

GLOVER CREEK SOLAR, LLC
CASE NO. 2020-00043
RESPONSES TO STAFF'S THIRD REQUEST FOR INFORMATION DATED AUGUST 6, 2021

- 1. Confirm whether any public notice was provided via newspaper of general circulation in Metcalfe County, or whether any further public involvement activities were undertaken regarding the proposed addition to the project.**

Response: Public notice of the Motion to Amend to add the Sandidge parcel to the project was not provided via newspaper. There was direct communication by hand delivered letters, and personal outreach with all adjacent landowners of the Sandidge parcel. Two notices of application were also sent to all adjacent neighbors of the Sandidge parcel—one via regular mail and one via certified mail. A copy of the letter sent to adjacent landowners, along with copies of the certified mail receipts, was included in Exhibit D of the Motion to Amend filed previously.

Witness: Drew Chandler

- 2. Confirm that the addition of a secondary access point on Nunnally Road is a new access point associated with the addition of the Sandidge parcel.**

Response: Confirmed. Two new access points will be required—one to the north, and one to the south of Nunnally Road.

Witness: Drew Chandler

- 3. Confirm the location of the Nunnally Road access point, its distance from SR 640, and the side of the road from which the site will be accessed.**

Response: The new access points off Nunnally Road will provide access to both the north and south side of the road. The exact location of the entrances and their distance from SR640 will be determined when final engineering review is complete, and the exact locations of the access points will be shown on the final site plan that will be submitted to the Siting Board for review.

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Glover Creek believes that having two additional access points along Nunnally Road will benefit both nearby landowners and the project, as the extra access points will serve to mitigate traffic congestion, spread out equipment deliveries, and generally make the construction process more efficient. A revised layout map showing the approximate location of both proposed entrances is attached as Exhibit A.

Witness: Drew Chandler

4. Explain how the northern portion of the Sandidge parcel will be accessed, given that Exhibit A indicates that only one access point would be located on the east/south side of Nunnally Road.

Response: Please see the response to number 3 above.

Witness: Drew Chandler

5. Confirm that the secondary access point on Nunnally Road will be gated and locked when not in use, similar to other Project access points.

Response: Confirmed. All access points will be gated and locked when not in use, both during construction and during long-term operation of the site.

Witness: Drew Chandler

6. Provide information about any changes in distances between residences and solar panels, or residences and other facility infrastructure, within the original site, particularly if those distances have been reduced.

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Response: No distances between neighboring residences and facility structures within the original site area have been reduced. It is possible that some distances between the project and neighboring residences within the original site will be increased (set farther away) based on the addition of the Sandidge parcel, and the exact new setbacks will be confirmed during final site design process. Glover Creek proposes to at minimum comply with the setback distances for solar panels proposed in the application.

Witness: Drew Chandler

7. Confirm that construction of the Glover Creek facility is still anticipated to occur over a 12-month period, or explain any changes in that schedule due to the addition of the Sandidge parcel.

Response: We do not expect any changes to the construction schedule due to the addition of the Sandidge parcel since the amount of equipment (solar panels and inverters) installed will not change. The facility will remain at the same 55 MW AC capacity as originally approved. The purpose of the Sandidge parcel is to optimize the project layout and to minimize the use of challenging terrain within the original project footprint area. By using more suitable land within the Sandidge parcel, there will be less grading and earth disturbance within the original project area, and overall, than if we were to try and fit the same number of solar panels in the original area. This will serve to speed up the construction process.

Witness: Drew Chandler

8. Confirm that the types of construction activities to occur onsite are anticipated to remain the same with the addition of the Sandidge parcel.

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Response: Confirmed. The types of general construction activities are anticipated to remain exactly the same as described in the initial application.

Witness: Drew Chandler

9. Confirm that there would be no change in the number of construction workers, or operational employees, onsite due to changes in property boundaries and the revised panel layout.

Response: Confirmed. There will be no change in the number of workers or employees onsite.

Witness: Drew Chandler

10. Clarify whether the Sandidge family will remain in the residence located in the southern portion of the property and, if so, what the distance is between that residence and the New Parcel Boundary.

Response: Glover Creek understands that the Sandidges plan to remain in the residence. The distance between the nearest solar panels and the residence is approximately 800 feet. The layout and distance between the residence and project boundary has been surveyed, reviewed, and approved by the landowners, Donald and Mary Sandidge.

Witness: Drew Chandler

11. Confirm whether viewshed impacts have specifically been discussed with Mr. Eddie Harbison and that he has no current concerns regarding the viewshed, nor has he made any requests for a vegetative buffer between his residence and the Project.

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Response: Viewshed impacts have been specifically discussed and addressed with Eddie Harbison. We have been in close communication with Mr. Eddie Harbison regarding the location of his home and farm in relation to the Sandidge property. Notably, Eddie Harbison's son and daughter-in-law, Chris and Kelly Jo Harbison, are landowners involved with the project. The topography of the site is such that a vegetative buffer between Eddie Harbison's land and the panels to the south would be ineffective because Eddie Harbison's land is significantly higher in elevation than the panel location. Eddie Harbison has not asked for a vegetative buffer, and it is our understanding that he is satisfied with the site design in relation to his property.

Witness: Drew Chandler

12. Confirm whether you agree continue to coordinate with adjacent homeowners throughout the construction and operational phases, as related to visual concerns and mitigation of visual impacts.

Response: Glover Creek agrees to continue to coordinate with homeowners within 1,500 feet of the property boundaries throughout the construction phase, and homeowners within 500 feet of the solar panels throughout the operational phase, pursuant to Mitigation Measure 18.

Witness: Drew Chandler

13. Confirm whether you agree to the application of conditions imposed in Glover Creek's Certificate of Construction, as related to vegetative buffers and mitigation of potential visual impacts, to the areas surrounding the additional Sandidge parcel.

Response: Based on the site plan Glover Creek submitted in conjunction with the Motion to Amend, there are no plans for additional vegetative buffers to be planted on the project area

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surrounding the additional Sandidge parcel. As described in Exhibit F to the Motion to Amend, one adjacent neighbor of the original project area, whose property also sits adjacent to the Sandidge parcel, requested a vegetative buffer to be planted on their own property to obscure their viewshed of the original project area. Glover Creek has agreed with this neighbor to supply them with trees which they will plant on their own property in the fall of 2021. Based on the site topography, location of neighboring residences, and existing vegetation to the north, south, and west of the parcel, additional vegetative buffers would be ineffective. If the Siting Board has viewshed concerns at specific locations, Glover Creek is certainly open to addressing those via additional vegetative buffering.

Witness: Drew Chandler

14. Confirm whether you agree to enforcement of the mitigation measures and conditions imposed in Glover Creek's Certificate of Construction, as related to noise impacts, for the additional Sandidge parcel as well.

Response: Glover Creek agrees to enforcement of the mitigation measures and conditions imposed in Glover Creek's Certificate of Construction for the additional Sandidge parcel, specifically Mitigation Measures 19-21. Moreover, although Glover Creek has petitioned the board for reconsideration on those measures for the original site area, Glover Creek agrees to abide by the measures as written in the Certificate of Construction for the entire project area, and will withdraw our earlier petition for reconsideration regarding those three Mitigation Measures.

Witness: Drew Chandler

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15. Provide information regarding any changes in average day or peak day traffic volumes (as compared to the Application) during construction, especially along SR 640 and Nunnally Road.

Response: There are no expected changes in average day or peak day traffic volumes from the addition of the Sandidge parcel. The addition of the parcel will require more traffic than previously planned along Nunnally Road, which is a small, dead-end gravel road.

Witness: Drew Chandler

16. Provide information regarding road degradation or other impacts to Nunnally Road (i.e., degradation, weight limits, delays, congestion).

Response: Glover Creek commits to complying with its transportation permits. Additionally, because Nunnally road is a gravel road, Glover Creek commits to smoothing and putting down new gravel over any sections of the road that are rutted or lacking gravel at the end of construction, and as required during the construction process. Glover Creek will accept a specific mitigation measure stating this requirement for Nunnally Road, if the Siting Board deems that appropriate. Glover Creek will have the material and machinery on-site required to make repairs to Nunnally Road because the access roads we will build within the fenced project area will be constructed with similar materials and methods as Nunnally Road. Throughout the final stages of construction planning, Glover Creek will assess the weight-bearing capabilities of Nunnally Road, and in conjunction with the appropriate authorities, limit the weight of vehicle traffic accordingly.

Witness: Drew Chandler

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17. Confirm that The Traffic Management Plan and explicit coordination with the County Road staff required as a condition of the Certificate of Construction will specifically address traffic and traffic management associated with activities occurring on the Sandidge parcel, the secondary access point on Nunnally Road and vehicle access to the portion of the new parcel on the north side of Nunnally Road.

Response: Glover Creek affirms that it will coordinate with County Road staff to specifically address traffic and traffic management associated with activities occurring on the Sandidge Parcel through its development of the Traffic Management plan as required by Mitigation Measure 10 in the September 23, 2020, order issued by the Siting Board.

Witness: Drew Chandler

18. Confirm whether you agree to the extension of the mitigation measures and conditions imposed in Glover Creek's Certificate of Construction, as related to traffic and road impacts, for the roads used to access the additional Sandidge parcel.

Response: Confirmed. However, please note that Glover Creek is presently seeking clarification on this matter in the Petition for Reconsideration, which is still pending approval from the Siting Board. Glover Creek generally agrees to this mitigation measure but would appreciate clarity on the process as well as the authority that will oversee this mitigation measure to ensure that claims of impacts and damages are just and reasonable.

Witness: Drew Chandler

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19. Confirm whether you agree to the application of the mitigation measures and conditions imposed in Glover Creek's Certificate of Construction, as related to decommissioning, to the Sandidge parcel.

Response: Confirmed

Witness: Drew Chandler

20. Confirm whether you agree to develop and finalize an explicit or formal decommissioning plan to carry out land restoration, including the Sandidge parcel.

Response: Although the Siting Board's original order did not previously contain a requirement for a formal decommissioning plan, Glover Creek is aware of subsequent Siting Board decisions for other projects in the Commonwealth that implemented a requirement for a decommissioning plan. Glover Creek will agree to develop a formal decommissioning plan that is consistent with the provisions in leases it has obtained from property owners to carry out land restoration for the entire project site.

Witness: Drew Chandler

21. Confirm whether you agree to file a bond equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming Metcalfe County as a third-party beneficiary so that Metcalfe County will have the authority to draw upon the bond to effectuate the decommissioning plan.

Response: Although the Siting Board's original order did not previously contain a requirement for a decommissioning bond, Glover Creek is aware of subsequent Siting Board decisions for other projects in the Commonwealth that implemented a requirement for a

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decommissioning bond. To demonstrate good faith, Glover Creek will agree to obtain a bond equal to the amount necessary to effectuate the explicit or formal decommissioning plan naming Metcalfe County as an obligee so that Metcalfe County will have the authority to draw upon the bond to effectuate the decommissioning plan. It is vital for the Siting Board to understand that Glover Creek will incur additional costs for the acquisition of such a bond, and that the implementation of that requirement makes it vital for the Siting Board to approve the addition of the Sandidge property and reduce the inverter-setback requirement of 2,000 feet as requested in the petition for reconsideration.

Witness: Drew Chandler