

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Case 2023-00263  
**Date:** Monday, January 29, 2024 1:14:00 PM

---

Case No. 2023-00263

Thank you for your comments on the application of Banjo Creek Solar LLC. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2023-00263, in any further correspondence. The documents in this case are available at [View Case Filings for: 2023-00263 \(ky.gov\)](#).

Thank you for your interest in this matter.

---

**From:** Deborah Smith [REDACTED]  
**Sent:** Saturday, January 27, 2024 10:59 PM  
**To:** PSC Consumer Inquiry <PSC.Consumer.Inquiry@ky.gov>; PSC Public Comment <PSC.Comment@ky.gov>; PSC Meeting <PSC.Meeting@ky.gov>  
**Subject:** Case 2023-00263

[REDACTED]

[REDACTED]

Deborah Smith  
2012 Beech Grove Road  
Farmington KY 42040.

I, Deborah Harrison Smith, am a legal resident of the area where this proposed solar project is planned. I am a taxpayer in the Commonwealth of Kentucky. But, I have never had more of a feeling that as a concerned citizen(s) of Graves County I am not being heard. I ask, once again, why does an out of state company and 3 farmers have more of a right to do what they want to do, than the residents in the area of the proposed project? Especially, after concern residents have spent their money to try to get some things they are asking for?

Due to lack of understanding as to how to log on, I was unable to make comments during the Siting Board meeting the morning of January 23, 2024 concerning Case 2023-00263. I apologize for that. So, my comments will be addressed in this email.

First, at no time was it made clear that this was a virtual meeting as far as the members of the board were concerned. What I read on the website left me with the impression that I could come to Frankfort and be a witness (after asking the stated way), I could email or I could ask to verbally give my comments. I seriously considered driving the 4.5 hours to Frankfort, spending money for a hotel, so I would be seen as a body attached to my voice and hands. I really wished I had, because maybe I would have been at least seen as a concerned resident regarding this proposed project and not as just words on a computer. **I am therefore, once again,**

**asking for an in-person meeting with the Siting Board in Graves County,**

**Kentucky.** This meeting should be well advertised and not just some little ad in a local paper whose subscribers are very few. I should not have had to spend my own money on an ad, letting people know about the scheduled In-Person Meeting with the Siting Board on January 16, 2024. This allowed people to see the ad and know what is happening in their neighborhood as it was a 1/8 page ad with green color. Not a little 1.5 x 3" ad with little printing. This is what we call around here as neighborly, as it lets people know what is happening in their neighborhood. I shall not go over how that meeting played out, as my opinion as that has been stated in previous emails.

To help the Siting Board to understand why so many questions have been asked about the environmental effects, particularly dangerous chemicals both during building and afterwards, I would like to share this information.

- We are a community located approximately 45 miles from where Union Carbide/Paducah Gaseous Diffusion Plant was located from 1952-2013. The Paducah Gaseous Diffusion Plant (PGDP) was a facility which was located in [McCracken County, Kentucky](#) and produced [enriched uranium](#).
- Due to the toxic chemicals from the Paducah Gaseous Diffusion Plant, there were and are many cases of cancer even today that have a probable direct link to the plant. Even though the plant is no longer in existence and has been torn down.
- The Department of Energy continues to remediate groundwater contamination from this plant.

Do you really think the taxes generated from this plant, or the jobs that it produced, have exceeded the cost of taking care of the contamination? Plus, there is no way you can put a dollar amount on and the damage to families? This week's local papers had several articles about a plant in Calvert City, Kentucky (approximately 35 miles from here) that they have just elevated levels of chemicals tied to higher cancer risk.

I hope you understand why we have so many questions regarding that contamination that possibly could result for this project. A company that isn't even sure what type of panels and from where they are going to get them? Everyone tries to tell us there will not be hazardous materials on this site. Yet, on Page 22 of the application submitted by Banjo Creek Solar, LLC they outline how they will handle the hazardous materials. So don't expect us to believe what is said by GreenGo/Banjo Creek Solar, LLC when they tell us there are no hazardous materials in the solar panels.

Even though currently there is no uranium in solar panels (from my research) there are at least lead and lithium.

- As you are aware, lead was not a chemical, people were afraid to use it as no one considered it harmful.
- But it is now considered harmful and we have learned people were exposed to it in many ways.
- One of the main contaminations you hear about is lead in paint, which was used in many homes and buildings. Today we have many laws relating to lead poisoning and a familiar one is you cannot sell a building without doing a lead test on the paint and/or disclosing there might be lead paint. If you find lead in any building then you must take many steps to eradicate that lead.
- Same thing goes for asbestos.

- I am sure the people who wanted the Paducah Gaseous Diffusion Plant, in 1952, never thought about the consequences that would be brought into the Paducah area. Much less have any idea, even 11 years after closing, there would still be issues and family members and friends to illnesses, specifically cancer, that are related to the plant.
- So, I ask you, would you have concerns about the make-up and chemicals which are in the panels and batteries?
- Or would you want a solar project next to your residence where you, your children and grandchildren could be exposed to toxic chemicals?

You also need to know that even though the supposedly over 1,000 acres that have been leased for a solar farm (yet, if you read the leases it adds up to approximately 900 acres) this acreage is not continuous.

- The acreage is not one big field in the middle of nowhere.
- The acreage crosses 2 state highways, goes down two county roads and joins another county road.
- Amongst this acreage there is scattered several residences most which will have this solar project around them.
- I know you know this, but what I don't know is do you understand exactly how many homes there are within that 2-mile radius as presented as evidence with the application on September 7, 2023. **1a Attachment A - Context Map.pdf**?
- That is poor business.

I also observed the attorney for GreenGo/Banjo Creek Solar, LLC made a statement about an entire paragraph that has nothing to do with this particular application. He asked if he would be able to amend the application. When asked when he learned about it, he stated,

- "Yesterday."
- I have to question why from the date of application to the date of a public hearing this was not picked up by his company?
- Could it be because I pointed it out in my email to the board or was it when I made a mistake of mentioning it to one of Graves County's Commissioners. Who just happens to be close friends with one of the farmers who has leased their land to GreenGo/Banjo Creek Solar, LLC?

I still say anything that is in an application that is false, should be grounds for denial of the application.

I would like to address Mr. Fleming's testimony. With most questions, asked by the board members or your attorney, his usual reply was to say,

- "I don't know or he would give the name of someone that would know more about it."
- I also noticed when Mr. Fleming was asked about the panels being damaged and possibly replaced, his answer always had to do with insurance.
- I don't know about you, but I know insurances often take longer than two

weeks to even begin to consider their stand on a claim and yet, Mr. Fleming thinks it is okay for the damaged panels to leak out whatever it might be and contaminate the water supply, earth and who is to know what else? I personally don't think so.

Another source of concern is the application filed by GreenGo/Banjo Creek Solar, LLC (basically a shell company) was filed on September 7, 2023 and things are still missing from that application as pointed out today by members of the board and Mr. Fleming. I honestly feel Mr. Fleming thinks we are a bunch of hillbillies, that can be given a song and dance, and we will fall for it. I at no time saw any basic knowledge by him of any aspect of the project. He left too many unanswered questions.

- I will ask you once how can an application be approved without everything, down to the detail, be provided?
- Why should GreenGo be given any more time than I would be if I did not give everything requested in an application I was doing?

To me, an example, of an unfinished application (which this is) would be "You are building a house":

- You tell your contractor to submit a plan of the house for your review.
- He does, but leaves out half of the types of materials he is using, the concrete strength, etc.
- He doesn't tell you if he is using 2 x 4's, 4 x 4's or even 4 x 8's for the framing of the house.
- Is this not something you would want to know before you hired him to build your house?
- As a prospective homeowner you realize and understand the structure and strength depends on what size of lumber he is using.
- You know a 2" x 4" beam would not hold up the roof.
- But you also know that you gave him the contract without the requirements being met and now he can do anything he wants, because you did not do your diligence.
- You also know that if you give the contractor the okay to build your house without full information, you may get a house that has many flaws and would not even stand up to the weight of the roof, much less anything else.
- I ask you, why would you give approval to an application that doesn't meet the qualifications of what you even need to make a decision?

I also watched part of your next public hearing in regard to Song Sparrow, Solar, LLC, **Case 2023-00256** and that gentleman knew the answer to every question, gave a reply that the study had been done, and stated how much community work they had done with the residents (both touching and near the site) in that area, they had talked with the school system, the Chamber of Commerce and the Industrial Board for Ballard County.

- Yet, I being a person who lives across the road, have not had anyone reach out to me via the company. Oh, GreenGo/Banjo Creek Solar, LLC will say they followed requirements, but they did the minimum.

- If I wanted to be good neighbors, would I not have contacted everyone?
- I contacted our school system to see if Greengo/Banjo Creek LLC had reached out to the superintendent or board member. I was told that no one had reached out to the superintendent and as far as the superintendent knew no board member had been reached out regarding the project.
- I know our Chamber of Commerce knows about the project, because our Economic Development Office is in the same building. I don't know if the chamber learned it because of the proximity of their offices or if GreenGo/Banjo Creek Solar, LLC came to them at the very beginning of the project.
- If you watch both hearings, I believe you would ask yourself, which company would I trust and want to work with?

I hoped the board would recognize why we are fighting so hard to be heard and some of our concerns would be addressed and changed. I am concerned this application will be approved. Once GreenGo/Banjo Creek Solar, LLC is approved and then the residents of Farmington will be the ones that suffer. I hope I am wrong and that you as a group see the pieces of the puzzle that are missing. Once approval is granted those missing pieces may or may not show up and it would give GreenGo/Banjo Creek Solar, LLC the legal right to do as they please.

I shall not list my areas of concerns I have previously addressed as I am sure each of you have already read them. I would like for you to take those concerns I have previously stated and my new ones and ask yourself, "if this was in my front door or back door where would I stand?".

I do have one question of the board.

- Why is it acceptable for GreenGo/Banjo Creek Solar, LLC to give a variance to Scott Wilferd's mother and sister (on Wilferd Road), yet the same courtesy not be given to the other residents of the area? Or why is it acceptable for GreenGo not to ask a farmer for his land just because Scott Wilferd is the land owner's tenant? Mr. Fleming also stated that at the meeting that was held in Mayfield. Scott Wilferd has stated he asked the farmer if he wanted to lease his land for the solar project and was told "NO". Joe Diel also has a tenant for his property. That in itself is unacceptable as everyone should be treated the same, no matter who they are landowner or residence.

If approval is given to GreenGo/Banjo Creek Solar, LLC on the unfinished, with wrong information, application, then I have lost all faith in the people, who are state employees, of protecting me and my community.

2012 Beech Grove Road  
Farmington KY 42040





**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: KRS 278.704 and KRS 278.710  
**Date:** Monday, January 29, 2024 1:14:00 PM

---

Case No. 2023-00263

Thank you for your comments on the application of Banjo Creek Solar LLC. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2023-00263, in any further correspondence. The documents in this case are available at [View Case Filings for: 2023-00263 \(ky.gov\)](#).

Thank you for your interest in this matter.

---

**From:** Deborah Smith [REDACTED]  
**Sent:** Sunday, January 28, 2024 12:28 AM  
**To:** psn.meeting@ky.gov <ps.meeting@ky.gov>; PSC Consumer Inquiry <PSC.Consumer.Inquiry@ky.gov>; PSC Public Comment <PSC.Comment@ky.gov>; [REDACTED]  
**Subject:** KRS 278.704 and KRS 278.710

[REDACTED]

As KRS 278.704 and KRS 278.710 state two different things regarding setbacks for Merchant Electric Generating Facility, I was wondering if KRS 278.704 or KRS 278.710 preceded the other.

**KRS.278.704 deals with setbacks from property boundaries adjoining the facility.**

(2) Except as provided in subsections (3), (4), and (5) of this section, no construction certificate shall be issued to construct a merchant electric generating facility unless the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility. For purposes of applications for site compatibility certificates pursuant to KRS 278.216, only the exhaust stack of the proposed facility to be

actually, used for coal or gas-fired generation or, **beginning with applications for site**

**compatibility certificates filed on or after January 1, 2015, the proposed structure or**

**facility to be actually used for solar or wind generation shall be required to be at**

**least one thousand (1,000) feet from the property boundary of any adjoining property owner and two thousand (2,000) feet from any residential neighborhood,**

**school, hospital, or nursing home facility.**

**KRS 278.706 is the statute that deals with applications for merchant electric generating facility** I'm particularly interested in (e) that deals with setbacks. \_

It states: 278.706

(2) A completed application shall include the following.

(e) If the facility is not proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements;

My question: How can KRS 278.704 and KRS.278.710 not be the same when it comes to dealing with setbacks? Both were effective June 29, 2023. Does one override the other?

Deborah Harrison Smith  
2012 Beech Grove Road  
Farmington KY 42040

