.

²⁰ BBC Report, Section C at 33.

²¹ Application, Volume 2, Tab 11, Attachment A, Exhibit 4 at 23.

²² BBC Report, Section B at 5.

²³ BBC Report, Section C at 33.

Green River Solar disagreed with the proposed mitigation measure in the BBC Report to require the implementation of construction methods to suppress sound. Green River Solar argued such construction methods are not well established and the costs of this mitigation measure should not be imposed on the project without a known and measurable benefit.²⁴ Green River Solar proposed, instead, to lessen the noise impact of construction activity by limiting higher noise activities such as pile driving to 8 a.m. through 6 p.m., and requested the Siting Board to allow lower noise activities to occur during the proposed hours of 6 a.m. to 6 p.m.²⁵ Green River Solar also presented an alternative racking system, referred to as ground mounting, which would be fixed to the ground either via a ballast system or a ground screw system instead of employing traditional pile driving.²⁶

The Siting Board finds noise from construction will be intermittent and temporary, and as provided by both the Applicant and BBC Report that construction noise will be loudest during the pile driving portion of the construction process. Accordingly, the construction noise will not be permanently impactful to nearby residences, while the operational noise from the Project components should have little effect on nearby residents. Nevertheless, the impact of construction noise on nearby residents will be significant, albeit transitory. To ensure the impact of construction noise does not unduly impact nearby residents, the Siting Board requires Green River Solar to implement mitigation measures designed to limit the impact of construction noise by controlling the

²⁴ Green River Solar's Response to BBC Report at 4.

²⁵ *Id.*

²⁶ *Id.* at 10.

hours of construction in general, as well as the time and manner in which pile driving activities can occur. Further, the Siting Board mandates that noise suppression measures to be utilized by Green River Solar during the pile driving process, similar to those required by other recent applicants for construction certificates. However, should Green River Solar employ the alternative racking system of ground mounting, such noise suppression measures will not be required. These mitigation measures are outlined in Appendix A to this Order, and in particular, mitigation measures 13 through 17.

Impact on Roads, Railways, and Fugitive Dust

The anticipated routes for construction equipment, materials deliveries, and construction and operation crews to access the Project site consist of the existing roads adjacent to the site.²⁷ Construction activities are expected to take twelve to twenty-four months. During this time, a temporary increase in traffic is anticipated near the vicinity of the proposed sites.²⁸ Green River Solar stated it will comply with all permit requirements and will coordinate with designated road officials as needed.²⁹ In addition, safety precautions are set to be followed.³⁰ Applicant further stated it will adhere to all local and state requirements related to repair of road infrastructures following construction.³¹ The Siting Board finds that traffic and road degradation issues can be addressed with Applicant's measures and those mitigation measures set forth in Appendix A, in particular mitigation measures 18 through 25.

²⁷ Application, Volume 2, Tab 11, Attachment A, Exhibit 6 at 3.

²⁸ *Id.* at 6.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

The Siting Board anticipates fugitive dust from the construction phase. To reduce potential dust impacts, Applicant has affirmed that open-bodied trucks will be covered while in motion.³² Internal roadways will be constructed from compacted gravel. Due to an increase associated with dust from gravel roads and site use in general, water may be applied to reduce dust generation as needed.³³ The Siting Board requires additional mitigation measures to reduce this harmful effect on the neighboring community, as outlined in Appendix A, mitigation measure 26. Dust will not be a factor during operations. Likewise, there is no rail impact.³⁴

Mitigation Measures Proposed by Applicant and Siting Board Consultant

Applicant proposed various mitigation measures consistent with the statutes regarding traffic, noise, roadway preservation, permitting, setbacks, public safety, scenic preservation, and decommissioning. The BBC Report listed the following mitigation measures in addition to Applicant's proposed mitigation measures:

1. Green River Solar should provide a final site layout plan to the Siting Board upon completion of the final site design. Any change in project boundaries from the information reviewed during this evaluation should be submitted to the Siting Board for review.
2. Green River Solar or its contractor should control access to the site during construction and operation. All construction entrances should be gated and locked when not in use. The Applicant's access control strategy should also include appropriate

³² *Id.* at 7.

³³ *Id.*

³⁴ *Id.* at 8.

signage to warn potential trespassers. The Applicant should ensure that all site entrances and boundaries have adequate signage. According to National Electrical Safety Code regulations, the security fence must be installed prior to any electrical installation work.

3. Green River Solar should submit a motion for deviation from setback requirements. The motion should describe the applicant's proposed setbacks based on the distance estimates from facility components (e.g., solar panels) for all applicable adjoining residences and perimeter boundaries. The motion should thoroughly explain all of the stipulations of the Meade County ordinance and their proposed applicability to the Breckinridge County portion of the project. Breckinridge County should also be provided with the other protections incorporated in the Meade County ordinance and be given the opportunity for the County Fiscal Court to formally review and vote on the proposed project plan in Breckinridge County (if they wish to do so). Breckinridge County should also be provided with the same type of Surety Bond or other security against site abandonment as Meade County and given the opportunity to review and approve the project's decommissioning plan.

4. Existing vegetation between the solar arrays and nearby roadways and homes should be left in place to the extent feasible to help minimize visual impacts and screen the project from nearby homeowners and travelers.

5. Green River Solar should carry out the screening plan proposed in their application and SAR and make sure the proposed new vegetative buffers are successfully established and develop as expected over time.

6. Green River Solar should use panels with anti-reflective coatings to reduce glare and corresponding visual impacts.

7. Green River Solar should be open to communication with adjacent landowners regarding viewshed impacts and the implementation of strategic additional vegetative screening, if needed.

8. Similar to other recent solar facility applications reviewed by the Siting Board, construction activity at the Green River Solar site should be limited to the hours of 8 a.m. to 6 p.m., Monday through Saturday, to reduce impacts from construction noise on nearby residents.

9. Green River Solar should contact homes and businesses within 1,500 feet of any pile driving activity and notify them in advance of the upcoming activity, its timing, and anticipated duration. It should also provide the opportunity for residents to ask questions or provide feedback, if desired.

10. Where pile driving will occur within 1,500 feet of any nearby home or business, Green River Solar should implement a construction method to suppress the noise from the pile driving process—i.e., semi-tractor and canvass method, sound blankets on the permanent fencing surrounding the site or temporary fencing surrounding the immediate pile driving area, or other comparable methods.

11. As recommended in the Noise Impact Assessment within the SAR, during construction Green River Solar should “[l]ocate stationary noise-generating equipment such as air compressors or portable power generators as far as practicable from neighboring houses.”

12. Green River Solar should implement a customer resolution program to address any complaints from surrounding landowners. Green River Solar should submit an annual status report on the customer resolution program to the Siting Board, identifying

any complaints, the steps taken to resolve those complaints, and whether the complaint was resolved to the satisfaction of the affected landowner.

13. Green River Solar should develop and implement a traffic management plan for the construction phase of the project to minimize impacts on traffic flow and keep traffic safe. As part of this plan, Green River Solar should implement ridesharing between construction workers as appropriate and feasible due to the COVID-19 pandemic; use appropriate traffic controls; or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours. Green River Solar will also likely need to use flaggers to reduce the speed of traffic along KY 79 during the construction period.

14. Green River Solar should consult with the Kentucky Transportation Cabinet as soon as feasible to discuss the anticipated construction-related traffic and the transportation requirements for the power transformer and any restrictions on US 60 and KY 79. Green River Solar should obtain any necessary permits from appropriate agencies. As stated in the Traffic and Dust Study, “Green River Solar, LLC will inform and obtain permits from State and local road authorities as needed for Class 21 vehicle transport to the sites. Road officials will help identify any special transportation requirements for heavy trucks during construction (e.g., the need to avoid existing bridges, the need to reinforce or ramp over existing bridges for which there is no detour, detours of highway traffic, or temporary closures). Green River Solar, LLC will comply with all permit requirements and will coordinate with designated road officials as needed.”³⁵

³⁵ Application, Volume 2, Tab 11, Attachment A, Exhibit 6 at 5–6 of 12.

15. Green River Solar should commit to rectify any damage to public roads by fixing or fully compensating the appropriate transportation authorities for any damage or degradation to the existing road network that it causes or to which it materially contributes. In the Traffic and Dust Study, Integrated Engineering stated that “Green River Solar, LLC will adhere to all local and state requirements related to repair of road infrastructures following construction.”

Green River Solar generally agreed with the above-recommended mitigation measures, with the following exceptions. In regards to mitigation measure 2 above, Green River Solar asserted fencing will not be complete before installation of some electrical components, with the example of unterminated underground electrical collection lines being installed prior to the installation of fencing.³⁶ Green River Solar disagreed with mitigation measure 3 above, and stated that it intentionally included its request for a deviation in its application (including its prayer for relief), and as such, a separate motion is not needed to bring the request before the Commission for an adjudication.³⁷ Green River Solar further stated it is willing to provide the Breckinridge County Fiscal Court with a copy of its decommissioning plan for informational purposes; however, it sought to clarify that permits and approvals are not required outside of city limits within Breckinridge County.³⁸ Green River Solar also sought to assert that timing for the security to cover the cost of any future abandonment of the facility is required not later than 15 years after the

³⁶ Green River Solar's Response to Consultants Report (filed Oct. 15, 2021) at 3.

³⁷ *Id.* at 7.

³⁸ *Id.*

facility has begun operations.³⁹ Green River Solar disagreed with mitigation measure 8 above, and as previously discussed, has requested construction hours of 6 a.m. to 6 p.m. Monday through Saturday, with alternative hours for high noise activities from 8 a.m. to 6 p.m.⁴⁰ As previously discussed, Green River Solar disagreed with mitigation measure 10 above, and argued such construction noise-suppression methods are not well established and the costs of this mitigation measure should not be imposed on the project without a known and measurable benefit.⁴¹

The Siting Board has reviewed the mitigation measures proposed by the Applicant and BBC and finds that, in addition to those the Applicant has initially proposed, the mitigation measures set forth in Appendix A are appropriate and reasonable because they achieve the statutory purpose of mitigating the adverse effects identified in the site assessment report in accordance with KRS 278.708.

II. KRS 278.710(1)-Criteria

In addition to the evaluation of the factors contained in the SAR, KRS 278.710(1) directs the Siting Board to consider the following additional criteria in rendering its decision:

1. Economic impact on the affected region and state;
2. Existence of other generation facilities;
3. Local planning and zoning requirements;
4. Potential impact on the electricity transmission system;

³⁹ *Id.*

⁴⁰ *Id.* at 4.

⁴¹ *Id.* at 4–5.

5. Compliance with statutory setback requirements; and
6. History of environmental compliance.

Economic Impact on Affected Region and the State

According to Green River Solar's economic impact report, the proposed solar facility will necessitate an approximate \$220 million investment, which includes land acquisition, site preparation and equipment installation.⁴² The project is expected to generate significant positive economic and fiscal impacts to Meade and Breckinridge counties.⁴³ Such impacts include the creation of hundreds of construction jobs, expansion of the local tax base, and the benefits of having a long-term employer and corporate citizen in the region. The project will be conducted in two phases: a construction phase and an operation phase.

During the project construction phase, Green River Solar estimated that approximately 300 full-time jobs will be created over the 12- to 18-month construction period with a direct payroll of approximately \$18 million.⁴⁴ The indirect and induced economic impacts are estimated to contribute another 81 jobs with an additional \$2.3 million in payroll. The total construction phase economic impact is estimated to be 381 total full-time equivalent jobs in Meade and Breckinridge counties with a new payroll in excess of \$20 million.⁴⁵ The vast majority of these jobs will be filled by craft workers

⁴² Application, Volume 1, Tab 9, Attachment A at 3, 12.

⁴³ The IMPLAN model used for the economic impact analysis focused on Meade and Breckinridge counties only, but anticipating additional spillover effects outside the two county region is not unreasonable. See Green River Solar's Response to Staff's First Information Request (Staff's First Request), Item 6e, filed Aug. 27, 2021.

⁴⁴ *Id.* at 3, 13.

⁴⁵ *Id.*

and contractors such as fencers, installers, equipment operators, and construction managers.⁴⁶ Other project expenditures include \$1 million for development and permitting costs, approximately \$75,000 for public relations, \$200,000 for Siting Board application, and \$50 thousand for additional permitting requirements.⁴⁷ The ongoing economic impact from the project's operational phase is estimated to be very small relative to the one-time impacts from the construction phase. The ongoing operational phase of the project is expected to support 3 jobs with an annual salary of \$240,000 and an average annual wage of \$80,000. This equates to \$8.4 million over the 35-year project life.⁴⁸ Property taxes paid into Meade and Breckinridge counties amount to an average of \$250,000 per year, totaling \$8.7 million over the project life with approximately half going toward supporting public schools.⁴⁹ An additional \$1 million in tax revenue is expected to be generated through sales tax payments.⁵⁰ Green River Solar stated that it will be seeking a payment in lieu of taxes agreement with Meade and Breckinridge counties, but has not initiated the process to secure an agreement yet.⁵¹

Having reviewed the record, the Siting Board finds that the Green River Solar facility will have a positive economic impact on the region.

Existence of Other Generating Facilities

⁴⁶ *Id.* at 12.

⁴⁷ *Id.* at 13.

⁴⁸ *Id.*

⁴⁹ *Id.* at 16.

⁵⁰ Green River Solar's Response to Staff's First Request (filed Aug. 27, 2021), Item 7 a.

⁵¹ Application, Volume 1, Tab 9, Attachment A at 16 and Video Transcript 58:34-59:14.

Green River Solar has made efforts to locate the proposed facility on a site where existing electric generating facilities are located. Green River Solar stated the Project was sited close to the Big Rivers Electric Corporation Meade County switchyard, located at the intersection of SR 428 and KY 79 in Meade County, Kentucky. The Project substation will be located directly south of the existing Meade County switchyard.⁵² However, Green River Solar explained the Project is not co-located with an existing generating facility due to several factors: (1) Green River currently does not have any existing generating facilities operating in Kentucky; (2) utility scale solar economic feasibility is highly dependent on proximity to existing transmission infrastructure and regional solar energy rates; and (3) opportunities to share facilities between solar and other types of electric generating facilities is mainly limited to the switchyard footprint.⁵³

Local Planning and Zoning Requirements

Pursuant to Meade County Ordinance No. 2021-005 “Solar Energy Systems” 1 (Meade County Ordinance), the Proposed Project is a Level 3 Solar Energy System (Level 3 SES), defined as any system that does not satisfy the parameters for a Level 1 or Level 2 Solar Energy System. Setback requirements for a Level 3 SES are (1) all components of the SES shall be at least 50 feet from the perimeter property lines of the project area and at least 250 feet from any residential structure, nursing home, church, or school; interconnection facilities may be located within the setback lines; (2) no interior property line setbacks shall be required if the project spans multiple contiguous properties; and (3) the Planning and Zoning Commission may require more stringent

⁵² Application, Volume 1, Exhibit 6.

⁵³ *Id.*

setback lines, to be determined on a case-by-case basis.⁵⁴ A complete copy of the Meade County Ordinance is found in the Application, Exhibit 3, Attachment A. The Meade Planning Commission has approved a Conditional Use Permit (CUP) for the Project.⁵⁵

The portion of the Project in Breckinridge County is not subject to a local setback requirement; however, to maintain consistency across the Project, Green River proposed to use the same setback requirements that are set forth in the Green River Solar Ordinance for the Breckinridge County portion of the Project

The Siting Board finds that the Project as proposed appears to comply with the Meade County Ordinance.

Impact on Transmission System

Green River Solar stated the interconnection of the project will be on the BREC system and will interconnect with Midcontinent Independent System Operator, Inc. (MISO), the regional transmission organization.⁵⁶ Green River Solar stated the Project completed all transmission studies required by MISO, including a System Impact Study. The purpose of the System Impact Study is to determine a plan, with estimated cost and construction time, to connect the proposed facility to the BREC transmission system. The System Impact Study determines potential impacts to the regional electric grid and the need for any network upgrades to mitigate potential impacts. MISO issued the Systems Impact Report on the Green River Solar project in November 2018.⁵⁷ The Systems

⁵⁴ Application, Volume 1, Exhibit 3.

⁵⁵ Green River Solar's Supplemental Response to Staff's Post-Hearing Request (filed Nov. 19, 2021), Item 6.

⁵⁶ *Id.* at Exhibit 8.

⁵⁷ *Id.*, Attachment A.

Impact Report showed that Green River Solar will be responsible for attachment facilities, direct connection network upgrade, and non-direct connection network upgrade costs.⁵⁸

The Siting Board finds that Green River Solar has satisfied the requirements of KRS 278.710(f) and that the additional load imposed upon the electricity transmission system by use of the Green River Solar facility will not adversely affect the reliability of service for retail customers of electric utilities regulated by the Public Service Commission (PSC). This is based upon Green River Solar's commitment to the interconnection process requirements and its acceptance of any cost obligations resulting from the interconnection process and protocols consistent with the requirements under KRS 278.212.

Compliance with Setback Requirements

As previously discussed, the portion of the Project in Breckinridge County is not subject to a local setback requirement; therefore, Green River Solar requested a deviation, pursuant to KRS 278.704, from the statutory setback requirements for the portions of the Project located in Breckinridge County.

Green River Solar is seeking approval to apply the setback requirements of the Meade County Ordinance - 50 feet from the perimeter property lines of the project area and at least 250 feet from any residential structure, nursing home, church, or school – to the portions of the Project in Breckinridge County.⁵⁹ Without a deviation, all proposed structures or facilities used for generation of electricity must be located more than 2,000

⁵⁸ *Id.*

⁵⁹ Application, Volume 1 at 3, Exhibit 4.

feet from any residential neighborhood.⁶⁰ Pursuant to KRS 278.704(4), the Siting Board may grant a deviation from the 2,000-foot setback requirements if it is determined that the proposed facility as designed and as located would meet the goals of in KRS 224.10-280 (Cumulative Environmental Assessment), KRS 278.010 (definitions), KRS 278.212 (costs of upgrading existing grid), KRS 278.214 (curtailment of service), KRS 278.216 (site assessment report), KRS 278.218 (transfer of ownership), and KRS 278.700 to KRS 278.716 (Siting Board requirements) at a distance closer than the required 2,000 feet.

KRS 224.10-280 provides that no person shall commence to construct a facility to be used for the generation of electricity unless that person has submitted a cumulative environmental assessment (CEA) to the Energy and Environment Cabinet (Cabinet). In its application, Green River Solar stated that, based upon the CEA submitted to the Cabinet, the goals of the requirements of KRS 224.10-280 have been met.⁶¹

With respect to KRS 278.010, Green River Solar stated that this statutory provision sets forth the definitions to be used in conjunction with KRS 278.010 to KRS 278.450, KRS 278.541 to KRS 278.544, KRS 278.546 to KRS 278.5462, and KRS 278.990.⁶² Green River Solar asserted that the Siting Board's authority begins with KRS 278.700 and extends through KRS 278.716 and any applicable provision of KRS 278.990. Green River Solar contended that in filing a complete application pursuant to the applicable

⁶⁰ *Id.*

⁶¹ Application, Volume 1 at unnumbered page 6.

⁶² *Id.*

statutes in this proceeding, the company has satisfied the goal of providing the required information utilizing the definition of any applicable term defined in KRS 278.010.⁶³

KRS 278.212 requires the filing of plans and specifications for electrical interconnection with merchant electric generating facility and imposes the obligation upon a merchant electric generating developer for any costs or expenses associated with upgrading the existing electricity transmission grid as a result of the additional load caused by a merchant electric generating facility. Green River Solar averred that it has met the goals of KRS 278.212 because Green River Solar will comply with all applicable conditions relating to electrical interconnection with utilities by following the MISO interconnection process.⁶⁴ Additionally, Green River Solar agreed that it will accept responsibility for appropriate costs, which may result from its interconnecting with the electricity transmission grid.⁶⁵

KRS 278.214 governs the curtailment of service and establishes the progression of entities whose service may be interrupted or curtailed pursuant to an emergency or other event. Green River Solar stated that it will abide by the requirements of this provision to the extent that these requirements are applicable.⁶⁶

KRS 278.216 requires utilities under the jurisdiction of the Kentucky PSC to obtain a site compatibility certificate before beginning construction of an electric generating facility capable of generating more than 10 megawatts. An application for a site

⁶³ *Id.*

⁶⁴ *Id.* at 6–7.

⁶⁵ *Id.* at Exhibit 3.

⁶⁶ *Id.* at 7; Application, Volume 2, Tab 14.

compatibility certificate should include the submission of a site assessment report as prescribed in the applicable Siting Board statutes. Green River Solar stated that it is not a utility under the jurisdiction of the Kentucky PSC.⁶⁷ However, Green River Solar stated that it has nonetheless met the requirements of KRS 278.216 by complying with the requirements of KRS 278.700 *et seq.*, including the submission of a site assessment report.⁶⁸

KRS 278.218 provides that no transfer of utility assets having an original book value of \$1 million or more without prior approval of the Kentucky PSC if the assets are to be transferred by reasons other than obsolescence or the assets will continue to be used to provide the same or similar service to the utility or its customers. Green River Solar stated that it is not a utility as that term is defined in KRS 278.010(3).⁶⁹ However, to the extent Siting Board approval may at some time be required for change of ownership or control of assets owned by Green River Solar, Green River Solar stated that it will abide by the applicable rules and regulations that govern its operation.⁷⁰

KRS 278.700 *et seq.* governs the Siting Board's jurisdiction and process. Green River Solar stated that it has met the goals set forth in these provisions as evidenced by the application in its entirety.⁷¹

Having reviewed the record and being otherwise sufficiently advised, the Siting Board finds that Green River Solar has demonstrated the proposed facility as designed

⁶⁷ *Id.* at 7–8.

⁶⁸ *Id.*

⁶⁹ *Id.* at 8.

⁷⁰ *Id.*

⁷¹ *Id.* at 8–9.

and as located would meet the goals of the various statutes set forth in KRS 278.704(4) at a distance closer than the required 2,000 feet and is therefore permitted to a deviation from the 2,000-foot setback requirement to the distances requested and as noted below. The Siting Board notes that the mitigation requirements imposed in the Compatibility with Scenic Surroundings and Noise and Anticipated Noise Level sections will also provide some level of protection for persons occupying a property adjacent to the proposed solar facility with respect to noise, obstruction of views, and traffic. Based on the record in this matter, including the results of the noise and traffic study, Green River Solar shall comply with the Meade County Ordinance setback requirements for the entirety of the Project, to include all portions of the Project located in Breckinridge County, as well as other mitigation measures required by the Board. This mitigation measure is outlined in Appendix A, item 17.

History of Environmental Compliance

Neither Green River Solar nor any person or entity with an ownership interest in Green River Solar has violated any state or federal environmental laws or regulations.⁷² There are no known actions, whether judicial or administrative, pending against Green River Solar, nor any person or entity with an ownership interest in Green River Solar.⁷³ The Siting Board considers this an important factor and finds additional requirements are necessary in the event the certificate is transferred or the ownership/control is changed. This will be set forth more fully in Appendix A at mitigation measure 28.

Decommissioning

⁷² Application, Volume 1, Exhibit 10.

⁷³ *Id.*

The proposed solar facility would have an expected useful life of approximately 25 to 30 years.⁷⁴ Lease agreements with participating landowners include commitments regarding infrastructure removal and land restoration. Those lease agreements were entered into between the property owners and Merino Solar LLC (Merino Solar). Green River Solar has stated that it has purchased Merino Solar and will cause Merino Solar to merge into it, with Green River Solar the survivor.⁷⁵

Additionally, the Applicant must meet decommissioning requirements under the CUP issued by Meade County Zoning Board of Adjustments, including removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations to the depth of three feet, and Restoration of the property to substantially similar physical condition that existed immediately prior to construction of the Solar Energy System (SES).⁷⁶ The CUP also requires:

Prior to construction, a Surety Bond or other form of security acceptable to the County shall be posted in an amount sufficient for the decommissioning of the SES and restoration of the project site, in case of abandonment of the site and/or in the event the commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The Surety Bond or other form of security shall be one hundred (100) percent of a reasonable estimate submitted for the decommissioning of the project, to be re-calculated every five (5) years during the life of the project. The cost of the decommissioning will include a reasonable reduction for the scrap value of the components left on the property.⁷⁷

⁷⁴ Application, Volume 1, Tab 5, Attachment F at 9.

⁷⁵ Green River Solar's Response to Staff's Post-Hearing Request (filed Nov. 15, 2021) Item 7.

⁷⁶ Green River Solar's Supplemental Response to Staff's Post-Hearing Request (filed Nov. 19, 2021) Item 6.

⁷⁷ *Id.*

Green River Solar is the entity named in the CUP and asserted it is the obligor pursuant to the decommissioning plan and is financially committed to fulfilling the decommissioning and bonding obligations as required by the Green River Solar Energy Systems Ordinance.⁷⁸

As previously discussed, The BBC Report recommended that Breckinridge County should be provided with the protections incorporated in the Meade County Ordinance, including the same type of Surety Bond or other security against site abandonment as Meade County and given the opportunity to review and approve the project's decommissioning plan.

The Siting Board finds that mitigation measures are necessary to insure protection from potential nonperformance of the decommissioning obligation. The Siting Board will require Green River Solar to complete the merger of Merino Solar into Green River Solar, as a condition precedent to the Certificate of Construction requested herein going into effect, and Green River Solar should file evidence with the Siting Board that it has expressly assumed all obligations under the Merino Solar lease agreements with participating landlords. Green River Solar is also required to implement mitigation measures that require it and its successors and assigns to meet all land restoration requirements in the leases with participating landowners, as well as mitigation measures that require a decommissioning plan specific to Green River Solar. These additional mitigation measures are outlined in Appendix A, mitigation measures 27 through 33.

⁷⁸ Green River Solar's Response to Staff's Post-Hearing Request (filed Nov. 15, 2021), Item 9.

CONCLUSION

After carefully considering the criteria outlined in KRS Chapter 278, the Siting Board finds that Green River Solar has presented sufficient evidence to support the issuance of a Construction Certificate to construct the proposed merchant solar facility. The Siting Board conditions its approval upon the full implementation of all mitigation measures and other requirements described herein and listed in Appendix A to this Order. A map showing the location of the proposed solar generating facility is attached hereto as Appendix B.

1. Green River Solar's Request for Deviation from KRS 278.704(2) for the portion of the Project located in Breckinridge County is granted.

2. Green River Solar's application for a Certificate to Construct an approximately 200 MWac merchant solar electric generating facility in Breckinridge County and Meade County, Kentucky, is conditionally granted subject to full compliance with the mitigation measures and conditions prescribed in Appendix A to this Order.

3. Within 30 days of entry, Green River Solar will send a copy of this Order to all the adjoining landowners who previously were required to receive notice of the Project. At least 30 days prior to construction it will notify residents and businesses within 2,400 feet of the Project boundary about the construction plan and the complaint resolution process.

4. Green River Solar shall fully comply with the mitigation measures and conditions prescribed in Appendix A.

5. In the event mitigation measures within the body of this Order conflict with those prescribed in Appendix A, the measures in Appendix A shall control.

6. This case is closed and removed from the Commission's docket.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Kentucky State Board on Electric
Generation and Transmission Siting



ATTEST:

A handwritten signature in blue ink that reads "Linda G. Bondwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director
Public Service Commission
on behalf of the Kentucky State
Board on Electric Generation
and Transmission Siting

Case No. 2020-00387

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2020-00387 DATED DEC 22 2021

MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Green River Solar LLC (Green River Solar) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layout should be clearly indicated on the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building or other Project facilities and infrastructure.

2. Any change in the Project boundaries from the information which formed this evaluation shall be submitted to the Siting Board for review.

3. The Siting Board will determine if any deviation in the boundaries or site layout plan is likely to create a materially different pattern or magnitude of impacts. If not, no further action is required, but if yes, the application will support the Siting Board's effort to revise its assessment of impact and mitigation requirements.

4. The Applicant or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

5. The Applicant's access control strategy shall also include appropriate signage to warn potential trespassers. The Applicant must ensure that all site entrances

and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

6. According to the National Electrical Safety Code (NESC) regulations, the security fence must be installed prior to the energization of any electrical equipment. The substation shall have its own separate security fence and locked access installed. Green River Solar will comply with the fencing requirements of NESC.

7. The Applicant shall follow best practices, including a 50-foot setback from any open karst features, and monitoring of the karst features present within the Project. The Applicant shall notify the Siting Board, Meade County Fiscal Court, and Breckinridge County Fiscal Court of any property damage that is incurred due to karst and report what repairs are performed. Throughout the life of the Project, Applicant shall also report when any environmental or safety concerns arise from the karst features present within the Project.

8. Existing vegetation between solar arrays and nearby roadways and homes shall be left in place to the extent feasible to help minimize visual impacts and screen the project from nearby homeowners and travelers. Green River Solar will not remove any existing vegetation except to the extent it must remove such vegetation for the construction and operation of Project components.

9. The Applicant shall implement planting of native evergreen species as a visual buffer to mitigate viewshed impacts, particularly in areas directly adjacent to the Project without existing vegetation.

10. The Applicant shall carry out visual screening consistent with the plans proposed in its application, SAR, and the maps included, especially the updated

Conceptual Site Plan provided as an attachment to the response to Post-Hearing Request, Item 4. The Applicant shall also ensure proposed new vegetative buffers are successfully established and develop as expected over time, and consist with the Applicant's plan that "all residences with direct view of the solar facilities or equipment" have vegetative buffers. Should vegetation used as buffers die over time, Green River Solar shall replace them as appropriate.

11. The Applicant shall provide a visual buffer between Project infrastructure and residences or other occupied structures with a line of sight to the facility to the reasonable satisfaction of the affected adjacent property owners. To the extent that an affected adjacent property owner indicates to the Applicant that such a buffer is not necessary, Green River Solar will obtain that property owner's written consent and submit such consent in writing to the Siting Board.

12. Green River Solar shall cultivate at least two acres of native pollinator-friendly species onsite.

13. Green River Solar is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 6 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m., Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc. To the extent that the Applicant has proposed more limited hours for high noise construction activities, those are approved; however, the herein stated requirements govern all parts of the project as the minimum.

14. Green River Solar shall notify residents and businesses within 2,400 feet of the project boundary about the construction plan, the noise potential, and mitigation plans one month prior to the start of construction.

15. If the pile driving activity occurs within 1,500 feet of a noise sensitive receptor, Green River Solar shall implement a construction method that will suppress the noise generated during the pile driving process (i.e., semi-tractor and canvas method; sound blankets on fencing surrounding the solar site; or any other comparable method). Should Green River Solar employ the proposed alternative racking system of ground mounting, such noise suppression measures will not be required when utilizing that method.

16. Green River Solar shall implement a Customer Resolution Program to address any complaints from surrounding landowners. Green River Solar shall also submit annually a status report associated with its Customer Resolution Program, providing, among other things, the individual complaints, how Green River Solar addressed those complaints, and the ultimate resolution of those complaints identifying whether the resolution was to the complainant's satisfaction.

17. Green River Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Green River Solar's noise and traffic study and with the setbacks required by the Meade County Ordinance for the entirety of the Project. Nevertheless, Green River Solar shall not place solar panels or string inverters, if used, closer than 150 feet from a residence, church or school, 25 feet from non-participating adjoining parcels, and 50 feet from adjacent roadways. Green River Solar shall not place a central inverter, and if used, energy storage systems, closer

than 450 feet from a residence, church or school. These setbacks shall not be required for residences owned by landowners involved in the Project that explicitly agree to lesser setbacks and have done so in writing. All agreements by participating landowners to lesser setbacks must include language advising the participating landowners of the standard setback required by the order. All agreements by participating landowners to lesser setbacks must be filed with the Siting Board prior to commencement of construction of the Project.

18. Green River Solar shall fix or pay for damage resulting from any vehicle transport to the project site. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.

19. Green River Solar shall comply with all laws and regulations regarding the use of roadways.

20. Green River Solar shall implement ridesharing between construction workers when feasible, use appropriate traffic controls or allow flexible working hours outside of peak hours to minimize any potential delays during AM and PM peak hours.

21. The Applicant shall consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

22. The Applicant shall consult with the Meade County Road Department (MCRD) and Breckinridge County Road Department (BCRD) regarding truck and other construction traffic and obtain necessary permits from the MCRD and BCRD.

23. The Applicant shall develop special plans and obtain necessary permits before transporting heavy loads, especially the substation transformer, onto state or county roads.

24. Green River Solar shall comply with any road use agreement executed with MCRD and BCRD. Such an agreement might include special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

25. Green River Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any noise concerns during the construction phase and develop measures that would address those noise concerns.

26. Green River Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction process, including use of water trucks. Dust impacts shall be kept at a minimal level. The Siting Board requires the Applicant's compliance with 401 KAR 63:010.

27. Green River Solar shall complete the merger of Merino Solar LLC, into Green River Solar and provide notification of the completed merger to the Siting Board in as a condition precedent to the Certificate of Construction granted herein taking effect, including evidence that it has expressly assumed all obligations under the Merino Solar lease agreements with participating landlords.

28. If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Green River Solar or its successors or assigns shall request explicit approval from

the Siting Board with notice of the request provided to the Meade County Fiscal Court and Breckinridge County Fiscal Court. In any application requesting such abandonment, sale or change of control, the Applicant shall certify its compliance with KRS 278.710(1)(i).

29. As applicable to individual lease agreements, Green River Solar, its successors, or assigns will abide by the specific land restoration commitments agreed to by individual property owners, as described in each executed lease agreement.

30. Green River Solar shall file a full and explicit decommissioning plan with the Siting Board. This plan shall commit Green River Solar to removing all facility components, above-ground and below-ground, regardless of depth, from the project site. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month prior to construction of the Project.

31. Green River Solar shall comply with Meade County's CUP regarding all bonding in addition those requirements of the Siting Board. Green River Solar shall file a bond with the Meade County Fiscal Court and Breckinridge County Fiscal Court, equal to the amount necessary to effectuate the explicit or formal decommissioning plan, naming the county as a third-party obligee (or secondary, in addition to individual landowners) beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirement, so that either county will have the authority to draw upon the bond to effectuate the decommissioning plan. For land in which there is no bonding requirement otherwise, the county shall be the primary beneficiary of the decommissioning bond for that portion of the project. The bond(s) shall be filed with the Meade County Treasurer or Breckinridge County Treasurer, or with a

bank, title company or financial institution reasonably acceptable to each county. The acceptance of the county of allowing the filing the bond(s) with an entity other than the fiscal court, through the Meade County Treasurer or Breckinridge County Treasurer, can be evidenced by a letter from the Judge Executive, the Fiscal Court, or the County Attorney. The bond(s) shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Green River Solar's expense to determine and update the cost of removal amount. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the Meade County Fiscal Court and Breckinridge County Fiscal Court. Such certification shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning. Green River Solar may combine the bonds required by this measure and the Meade County CUP, as long as the obligations to Meade County and Breckenridge County are not reduced or eroded in any manner or fashion.

32. Green River Solar or its assigns must provide notice to the Siting Board if during any two-year (730 days) period, it replaces more than 20 percent of its facilities. Green River Solar shall commit to removing the debris and replaced facility components from the Project site and Meade County and Breckinridge County upon replacement. If the replaced facility components are properly disposed of at a permitted facility, they do not have to be physically removed from Meade County and Breckinridge County. However, if the replaced facility components remain in Meade County and

Breckinridge, Green River Solar must inform the Siting Board of where the replaced facility are being disposing of.

33. Any disposal or recycling of Project equipment, during operations or decommissioning of the Project, shall be done in accordance with applicable laws and requirements.

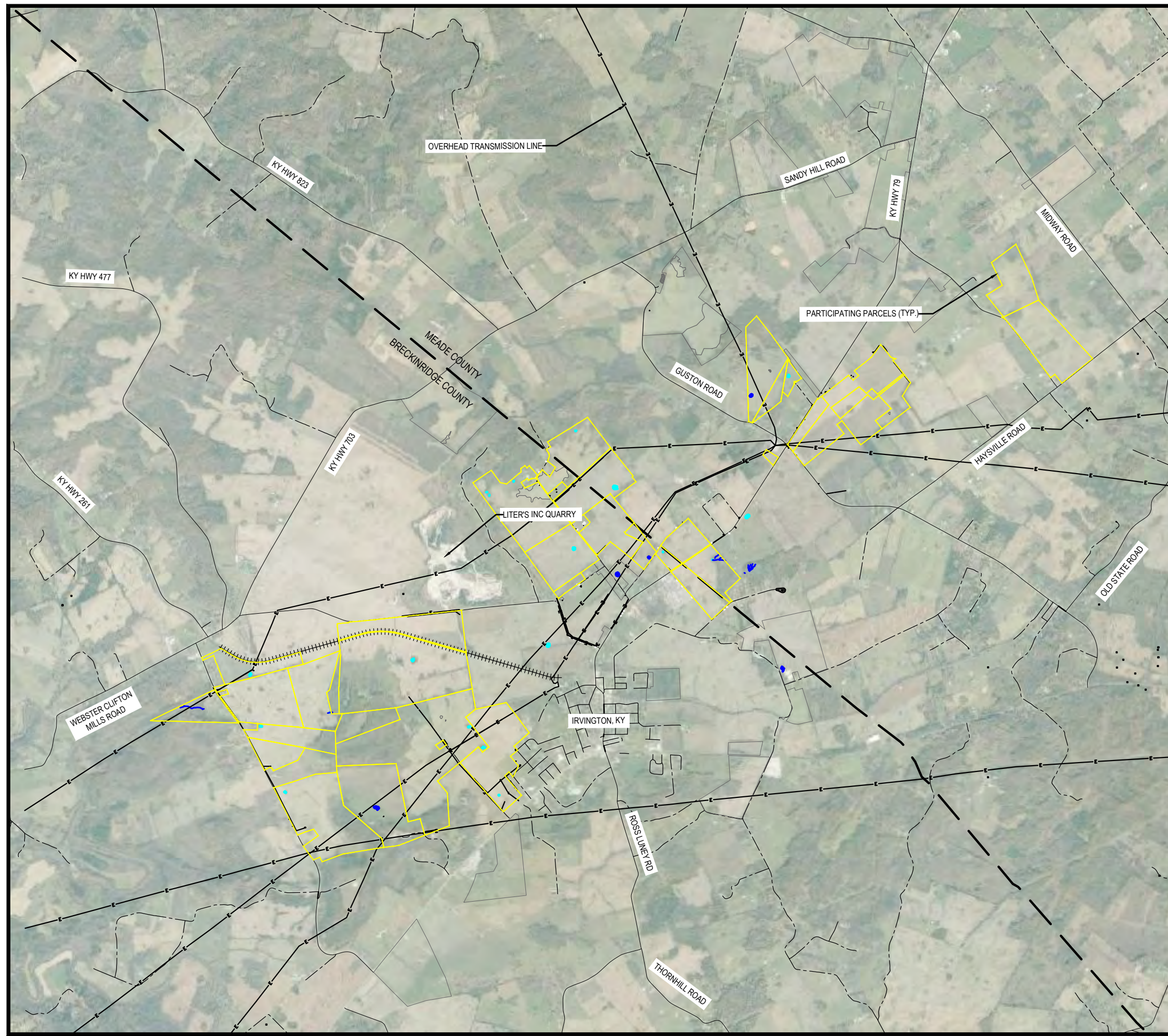
APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2020-00387 DATED DEC 22 2021

TWO PAGES TO FOLLOW

LEGEND

- PARTICIPATING PARCELS
- COUNTY LINE
- COUNTY & LOCAL ROADS
- MAJOR STATE ROADS
- OVERHEAD ELECTRIC
- RAIL ROAD TRACKS
- WETLANDS
- SURFACE WATERS/STREAMS



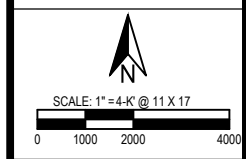
NEXTERA ENERGY

**GREEN RIVER SOLAR
MEADE COUNTY,
KENTUCKY**

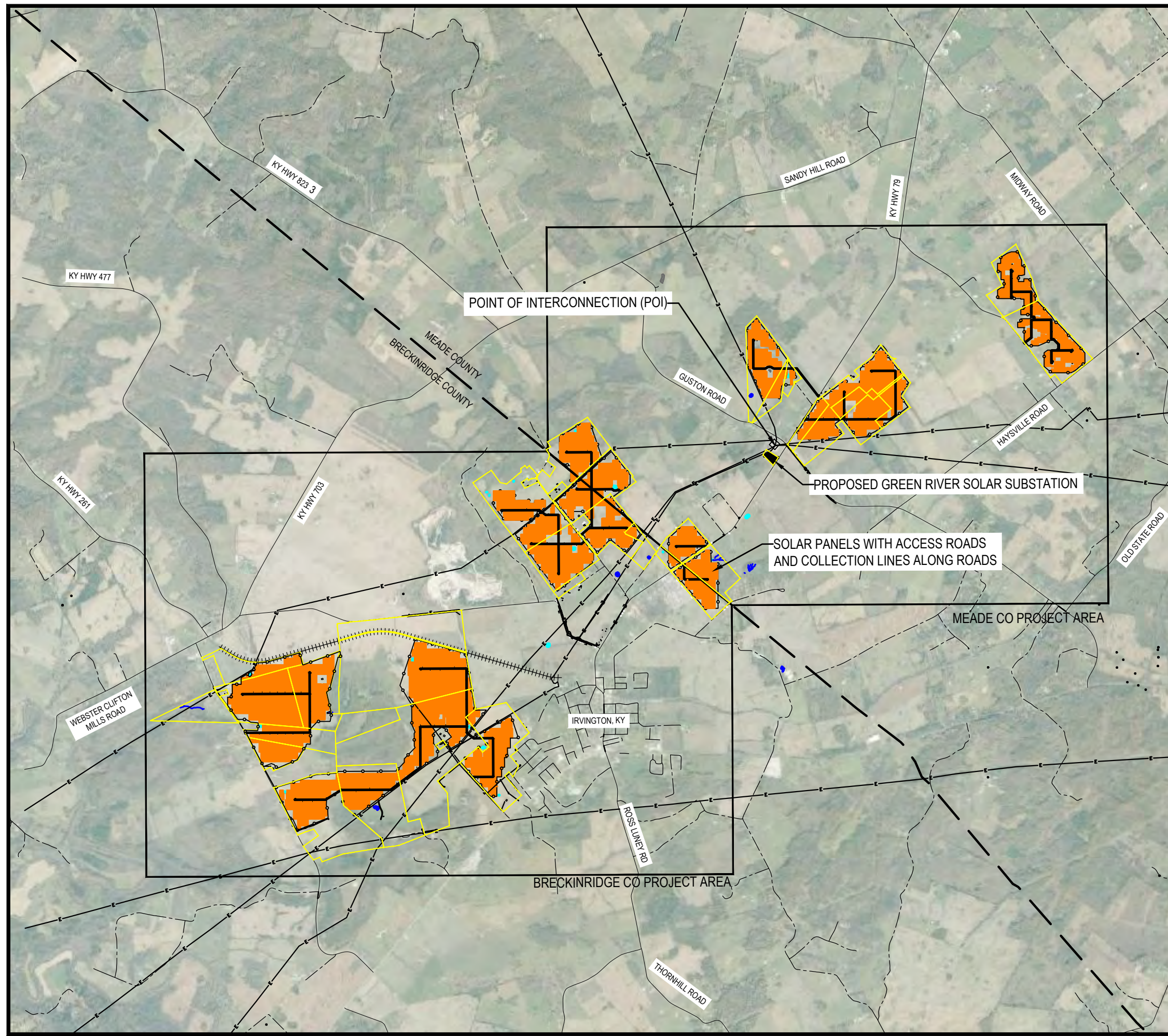
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DESIGNED BY:	NextEra Energy, Inc.
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
CONCEPT PLAN	06-25-2021
KY SITING BOARD	07-09-2021
MEADE CO. PLAN	07-13-2021
MEADE CO. PLAN RESUBMITTAL 1	08-11-2021
KY SITING BOARD RESUBMITTAL	09-22-2021
MEADE CO. PLAN RESUBMITTAL 2	10-18-2021
KY SITING BOARD RESUBMITTAL	11-10-2021

TBD
11-10-2021
Date

EXISTING CONDITIONS



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LEGEND

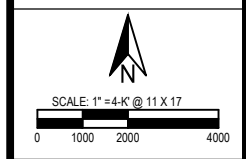
- COUNTY LINE
- PARTICIPATING PARCEL
- COUNTY & LOCAL ROADS
- MAJOR STATE ROADS
- OVERHEAD ELECTRIC
- RAIL ROAD TRACKS
- WETLANDS
- SURFACE WATERS/STREAMS
- PROPOSED ROADS
- SECURITY FENCE
- SOLAR ARRAYS

NEXTERA ENERGY
GREEN RIVER SOLAR
MEADE COUNTY, KENTUCKY

ECT PROJECT No.:	20-0594
DESIGNED BY:	NextEra Energy, Inc.
DRAWN BY:	MRA
CHECKED BY:	DMW/XG
APPROVED BY:	TBD
CONCEPT PLAN	06-25-2021
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KY SITING BOARD RESUBMITTAL	09-22-2021
MEADE CO. PLAN RESUBMITTAL 2	10-18-2021
KY SITING BOARD RESUBMITTAL	11-10-2021

TBD
Date
11-10-2021

OVERALL SITE PLAN



C1.02

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