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AUG 11 2025

**PUBLIC SERVICE
COMMISSION**

Ann Stephens
6744 Dripping Springs Rd.
Smiths Grove, KY 42171

August 5, 2025

Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: Case #2024-00337 – Opposition and Concerns Regarding the Wood Duck Solar Project

Dear Members of the Public Service Commission,

I am writing to submit public comment regarding Case #2024-00337 and to express serious concern about the proposed Wood Duck Solar project and its location in a karst region known for sinkholes and unstable terrain.

We are aware that the project area includes land with documented sinkholes. While the developer has suggested maintaining a distance from these features, that approach is insufficient for a region where the geology is dynamic, unpredictable, and poses ongoing risks to public safety, groundwater quality, and structural stability.

We respectfully request the following actions be taken before any permits are granted:

1. Independent Engineering Oversight

A qualified, independent geotechnical team — not contracted by the developer — must be required to evaluate each identified sinkhole. Moreover, because new sinkholes can develop at any time, there should be a requirement for regular and frequent geological surveys throughout the lifespan of the project.

2. Written Emergency Response and Remediation Plan

We are requesting a formal, written commitment from both Wood Duck Solar and its parent company, Geenex, detailing how they will respond in the event that a solar panel is damaged or swallowed by a sinkhole. This plan must include:

- Immediate removal of any compromised panels;
- Removal of any contaminated or hazardous soil, including substances leaked from panel materials, heavy metals, and glass shards;
- Identification of a hazardous response team with clear contact procedures and guaranteed response timeframes;
- Public reporting of all such incidents and remediation actions taken.

3. Long-Term Accountability and Enforcement

Solar projects are often sold or transferred between companies. We ask the Commission to require that any environmental and safety obligations made by Wood Duck Solar and Geenex be legally binding and transferable in full to any future owner. Without this requirement, communities are left vulnerable if the original developers exit the project after construction.

4. Protecting Groundwater and Drinking Water Supplies

Karst aquifers are highly vulnerable due to their lack of natural filtration. Disturbance from construction, panel runoff, or accidental leaks poses a significant threat to local wells, springs, and downstream water sources. We urge the Commission to consult hydrogeologists and water quality experts before approving any portion of this project.

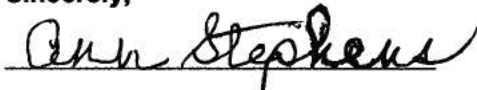
5. Historical Lessons from the Corvette Museum Sinkhole

The sinkhole collapse at the National Corvette Museum in Bowling Green was a dramatic reminder of the risks associated with building in karst landscapes. These events are not rare, and they are not hypothetical. The consequences are long-term, costly, and often irreversible.

In conclusion, we do not oppose renewable energy. However, we strongly oppose placing industrial-scale solar infrastructure in geologically fragile areas without strict, enforceable safeguards and long-term accountability. We respectfully urge the Commission to prioritize the protection of our land, our water, and our community.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ann Stephens". The signature is written in dark ink and is positioned above the printed name.

Ann Stephens

Ann Stephens

6744 Dripping Springs Rd.

Smith's Grove, KY 42171



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**PUBLIC SERVICE
COMMISSION**

August 6, 2025

Public Service Commission

211 Sower Blvd.

P.O. Box 615

Frankfort, KY 40602

Re: Case No. 2024-00337 - Solar Development and Threats to Kentucky Agriculture

Dear Members of the Commission,

I am writing as a concerned Kentucky resident and landowner to raise urgent issues related to the proposed Wood Duck Solar project and similar utility-scale solar developments being sited in productive agricultural areas. Specifically, I want to draw your attention to the potential contamination risks posed by broken solar panels and glass shards-an issue that threatens food safety, crop integrity, livestock welfare, and water quality across rural Kentucky.

As a lifelong resident and farmer living in close proximity to the proposed Wood Duck Solar installation, my land and livelihood are directly at risk from these hazards. My farm is vulnerable to the toxins, debris, and pollution described in this letter. What happens on that site will not stay contained-it will affect neighboring

properties like mine, especially during flooding, high winds, or equipment failure. I urge you to consider the impact on nearby families and farms, not just the footprint of the project itself.

A recent public statement from the Potato Growers of Michigan, Inc. (PGMI) provides a well-articulated summary of the dangers that solar projects pose when sited irresponsibly on farmland. I urge you to consider their position, particularly the following passage:

"When solar panels and systems are eventually removed, small fragments of plastic and metal may remain in the soil. For crops like potatoes, which grow underground, this poses a unique and serious risk. Tuber vegetables can readily engulf foreign objects, creating contamination hazards that impact not just growers, but also processors and consumers. Ensuring clean, safe soil is critical for maintaining the integrity of Michigan's food supply." - Potato Growers of Michigan, Inc.

This is not just a Michigan problem. Here in Kentucky, we grow underground and surface-level crops-tobacco, corn, soybeans, vegetables-that are vulnerable to glass shards and debris from shattered solar panels. These fragments do not stay put. In our frequently flooded lands and karst topography, water can carry dangerous shards into gardens, crop fields, livestock pens, roads, and creeks. We have already seen this in flood-prone areas near Little Sinking Creek, a tributary that qualifies as a Water of the U.S. (WOTUS) under federal jurisdiction. Contamination of these waterways from panel debris could have wide-reaching consequences for downstream agriculture, human health, and environmental quality.

This problem is compounded by the fact that these shards can be inhaled or ingested by livestock, or sucked into harvesting equipment like combines during the fall harvest. Damaged combines, lost harvests, and injured animals are not hypotheticals-they are predictable outcomes when large-scale solar developments fail to prevent and clean up glass pollution on farmland.

Furthermore, this debris may lie unnoticed for years until crops, equipment, or animals come in contact with it. Long-term soil contamination from these synthetic and inorganic materials is inconsistent with Kentucky's agricultural legacy and with our duty to ensure a safe food supply for future generations.

The PGMI also raised important concerns about the use of federal subsidies to inflate solar land lease prices, making it impossible for young and next-generation farmers to compete for land. The result is a system where private companies profit at the public's expense-while damaging irreplaceable farmland and threatening our food systems.

As you evaluate solar siting and land use proposals, we ask you to take these concerns seriously. We request:

1. Independent environmental risk assessments for flood-prone or sinkhole-heavy regions where solar is proposed.
2. Written decommissioning plans and clean-up commitments from solar developers and their parent companies, including specific measures to remediate glass shards and contaminants.
3. Prohibitions or strong limitations on solar siting in prime agricultural zones, consistent with "smart solar" siting principles promoted by the American Farmland Trust.

As the PGMI rightly stated, "it is possible to advance clean energy goals while preserving high-quality agricultural soils for future food production." We ask the Kentucky PSC to ensure our state follows that path-one that respects both private property rights and the future of Kentucky farming.

A copy of the PGMI statement is attached for your review.

Sincerely,

Ann Stephens

Attachment: Public Statement from the Potato Growers of Michigan, Inc.

The Potato Growers of Michigan, Inc. (PGMI) recognizes the growing role of renewable energy in our state's future and supports the rights of landowners to make decisions about how their property is used. As strong proponents of personal property rights, we respect each landowner's freedom to enter into agreements that align with their values and needs.

That said, PGMI believes solar energy development must be approached thoughtfully, with a clear focus on responsible siting and long-term land use impacts-especially when productive farmland is involved. We urge policymakers, developers, and communities to prioritize solar siting on rooftops, industrial lands, and other areas not well suited for farming. With smart planning, it is possible to advance clean energy goals while preserving Michigan's high-quality agricultural soils for future food production.

Organizations like the American Farmland Trust have outlined principles for 'smart solar' development that align energy generation with land stewardship and food security-an approach we strongly support.

One critical concern relates to food safety. When solar panels and systems are eventually removed, small fragments of plastic and metal may remain in the soil. For crops like potatoes, which grow underground, this poses a unique and serious risk. Tuber vegetables can readily engulf foreign objects, creating contamination hazards that impact not just growers, but also processors and consumers. Ensuring clean, safe soil is critical for maintaining the integrity of Michigan's food supply.

Additionally, we are deeply concerned about the use of federal subsidies by energy companies to secure land contracts. These subsidies allow companies to offer prices that are up to ten times higher than fair market value, using taxpayer dollars to artificially inflate land prices. This practice creates an uneven playing field,

making it nearly impossible for farmers-particularly beginning and next-generation farmers-to compete for farmland. It also risks long-term harm to Michigan's agricultural economy and land access.

PGMI supports a balanced approach to renewable energy development-one that respects private property rights, protects farmland, ensures food safety, and uses public funds responsibly. PGMI urges policymakers, local governments, and energy developers to work collaboratively with the agricultural community to ensure that renewable energy solutions are implemented in ways that protect farmland, promote food safety, and sustain our rural economies for generations to come.

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**PUBLIC SERVICE
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Public Service Commission
211 Sower Blvd
PO Box 615
Frankfort, KY 40602

RE: Case No. 2024-00337 – Opposition to Commercial Solar Project in Rural Farmland

Dear Members of the Commission,

I am writing as a resident of Smith's Grove and a steward of rural Kentucky farmland to express my strong opposition to the proposed Wood Duck Solar project. This utility-scale commercial solar installation threatens to turn our low-income agricultural community into what has been described in environmental justice research as a sacrifice zone—an area where vulnerable rural populations are forced to bear environmental burdens while receiving little to no benefit in return.

The academic article "Sacrifice Zones in the Green Energy Economy" highlights how communities like ours—where farmland is cheap and political power is limited—are increasingly targeted for so-called "green" energy development. These projects, while marketed as environmentally friendly, often override local input, threaten farmland viability, and pose serious risks to the landscape, soil, and water resources. As the article notes, "green energy contains its own sacrifice zones," especially when governments remove local controls and ignore cumulative impacts on agriculture, health, and ecosystems.

In our case, prime farmland—used for food production and passed down through generations—is at risk of being stripped, compacted, and covered by industrial-scale solar panels. This is not benign development. Heavy metals, stormwater runoff, and broken glass shards from solar panels pose real risks to crops, livestock, and water sources such as nearby Little Sinking Creek, a designated WOTUS. This is not just a land-use issue—it is a food justice issue.

I live in close proximity to the proposed site. My family and farm are at risk. These projects come with no guarantees for local safety, no meaningful commitments for clean-up, and no clear benefit to the surrounding community. Meanwhile, the land becomes unavailable for food production and stripped of its heritage, value, and ecological integrity.

We must ask: Why are utility companies and solar developers not targeting industrial zones, brownfields, or already-compromised lands? Why are productive farm communities—especially those with limited economic power—being treated as disposable?

This Commission has a duty to protect not only energy infrastructure but also the health, economy, and dignity of Kentucky's rural agricultural communities. Please do not allow our farmland to become a sacrifice zone in the name of green energy profits.

Respectfully,



Ann Stephens

“Sacrifice Zones” in the Green Energy Economy: Toward an Environmental Justice Framework

Dayna Nadine Scott and Adrian A. Smith

Volume 62, Number 3, March 2017

Environment, Peoples, Power, and the Law: Reconceiving Relationships, (Re)building Bridges

Environnement, peuples, pouvoir et droit : déconstruire et reconstruire les perspectives

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Article abstract

The environmental justice movement validates the grassroots struggles of residents of places which Steve Lerner refers to as “sacrifice zones”: low-income and racialized communities shouldering more than their fair share of environmental harms related to pollution, contamination, toxic waste, and heavy industry. On this account, disparities in wealth and power, often inscribed and re-inscribed through social processes of racialization, are understood to produce disparities in environmental burdens. Here, we attempt to understand how these dynamics are shifting in the green energy economy under settler colonial capitalism. We consider the possibility that the political economy of green energy contains its own sacrifice zones. Drawing on preliminary empirical research undertaken in southwestern Ontario in 2015, we document local resistance to renewable energy projects. Residents mounted campaigns against wind turbines based on suspected health effects and against solar farms based on arable land and food justice concerns, and in both cases, grounded their resistance in a generalized claim, which might be termed a “right to landscape”. We conclude that this resistance, contrary to typical framings which dismiss it as NIMBYism, has resonances with broader claims about environmental justice and may signal larger structural shifts worth devoting scholarly attention to. In the end, however, we do not wholly accept the sacrifice zone characterization of this resistance either, as our analysis reveals it to be far more complex and ambiguous than such a framing allows. But we maintain that taking this resistance seriously, rather than treating it as merely obstructionist to a transition away from fossil capitalism, reveals a counter-hegemonic potential at its core. There are seeds in this resistance with the power to push back on the deepening of capitalist relations that would otherwise be ushered in by an uncritical embrace of “green energy” enthusiasm.

Introduction

In this article, we examine the tensions and conflicts between movements for climate justice, energy justice, and food justice, as they are emerging on the ground in the global North by taking seriously resistance struggles against renewable energy projects. We begin from the premise that climate justice requires consideration not only of *whether* to tackle climate change by transitioning from a fossil fuel economy, but more profoundly of *how* to undertake that transition. In other words, there are, and will continue to be, distributional effects related to renewable energy generation. Critical environmental justice scholars need to attend to those effects as they emerge, with a focus on social dynamics, including race, class, gender, and settler colonialism.¹

The environmental justice movement validates the grassroots struggles of residents of places which Steve Lerner refers to as "sacrifice zones": low-income and racialized communities shouldering more than their fair share of environmental harms related to pollution, contamination, toxic waste and heavy industry.² On this account, disparities in wealth and power, often inscribed and re-inscribed through social processes of racialization, are understood to produce disparities in environmental burdens. Here, we attempt to understand how these dynamics are shifting in the green energy economy. In doing so, we join scholars in political ecology who are asking provocative questions "that confound the general understanding of environmental justice" as following a standard formula based on grassroots, "bottom-up" community reactions by people of colour in low-income neighbourhoods.³ We seek to better understand how critical environmental justice scholars should receive and theorize resistance that breaks this mold. Specifically, how should we react to movements of white, middle-class property owners articulating claims that resonate

¹ "Critical Environmental Justice Studies" is a term adopted by David Pellow and Robert Brulle to refer to emerging scholarship, which attempts to incorporate attention to "how multiple social categories of difference are entangled in the production of environmental injustice," among other critical interventions (see respectively David Naguib Pellow & Robert J Brulle, "Power, Justice, and the Environment: Toward Critical Environmental Justice Studies" in David Naguib Pellow & Robert J Brulle, eds, *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge, Mass: MIT Press, 2005) 1; David N Pellow, "Toward a Critical Environmental Justice Studies: Black Lives Matter as an Environmental Justice Challenge" (2016) 13:2 *Du Bois Rev* 221 at 223).

² See Steve Lerner, *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States* (Cambridge, Mass: MIT Press, 2010) at 3.

³ Peter C Little, "Environmental Justice Discomfort and Disconnect in IBM's Tainted Birthplace: A Micropolitical Ecology Perspective" (2012) 23:3 *Capital Nature Socialism* 92 at 97. See also Julian Agyeman, *Sustainable Communities and the Challenge of Environmental Justice* (New York: New York University Press, 2005) at 1–2.

with the values and aims that have motivated the environmental justice movement? What do we mean by “Environmental Justice for All”?⁴ Our study is based on preliminary empirical research employing qualitative methods undertaken in southwestern Ontario from April to August 2015. We conducted comprehensive key-informant interviews and participant observation with local residents and advocates to learn more about their concerns and resistance efforts in relation to renewable energy projects.⁵ The data gathered through these methods were supplemented by a thorough review of the publicly available documentary record. We organized our examination of the contours of local resistance to green energy according to the way in which local residents and activists articulated those claims. For wind turbines, the concerns centered primarily on suspected adverse health effects; for solar farms, the concerns were expressed primarily in relation to the loss of arable land and food justice. In both cases, resistance was grounded in a generalized claim which might be termed a “right to landscape”.

The question of NIMBYism⁶ and environmental justice was very much a part of the energy landscape in southwestern Ontario in the years preceding our study. In an example that culminated in a high profile political controversy, the provincial government reversed a siting decision, which would have placed two new gas plants in the “backyards” of the largely

⁴ See e.g. Environmental Justice Health Alliance for Chemical Policy Reform, *Environmental Justice for All*, online: <ej4all.org>.

⁵ We conducted six in-depth interviews with key informants identified first by local news media sources as local residents or activists with concerns about renewable energy projects, and subsequently through a snowball method. Two interviews were conducted with multiple informants present. In one case, we were invited to observe a meeting of several residents and activists. The interviews were approximately ninety minutes in length and were taped and transcribed. To preserve confidentiality, we anonymized the identities of the interview subjects, but specified the date and location of each interview. We also reviewed local media sources, as well as court and tribunal proceedings where available. We analyzed data through a process of analytic induction, identified three “themes” or types of claims, and selected quotes where illustrative of the points in discussion.

⁶ The term “NIMBYism” refers to “not-in-my-backyard” syndrome. Definitions vary, but in general “NIMBYism” is used to refer to refusals to accept local impacts from the kind of development that would otherwise be supported if it were located elsewhere (see e.g. Maarten Wolsink, “Invalid Theory Impedes Our Understanding: A Critique on the Persistence of the Language of NIMBY” (2006) 31:1 *Transactions Institute British Geographers* 85 at 86 [Wolsink, “NIMBY”]; Karena Shaw et al, “Conflicted or Constructive? Exploring Community Responses to New Energy Developments in Canada” (2015) 8 *Energy Research & Social Science* 41 at 42).

privileged people of Oakville, Ontario.⁷ Katie Daubs, a journalist covering the well-organized resistance of the community quipped:

They may have more flat screen televisions than the average person, but the citizens of Oakville are human beings. If you prick them, they will bleed. If you wrong them, they will seek revenge. If you try to build a power plant next to a residential zone, they will fly in Erin Brockovich.⁸

Most environmental justice struggles are narratives of solidarity, but occasionally, as in Peter Little's example of IBM's legacy of a toxic "vapor intrusion" in primarily white Endicott, New York, there are stories of "contestation, discomfort, [and] disconnect": contexts in which traditional environmental justice framings chafe.⁹ In this study, we confront not only the relative privilege of the affected communities, but the fact that the industry they oppose—renewable energy—is itself promoted and state-sanctioned in "climate justice" terms. In other words, this is not merely a situation of relatively privileged residents fighting a proposed energy project that could easily be framed as an environmental burden in the classic "sacrifice zone" sense, but rather one in which the kind of projects being proposed (and opposed) are those meant to assist in the transition away from fossil fuels, momentum towards a destination in which gas plants are "not in anyone's backyard" (NIABY).¹⁰

⁷ To further complicate the matter from an environmental justice perspective, in an effort to compensate the companies affected by the decision to cancel the plants, "the government gave each of them a new contract to build a plant somewhere else" (Adrian Morrow, "Ontario Liberals' Gas-Plants Scandal: Everything You Need to Know", *The Globe and Mail* (1 April 2015), online: <www.theglobeandmail.com>). One gas plant ended up in the small town of Napanee, Ontario and the other in Lambton County, near Sarnia, which—according to the World Health Organization—already bears the burden of the worst air quality in the country, due to the presence of Canada's "Chemical Valley" (see Tara Jeffrey, "Sarnia's Air Canada's Worst" *Sarnia Observer* (27 September 2011), online: <www.theobserver.ca>). In fact, the neighboring Aamjiwnaang First Nation recently withdrew a *Charter* challenge against the Ministry of Environment in Ontario, in which they claimed that the high air pollution burden affected them disproportionately as First Nations people (see *Lockridge v Ontario (Director, Ministry of the Environment)*, 2012 ONSC 2316, 350 DLR (4th) 720 (Div Ct)); Margot Venton et al, "Changing Course in Chemical Valley" (26 April 2016), *Ecojustice*, online: <www.ecojustice.ca>).

⁸ Katie Daubs, "Oakville Brings in Erin Brockovich to Fight Power Plant", *Toronto Star* (1 October 2010), online: <www.thestar.com>. Brockovich, of course, is the legendary environmental justice crusader depicted in the film *Erin Brockovich* directed by Steven Soderbergh (2003).

⁹ Little, *supra* note 3 at 95, 105.

¹⁰ The notion of "just sustainabilities" popularized by Julian Agyeman and his colleagues is an attempt to have scholars focus on not only the distribution of risk, but also the *prevention* of risks. This notion is sometimes captured by the "NIABY" acronym. This framework is a little more difficult to apply in the context of green energy projects, in-

acts as a countervailing force to neo-liberalizing trends, even though it is not "explicitly oriented against the deepening of capitalist relations".¹⁶⁸

Conclusion

The resistance to green energy projects in southwestern Ontario presents some challenging questions for environmental justice scholars and activists. In considering how to receive claims about adverse health effects of wind power (i.e., "wind turbine syndrome"), we argued that our attitude toward the claims should be based less on the identity of the residents complaining, and more on an analysis of power relations and social dynamics in relation to knowledge and expertise. In considering how we should adjudicate claims to land as between those who want to preserve it for food production, and those who would use it for solar power generation, we called for the development of nuanced accounts of food justice that can take these tensions into consideration. With respect to Indigenous peoples' struggles for food sovereignty, we argued that the settler-colonial context must be considered and the ongoing subordination of Indigenous law to colonial law is a pressing matter of concern for environmental justice scholars.

Finally, and most profoundly, we considered how we should receive claims by residents that renewable energy projects are interfering with the "landscape". When people articulate a connection to land and an affection for a landscape, a complicated set of questions come into view for environmental justice scholars. Recognizing that these claims may have exclusionary and even racist tendencies, we can also see their potential for affirming the attachments of non-owners to land and for extending rights to a collective that may challenge entrenched capitalist conceptions of what is possible on a landscape. To return to the Site C example raised at the outset of this article, it is clear that, in that context, the climate imperative—to reduce greenhouse gas emissions—is now a critical settler-state imperative. And the Site C dam, the displacement and dispossession of Indigenous communities, is justified on climate grounds. Here, the severance of links between land and livelihood and the dismissal of collective claims for the preservation of a landscape that has sustained a people, since time immemorial, clearly demonstrates the need to preserve the possibility that those claims can be heard by environmental justice scholars, as we confront the "voracious appetite for resources and land"¹⁶⁹ that is inherent in not only fossil extractivism, but in the green energy economy as well.

¹⁶⁸ McCarthy, "First World Political Ecology", *supra* note 131 at 1298.

¹⁶⁹ Dalby, *supra* note 26 at 13.

We conclude that resistance to green energy projects as it is emerging on the ground should not be so easily dismissed as mere NIMBYism. At the same time, the approach to renewable energy governance that emerges from this study of resistance in southwestern Ontario reveals “modes of regulation that are simultaneously effective in reducing carbon emissions while not threatening the power structures that have caused the problems in the first place.”¹⁷⁰ As mentioned, the growth in renewables fuelled by the Green Energy Act in Ontario corresponds with a greater proportion of energy generating assets under private control. The counterhegemonic potential at the core of green energy resistance, then, derives from its troubling of the profit-driven incentive structures and lack of participatory engagement that characterize green energy enthusiasm in its current form. Naomi Klein, in *This Changes Everything: Capitalism vs. The Climate*, states that sacrifice zones in an extractivist economy are those “places that, to their extractors, somehow don’t count and therefore can be poisoned, drained, or otherwise destroyed, for the supposed greater good of economic progress.”¹⁷¹ She acknowledges that this logic “predate[s] industrial-scale extraction of fossil fuels.”¹⁷² Our point is that it may outlast fossil-capitalism as well, if a narrow focus on climate justice, or a shallow conception of the green economy, prevents us from seeing the fundamental reimagining of our economies that needs to take place. In seeking to preserve possibilities in the green energy economy for “true politics[—] antagonism, deep dissent, [and] the space for the imagination [and articulation] of genuine alternatives”¹⁷³—we feel it is important to take resistance seriously.

¹⁷⁰ *Ibid* at 12.

¹⁷¹ Naomi Klein, *This Changes Everything: Capitalism vs The Climate* (New York: Alfred A Knopf Canada, 2014) at 169.

¹⁷² *Ibid* at 170.

¹⁷³ McCarthy, “Post-political”, *supra* note 163 at 22.