

**COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY STATE BOARD  
ON ELECTRIC GENERATION AND TRANSMISSION SITING**

**In the Matter of the Application of Turkey Creek                    )**  
**Solar, LLC, for a Construction Certificate to Construct    ) Case No. 2020-00040**  
**a Merchant Electric Generating Facility                        )**

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**MOTION TO STRIKE AND MODIFY**

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Comes the Applicant, Turkey Creek Solar, LLC (“Turkey Creek”), by counsel, and moves the Kentucky State Board on Electric Generation and Transmission Siting (the “Siting Board”) to strike a certain provision of its Order granting a Certificate dated September 23, 2020 (the Order”) and further requiring Turkey Creek to file the Cumulative Environmental Assessment with the Board within 30 days of filing same with the Cabinet For Energy and the Environment (the “Cabinet”). As grounds for its motion, Glover Creek states as follows:

In its Motion for Deviation (the “Motion”), Turkey Creek stated at page 10 that the cumulative Environmental Assessment (“CEA”), which was filed with the Siting Board, had also been filed with the Cabinet. Such filing is a requirement of KRS 224.10-280(1)(a), which mandates that it be filed with the “permit.” However, that statement in the Motion is not correct. It should have stated that the CEA “will be filed.”

The Siting Board relied on that statement in its Order, and on page 36, it stated that the CEA had been filed. Turkey Creek requests that the following sentence in its Order be stricken, “Turkey Creek states, that based upon the CEA submitted to the Cabinet, the goals of the requirements of KRS 224.10-280 have been met” and be replaced by the following: “Turkey Creek states that based upon its intent to file the CEA with the Cabinet the goals of KRS 224.10-

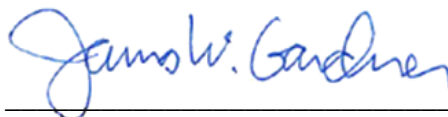
280 have been met. Further, Turkey Creek shall file the CEA with the permit referenced in KRS 224.10-280(1)(a) which in this case is the General Permit for Stormwater Discharges with Construction Activities.”

The Siting Board in the ecoPower Generation, LLC case, 2009-00530, resolved this situation by stating: “within 30 days of filing its cumulative environmental assessment (“CEA”) with the Kentucky Energy and Environmental Cabinet, eco-Power Hazard shall file a copy of the CEA with the Siting Board, including a copy of its KPDES industrial stormwater application.”

Although Turkey Creek already filed the CEA with the Motion for Deviation, it will file the CEA again at the Siting Board along with it the Kentucky Pollutant Discharge Elimination System (‘KPDES’) General Permit for Stormwater Discharges Associated with Construction Activities application within 30 days of its filing with the Cabinet.

WHEREFORE, for the reasons stated herein, the Motion to Strike should be sustained and Turkey Creek should file its CEA and KPDES stormwater permit within 30 days of filing with the Cabinet.

Respectfully submitted,



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