

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. 2020-00387
GENERATING FACILITY IN BRECKINRIDGE)
COUNTY AND MEADE COUNTY, KENTUCKY)
PURSUANT TO KRS 278.700 AND 807 KAR)
5:110)

GREEN RIVER SOLAR, LLC'S
RESPONSE TO SITING BOARD CONSULTANT'S REPORT

Comes now Green River Solar, LLC (“Green River Solar”), by counsel, pursuant to the Siting Board’s July 14, 2021 procedural order, and does hereby respectfully tender its response to the “Review and Evaluation of Green River Solar, LLC Siting Assessment Report,” dated September 29, 2021, and prepared by BBC Research & Consulting (“BBC”), respectfully stating as follows:

Executive Summary Recommendations

Section B, Page 6: BBC supports this proposed [viewshed] mitigation, and further recommends that Green River Solar be required to use solar panels with anti-reflective coating to reduce glare – as indicated in their response to Siting Board Staff’s Second Request for Information.

As confirmed in the Second Request for Information, Green River Solar anticipates that solar panels purchased by the Project will have anti-reflective coatings to reduce glare.

Section B, Page 7: BBC recommends that the minimum setback for central inverters should be increased to 450 feet from the nearest residence. This distance provides

additional protection against ongoing operational noise impacts and would be consistent with previous Siting Board orders such as those for the proposed Ashwood Solar facility.

The Site Plans submitted as part of the Second Information Request from the Siting Board do not place any inverters within 450 ft of a residence. Central inverters are usually placed in the middle of solar arrays and optimized to reduce the length of collection wiring.

Section B, Page 7: If allowed to use the Meade County setbacks in Breckinridge County, Breckinridge County should also be provided with the other protections incorporated in the Meade County Solar Ordinance, including being 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.

Green River Solar has been in contact with the Breckinridge County Judge-Executive multiple times prior to submittal of the Application to the Siting Board. The subjects of these previous meetings included introducing the project representatives, discussing plans and timeline for the project, and discussing the plan to use Meade County setback requirements across the Project area, including in Breckinridge County. Green River Solar had previously clarified and confirmed with the County Judge Executive's office that permits and approvals are not required outside of city limits within Breckinridge County.

The Project landowner agreements in Breckinridge County include requirements to provide financial security to cover the cost of any future abandonment of the facility, net of salvage value. Timing for this security is required not later than 15 years after the facility has begun operations and will be re-evaluated every 5 years. Moreover, the Meade County solar ordinance only requires that a decommissioning plan be written and provided to the County for review. It does not require County approval of the Project's decommissioning plan. Accordingly, Green River Solar supports

the recommendation to provide a decommissioning plan to Breckinridge County for informational purposes only.

Section B, Page 7: As stated and shown in Green River Solar's Response to the Siting Board Staff's Second Request for Information, Green River Solar should modify their original plan for developing "Array Group A" to exclude building above ground facilities within the city limits of Irvington.

As confirmed in the Second Request for Information, Green River Solar is not anticipating building facilities within the city limits of Irvington.

Section B, Page 8: BBC supports this proposed [access control] mitigation, and further recommends that Green River Solar or its contractor should control access to the site during construction and operation. All entrances should be gated and locked when not in use. Signage should conform to the American National Standards Institute (ANSI) Z535 Safety Sign Standards for Electric Utility Power Plants and Substations. According to National Electric Safety Code regulations, the security fence must be installed prior to any electrical installation work.

Green River Solar will ensure fencing with appropriate signage, gates, and locks are in place prior to energization of electrical equipment, as required by the National Electric Safety Code regulations. Fencing will not be complete before installation of some electrical components. For example, we will likely install unterminated underground electrical collection lines prior to installation of fencing.

Section B, Page 8: BBC supports this proposed [traffic management] mitigation, and further notes that Green River Solar may need to use flaggers, in addition to signage, to adequately warn and slow traffic along KY 79 in the vicinity of its site delivery entrances from that highway during construction.

A traffic management plan will be developed by the EPC contractor that will be hired to construct the solar facilities. This traffic management plan will consider plans to use flaggers and signage. Typically, our EPC contractors would only use flaggers for major / oversized equipment. For example, if there are turns/intersections that would require a semi-truck trailer to use a portion of the road beyond the centerline, then our EPC contractor would typically use flaggers.

Section B, Page 9: 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 AM to 6 PM, Monday through Saturday, to reduce impacts from construction noise on nearby residents.

Green River Solar respects that this limitation has been placed on previous projects reviewed by the Siting Board. The Project requests to maintain the original construction hours from 6 AM to 6 PM as documented in the original Application. As an alternative, Green Rivers Solar proposes to limit higher noise activities such as pile-driving to the hours of 8 AM to 6 PM but would request that low noise activities can occur during the original proposed hours of 6 AM to 6 PM.

Section B, Page 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.

Green River Solar has committed to notify residents and business in the vicinity of the proposed Project about the start of construction one month prior to commencing construction. These notifications will also include contact information for answering questions and providing feedback.

Section B, Page 9: 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.

Green River Solar Project representatives were not able to obtain reliable cost estimates from EPC contractors regarding these mitigations. The feasibility and applicability of these noise mitigations in the solar construction industry is not well-established. Green River Solar respectfully states that the Project setback requirements and creating an open communication channel with nearby residents and business is a sufficient mitigation for noise during the temporary

pile driving construction duration and that the costs of this particular mitigation measure should not be imposed on the Project without a known and measurable benefit.

Section B, Page 9: 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 or not the complaint was resolved to the satisfaction of the affected landowner.

Green River Solar has committed to notify residents and business in the vicinity of the proposed Project about the start of construction one month prior to commencing construction. These notifications will also include contact information for answering questions and providing feedback.

Section B, Page 9: As part of the traffic management plan, Green River Solar should implement ridesharing between construction workers (as feasible, given safety protocols for Covid-19), 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 can encourage ridesharing with the construction workers to minimize potential delays during AM and PM peak travel hours but cannot mandate ridesharing. Due to the interdependence of all on-site jobs during the construction phase, it is not feasible to allow for flexible working hours for most construction workers.

Section B, Page 9: Green River Solar should consult with the Kentucky Transportation Cabinet and the Meade County and Breckinridge County road departments as soon as feasible to discuss the anticipated construction-related traffic and the transportation requirements for the power transformer and the KYTC's restrictions on US 60 and KY 79.

Green River Solar agrees with this recommendation.

Section B, Page 9: 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 to.

The typical practice that Green River Solar expects to leverage is for EPC contractors to take videos of impacted roads before mobilization of construction and after construction is complete to record signs of damage. These videos are reviewed with input from county and state transportation engineers to verify repair scope. Green River Solar will then repair the road to rectify the specific damage caused by the Project.

Site Development Plan Recommendations

Section C, Page 14: 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.

Green River Solar agrees with this recommendation.

Section C, Page 14: 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 signage to warn potential trespassers. The applicant should ensure that all site entrances and boundaries have adequate signage. According to National Electric Code regulations, the security fence must be installed prior to any electrical installation work.

Please reference response addressed above in the original list of mitigations in Executive

Summary.

Section C, Page 14: 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.

Per KRS 278.704(4), the Siting Board may grant a deviation from the statutory set back requirements that apply to adjoining property owners and any residential neighborhood, school, hospital, or nursing home facility as set forth in KRS 278.704(2). Nothing within the statute requires the request for a deviation to be made in the form of a motion. Green River Solar 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.

Green River Solar's Application describes the proposed setback requirements for that portion of the Project that is located in Breckinridge County and explains that the setback requirements will be identical to those set forth in the Meade County Solar Ordinance. Moreover, the Project maps filed along with the Application and updated through discovery assure that the proximity of the proposed facilities to adjacent boundaries and residences is already included within the administrative record.

As set forth above in the original list of mitigations in the Executive Summary, Green River Solar is willing to provide the Breckinridge County Fiscal Court with a copy of its decommissioning plan for informational purposes. However, Green River Solar has previously clarified and confirmed that permits and approvals are not required outside of city limits within Breckinridge County.

The Project landowner agreements in Breckinridge County include requirements to provide financial security to cover the cost of any future abandonment of the facility, net of salvage value. Timing for this security is required not later than 15 years after the facility has begun operations and will be re-evaluated every 5 years.

Compatibility with Scenic Surroundings Recommendations

Section C, Page 23: 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.

Green River Solar agrees with this recommendation, as documented in the Application.

Section C, Page 23: 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.

Green River Solar agrees with this recommendation, as documented in the Application.

Section C, Page 23: Green River Solar should use panels with anti-reflective coatings to reduce glare and corresponding visual impacts.

As confirmed in the Second Request for Information, Green River Solar's solar panels will have anti-reflective coatings to reduce glare.

Section C, Page 23: Green River Solar should be open to communication with adjacent landowners regarding viewshed impacts and the implementation of strategic additional vegetative screening, if needed.

Green River Solar project representatives have already discussed this topic with some of the adjacent landowners and have added these changes into the response to the Second Request for Information.

Noise Recommendations

Section C, Page 34: 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 AM to 6 PM, Monday through Saturday, to reduce impacts from construction noise on nearby residents.

Please reference response addressed above in original list of mitigations in Executive Summary.

Section C, Page 34: 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.

Please reference response addressed above in original list of mitigations in Executive Summary.

Section C, Page 34: As recommended in the Noise Impact Assessment within the SAR, during construction Green River Solar should “Locate stationary noise-generating equipment such as air compressors or portable power generators as far as practicable from neighboring houses.

Green River Solar agrees with this recommendation.

Section C, Page 34: 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.

Please reference response addressed above in original list of mitigations in Executive Summary.

Section C, Page 37: 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.

Please reference response addressed above in original list of mitigations in Executive Summary.

Section C, Page 37: 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.

Green River Solar agrees with this recommendation.

Section C, Page 38: 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.

Please reference response addressed above in original list of mitigations in Executive Summary.

Additional Notes

Green River Solar also seeks to clarify the racking technology options that are being considered by the Project for potential application in the final solar array design. In the original Application filing, two solar array racking options were referenced as potential racking options:

- Fixed tilt design where panels are installed on steel piles at a predetermined angle; and
- Tracker design where the angle of the solar panels is changed during the day.

The Project is also evaluating an additional racking system for application on the Project, referred to as ground mounting. This racking method is like the fixed tilt design in that the angle of the solar panels will not change. However, it also has a lower profile than either of the other two designs. The racking is fixed to the ground either via a ballast system or a ground screw system. Additional details are provided in Attachment 1.

The final solar panel racking system will be evaluated and chosen early in the engineering phase of the Project.

Green River Solar appreciates the time and effort of BBC in developing its Report and appreciates the opportunity to provide responsive comments.

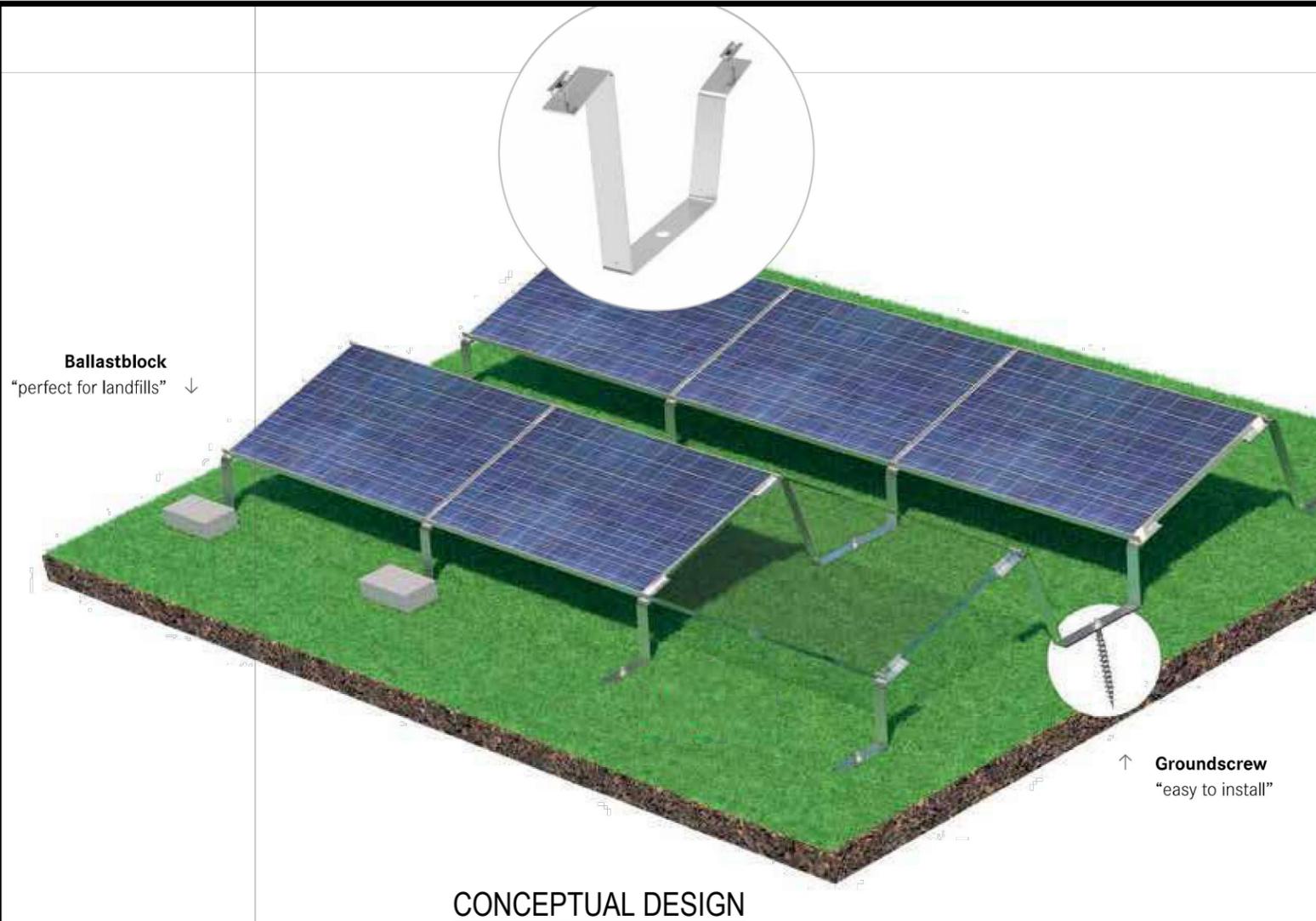
Done this 15th day of October 2021.

Respectfully submitted,

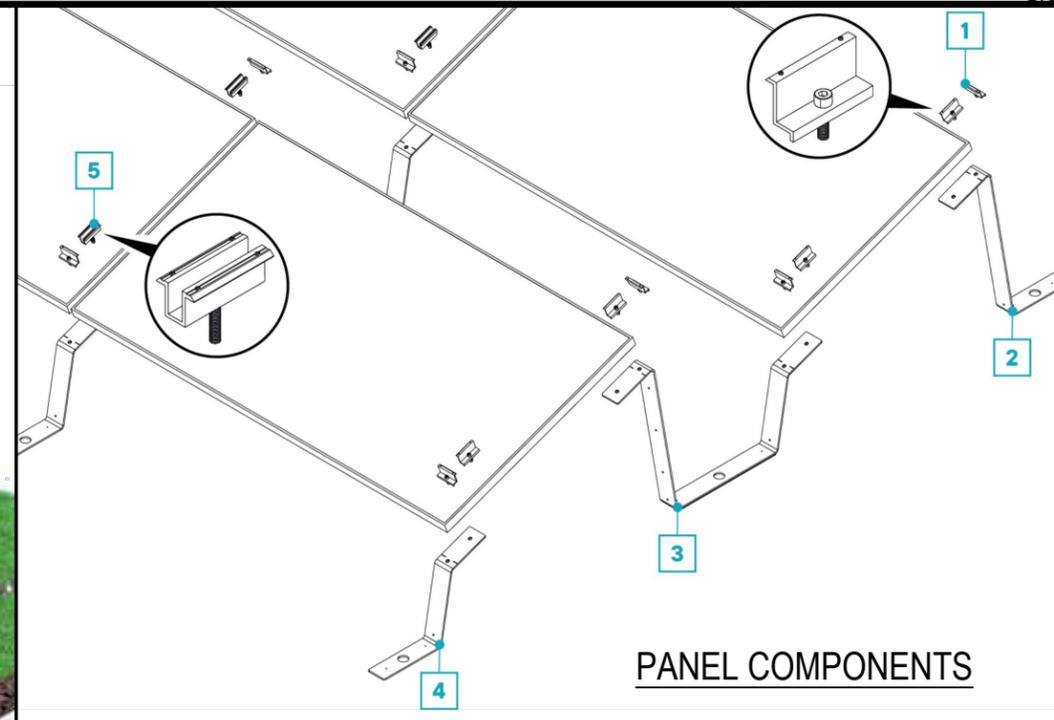


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CONCEPTUAL DESIGN

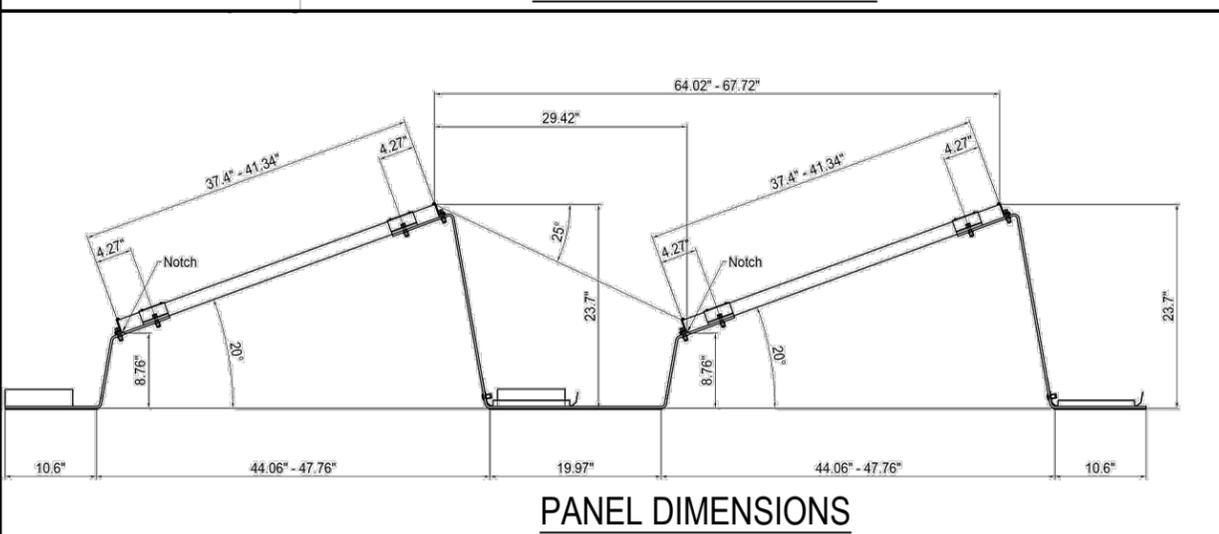


PANEL COMPONENTS



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
KY SITING BOARD	07-09-2021
MEADE CO. PLAN	07-13-2021
MEADE CO. PLAN RESUBMITTAL	08-11-2021
KY SITING BOARD RESUBMITTAL	09-22-2021



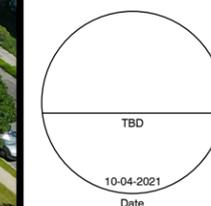
PANEL DIMENSIONS



ARRAY ILLUSTRATION

NOTE:

1. DETAILS ACQUIRED FROM AEROCOMPACT® INC.
2. DETAILS ON THIS DRAWING ARE CONCEPTUAL ONLY.
3. FOUNDATION AND EQUIPMENT CONFIGURATION SUBJECT TO CHANGE DURING DETAILED DESIGN.
4. PILE EMBEDMENT DEPTH VARIES ON GEOTECHNICAL STUDY RESULTS AND STRUCTURAL DESIGN.
5. ACTUAL OPTIMAL DIMENSIONS MAY DEPEND ON SPECIFIC CONDITIONS OF THE SITE.



CONSTRUCTION
 DETAILS