

COMMONWEALTH OF KENTUCKY

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF MEADE)	
COUNTY SOLAR LLC FOR A CERTIFICATE TO)	
CONSTRUCT AN APPROXIMATELY 40 MEGAWATT)	CASE NO.
MERCHANT SOLAR ELECTRIC GENERATING)	2020-00390
FACILITY IN MEADE COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700, ET SEQ.,)	
AND 807 KAR 5:110)	

**MEADE COUNTY SOLAR LLC'S RESPONSE TO
SITING BOARD STAFF'S POST-HEARING REQUEST FOR INFORMATION**

Filed: October 20, 2021

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

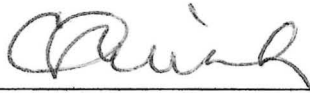
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VERIFICATION OF CHRIS KILLENBERG

STATE OF Rhode Island)
)
 COUNTY OF Newport)

Chris Killenberg, Regional Development Director for Community Energy, Inc., on behalf of Meade County Solar LLC, being duly sworn, states that he has supervised the preparation of certain responses to Requests for Information in the above-referenced case and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.



 Chris Killenberg

The foregoing Verification was signed, acknowledged and sworn to before me this 18th day of October 2021, by Chris Killenberg.





Notary Commission Number: 766165

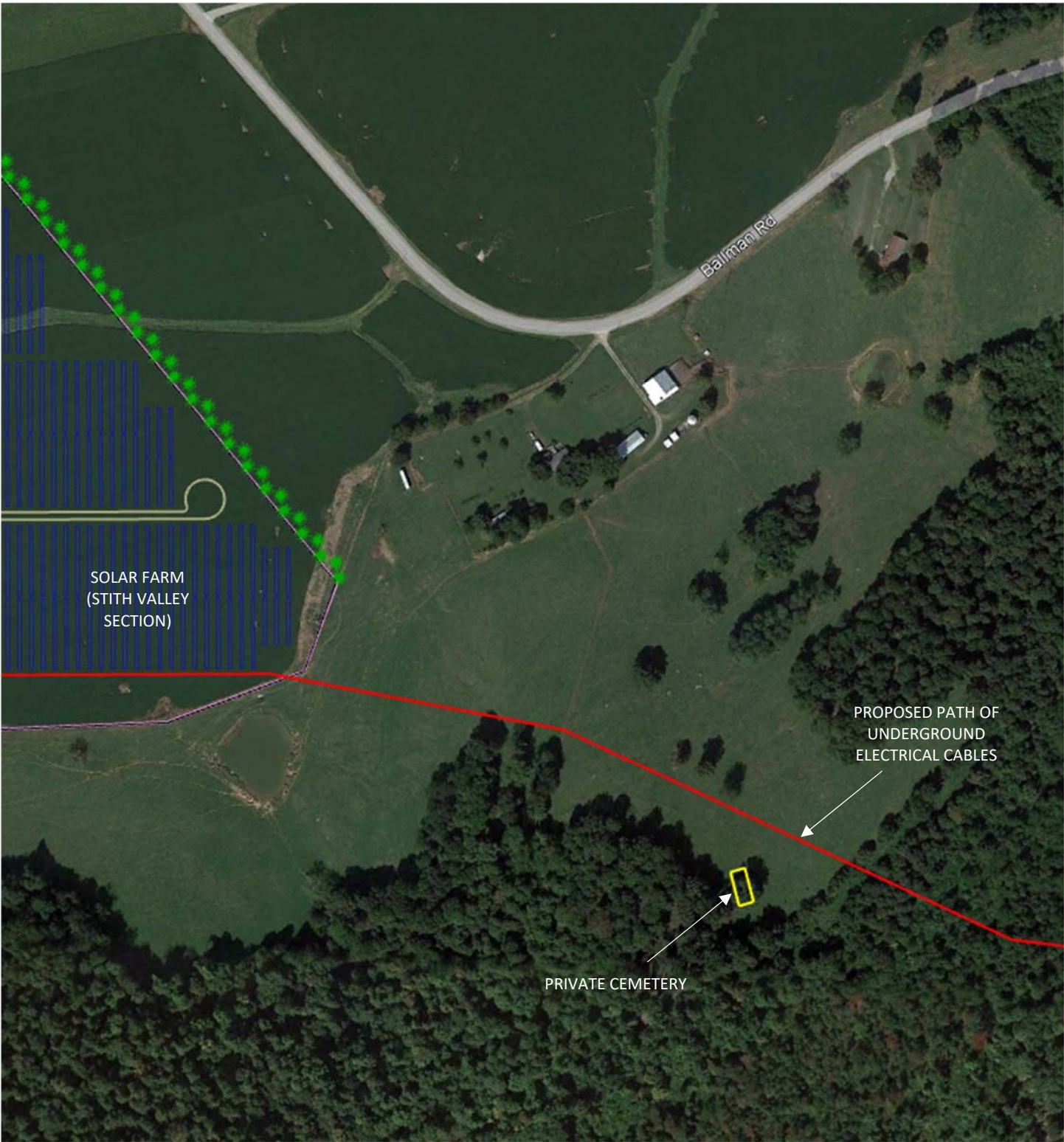
Commission expiration: 11/23/24



**Meade County Solar, LLC
Case No. 2020-00390
Siting Board Staff's Post-Hearing Request for Information**

1. Provide a map that shows the boundaries of the cemetery within the project site.

Response:

For clarity, the cemetery in question is adjacent to the project site - not within the project site. The project-related equipment that would be nearest to the boundaries of the cemetery are underground electrical cables that connect the Big Spring section of the project site to the Stith Valley section of the project site. The proposed path for these electrical cables is approximately 100 feet from the nearest point of the cemetery boundary. Please see the 'Map showing the boundaries of the cemetery adjacent to the project site', attached as pages 2 and 3 of this response.



 <p>COMMUNITY ENERGY[®]</p> <p>COMMUNITY ENERGY SOLAR, LLC</p> <p>3 RADNOR CORP CENTER, SUITE 300 100 MATSONFORD RD. RADNOR, PA 19087 (866) 946-3123</p>	<p>MEADE COUNTY SOLAR - 40MW SOLAR PROJECT MEADE COUNTY, KY STITH VALLEY SECTION</p>		<p>MAP SHOWING THE BOUNDARIES OF THE CEMETERY ADJACENT TO THE PROPOSED PROJECT SITE (OVERVIEW)</p>		
		<table border="1"> <tr> <td>STITH VALLEY RD, GUSTON, KY 40142</td> </tr> <tr> <td>LAT/LONG: 37.48 N / -88.16 W</td> </tr> <tr> <td>DATE: 10.18.2021</td> </tr> <tr> <td> </td> </tr> </table>		STITH VALLEY RD, GUSTON, KY 40142	LAT/LONG: 37.48 N / -88.16 W
STITH VALLEY RD, GUSTON, KY 40142					
LAT/LONG: 37.48 N / -88.16 W					
DATE: 10.18.2021					



COMMUNITY ENERGY SOLAR, LLC

3 RADNOR CORP CENTER, SUITE 300
 100 MATSONFORD RD.
 RADNOR, PA 19087
 (866) 946-3123

MEADE COUNTY SOLAR - 40MW SOLAR PROJECT
 MEADE COUNTY, KY
 STITH VALLEY SECTION



STITH VALLEY RD, GUSTON, KY 40142
LAT/LONG: 37.48 N / -88.16 W
DATE: 10.18.2021

MAP SHOWING THE
 BOUNDARIES OF THE CEMETERY
 ADJACENT TO THE PROPOSED
 PROJECT SITE
 (DETAIL)

Meade County Solar, LLC
Case No. 2020-00390
Siting Board Staff's Post-Hearing Request for Information

2. Provide all information regarding decommissioning obligations pursuant to Meade County Ordinance No. 2021-005, including all information that has been provided by Meade County Solar to the Meade County Planning Commission.

Response:

Information regarding decommissioning obligations pursuant to Meade County Ordinance No. 2021-005, provided by the Applicant to Meade County Planning and Zoning (as Administrator for the Meade County Planning Commission) and the Meade County Board of Adjustments are as follows:

- a. An outline of the decommissioning plan was included in the cover letter dated May 11, 2021 which accompanied the Level III Solar Field Application submitted by the Applicant to Meade County Planning and Zoning on May 14, 2021. Please see the 'Letter to Meade Planning and Zoning', attached as pages 3 and 4 of this response.

- b. Redacted copies of each lease pertaining to the proposed project site, which includes the Applicant's decommissioning obligations under each lease, were submitted to Meade County Planning and Zoning on May 17, 2021. Copies of these leases were previously provided to the Siting Board as attachments to the Applicant's 'Response to Siting Board Staff's Second Request for Information' and are subject to a pending request for confidential treatment.

c. The Applicant negotiated and agreed to the conditions placed on the Conditional Use Permit for the proposed project, which were approved by the Meade County Board of Adjustments on August 9, 2021. Please see Condition 14 and Condition 15 in the 'Certificate of Land Use Restriction (Phillips)' attached as pages 5 through 9 of this response. These restrictions are duplicated and filed with the Meade County Clerk for each of the parcels comprising the proposed project site.



May 10, 2021

Karen Goodin
Planning and Zoning Administrator
Meade County
516 Hillcrest Drive
Brandenburg, KY 40108

Re: Updated Site Plan for proposed 40-megawatt (370 acre) Solar Energy System

Ms. Goodin,

Attached please find an update to the Site Plan for our proposed 40-megawatt Level 3 Solar Energy System in southern Meade County. This update reflects the amended setback provisions, along with the other requirements of the Solar Ordinance. The footprint of the project will remain approximately 370 acres of land. We are asking for a Pre-Application Review as part of the Conditional Use Permit process for Level 3 Solar Energy Systems.

The proposed project is divided into two sections. The 'Stith Valley' section is located on the southern side of Stith Valley Rd., between Scott Hill Rd. and Ballman Rd. This section includes approximately 116 acres. The 'Big Spring' section is located on the eastern side of Big Spring Rd., approximately ½ mile south of St. Martin Rd. This section includes approximately 246 acres. Connecting the two sections of the project will be an underground power line, located within an easement corridor comprising approximately 8 acres.

The proposed project involves portions of six (6) parcels, whose parcel numbers and current ownership are as follows:

<u>Parcel No.</u>	<u>Current Owner</u>
119-00-00-002	Bennett, Marian W
119-00-00-011	Scott Hill Farm Ltd Co
119-00-00-012.01	Stith Valley Company LLC
130-00-00-015	Gohl Brothers Properties LLC
131-00-00-001	Hidden Spring Farm LLC (a/k/a Hamilton)
131-00-00-019	Phillips, Ronald J and Debra

Meade County Solar LLC has entered into long-term leases and/or easements for the proposed project area. These agreements provide Meade County Solar LLC the landowners' permission to submit applications on behalf of the solar project and the land. Copies of the leases and easements can be provided on request.

A list of adjacent property owners can be provided on request.

The land proposed for the location of the Solar Energy System is situated in Zone A-1. The current use of that land is either cropland or woodland.

Access to the proposed project site will be from new or existing entrances from Stith Valley Rd. and Big Spring Rd.

The proposed development will adhere to the amended Solar Ordinance as follows:

- No structures shall exceed 25 feet in height
- The 50-foot setback from perimeter property lines will be observed
- The 250-foot setback from the nearest residential structure, nursing home, church, or school will be observed
- The project will be surrounded by a 7-foot-high security fence
- Where the existing natural screening between the project and adjacent residences is not a sufficient visual buffer, a double offset row of evergreens will be planted on no less than 15-foot centers
- The facility will adhere to the provisions of the ordinance regarding signage and lighting

Our decommissioning plan, which is a legal obligation in each of our leases, includes the following:

- Prior to construction, we shall provide a decommissioning cost estimate for the removal of the Solar Energy System from the leased property (net of salvage value) and the restoration of the soil surface to a condition reasonably similar to its original condition
- Also prior to construction, we shall post or arrange for the posting of security funds in a manner and amount sufficient to ensure the decommissioning consistent with the decommissioning cost estimate
- Every five (5) years, the decommissioning cost estimate and the related security funds will be updated
- Within six (6) months of the termination of the lease, we will fully-perform our decommissioning, removal, and restoration obligations

The proposed Solar Energy System will operate for a minimum of 30 years. It will sell its output to Big Rivers Electric Corporation under a long-term contract. Construction is anticipated to commence in 2022. The project is anticipated to be operational in 2023. Once operational, 2-3 full-time employees are expected to provide daily monitoring and maintenance of the facility during typical business hours.

We look forward to your review of the Site Plan for this proposed project. Please contact me with any questions or concerns.

Thank you,



Chris Killenberg | Regional Development Director
Community Energy
P.O. Box 17236
Chapel Hill, North Carolina 27516
M: 919.360.9792
chris.killenberg@communityenergyinc.com

Meade County Zoning Board of Adjustments

Conditional Use Permit

Property Address:	1055 Clarkson Rd	Vine Grove, KY 40175
PVA Identification:	131-00-00-019	
Owner:	Name: Ronald Jerry & Debbra Phillips	
	Address: 1055 Clarkson Rd., Vine Grove, KY 40175	
Summary of Conditional Use:	Applicant was approved to construct a 40-Megawatt Level III Solar Energy System.	

Pursuant to Chapter 100 of the Kentucky Revised Statutes, the Meade County Board of Zoning Adjustments has, based on the results of an open hearing conducted on August 9, 2021, approved use as defined above of the subject property subject to the following conditions:

Condition 1: This Conditional Use Permit (CUP) will allow for a Utility Scale Level III Solar Energy System (SES) as outlined in MCO 920.00 Section 4.3.7.

Condition 2: This CUP applies to the 370-acre site consisting of 6 tracts, designated in the approved site plan. Any expansion of the site shall require any necessary zone change, an amended CUP, and an amended development plan.

Condition 3: A development plan, prepared and certified by a licensed engineer, that is in compliance with the zoning ordinance and the soil erosion plan, shall be required and submitted prior to the issuance of the building permit.

Condition 4: All components of the SES shall be at least fifty (50) feet from the perimeter property lines of the project area and at least two hundred fifty (250) feet from any residential structure, nursing home, church, or school. (Interconnection facilities may be located within the setback lines.) No interior property line setbacks shall be required if the project spans multiple contiguous properties.

Condition 5: The height of any ground mounted SES shall not exceed twenty-five (25) feet as measured from the highest natural grade below each solar panel. (Excludes utility poles, substations and antennas constructed for the project).

Condition 6: There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by federal, state or local agencies. Such signs shall not exceed five (5) square feet in area.

Condition 7: Excessive lighting shall be prohibited except that is required by federal or state regulations.

Condition 8: All proposed and existing driveway entrances, and installations of overhead or underground utilities within any road right-of-way, must receive all necessary encroachment permits from the Meade County Road Department and/or the Kentucky Transportation Cabinet.

Condition 9: A performance bond, letter of credit, or other approvable surety in the amount of \$1,000,000 (one million dollars), as determined by the KY Transportation Cabinet, must be in place through the end of construction to cover the cost of reconstruction or repair of damage to Big Spring,

Meade County Zoning Board of Adjustments

Conditional Use Permit

- Condition 10: Ballman and Stith Valley roads caused by the construction of the SES. The roads will be evaluated at the end of construction to determine the necessary repairs prior to release of the financial security. The proposed SES shall be screened with a seven (7) foot tall fence and to the extent reasonably practicable, a visual buffer that provides reasonable screening to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. When no alternative vegetation screening plan is approved by the Meade County Planning Commission, a double row of staggered evergreen trees will be planted 15 feet on center from adjacent non participating residential dwellings including the out-door living space immediately near residential dwellings. The proposed evergreen trees shall be placed on the exterior of the security fencing. Parcel boundaries with no proximity to residential dwelling shall not require screening. The use of sharp pointed fences shall be prohibited in or along any boundary adjoining residential properties. Prior to construction, a vegetation screening plan to reduce the view of the SES from residential dwelling units on adjacent lots will be submitted for approval of the Meade County Planning Commission.
- Condition 11: Grass or similar vegetative groundcover shall be planted and established across the project site, and maintained in good order over the life of the project. The height of any such groundcover shall not exceed 12 inches tall. Prior to the initial planting, the Applicant shall confer with the Meade County Extension Office with regard to the type and amount of grass to be planted as well as the timing of the planting. No less than every five (5) years during the life of the project, the Applicant shall confer with the Meade County Extension Office with regard to the fertilization and other steps required to maintain the groundcover in good order.
- Condition 12: Prior to construction, a maintenance plan shall be submitted to the Meade County Planning Commission, which shall outline steps to be taken to keep all landscaping, fencing, and driveway entrances in good repair, keep all stormwater infrastructure in working order, and conduct all mowing within the facility and adjacent to road right-of-ways frequently enough to maintain a clean appearance. Any dead trees screening the facility must be replanted within 90 days of notice by the Meade County Planning Commission.
- Condition 13: Prior to construction, consultation and compliance with the Meade County Conservation District is required.
- Condition 14: A decommissioning plan shall be submitted at the time of application by the developer responsible for the decommissioning and must include

Meade County Zoning Board of Adjustments

Conditional Use Permit

the following:

- a. Defined conditions upon which the decommissioning will be initiated.
I.e. there has been no power production for twelve (12) months, the land lease has ended, or succession of use of abandoned facility.
- b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations to the depth of three (3) feet.
- c. Restoration of the property to substantially similar physical condition that existed immediately prior to construction of the SES.
- d. The time frame for completion of decommissioning activities.
- e. The party currently responsible for decommissioning.
- f. Plans for updating the decommissioning plan.

Condition 15: Prior to construction, a Surety Bond or other form of security acceptable to the County shall be posted in an amount sufficient for the decommissioning of the SES and restoration of the project site, in case of abandonment of the site and/or in the event the commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The Surety Bond or other form of security shall be one hundred (100) percent of a reasonable estimate submitted for the decommissioning of the project, to be re-calculated every five (5) years during the life of the project. The cost of the decommissioning will include a reasonable reduction for the scrap value of the components left on the property.

Condition 16: Prior to construction, material storage and parking areas for use during construction must be designated on the approved plans and must be screened from view of adjoining homes and road right-of-ways when feasible.

Condition 17: All cables need to be buried underground when feasible.

Condition 18: Prior to construction, any proposed energy storage systems and battery storage facilities must be designated on the approved plans and comply with applicable setbacks.

Condition 19: Prior to construction, Erosion and Sediment Control Plans must be submitted and comply with all applicable local, state and federal guidelines.

Condition 20: Prior to construction, Stormwater Drainage plans must be submitted regarding stormwater management and maintenance.

Condition 21: Environmental Protection measures to ensure compliance with all local, state and federal regulations with regard to the protection of soil, sinkholes, wetlands, streams, and floodplains are required.

Condition 22: Approval from the Kentucky Public Service Commission shall be required, and will become part of the Commission record or file.

Condition 23: An Emergency Response Plan coordinated with Meade County Emergency Management and Flaherty Fire Department shall be required.

Meade County Zoning Board of Adjustments

Conditional Use Permit

Condition 24: This CUP is good for 40 years and shall require an Amended or Renewed CUP with any lease extension beyond 40 years. With transfer of ownership of the SES, the new owner shall sign off on the CUP conditions. The Meade County Planning Commission shall be notified of any transfer of ownership of the SES, and the new owner shall file with the Planning Commission all required surety or bond documentation and agree to comply with the conditions of this CUP.

** Issuance of this Conditional Use does not constitute permit to deviate from existing restrictions or easements of record for the property.**

This Permit expires on 40 years from completion of construction

Signature of Completing Official



Signature of Preparer:



Planning and Zoning Administrator - Karen Goodin

Date of Certificate:

8/9/2021

Meade County Solar, LLC
Case No. 2020-00390
Siting Board Staff's Post-Hearing Request for Information

3. Provide a copy of the soil erosion plan required under Meade County Ordinance No. 2021-005 that Meade County Solar filed with the Meade County Planning Commission.

Response:

Please see the 'Soil Control Plan', attached as pages 2 through 10 of this response.



Soil Control Plan for Proposed Meade County Solar LLC Project Meade County, Kentucky



Prepared for:

Meade County Solar LLC
C/O Community Energy
PO Box 17236
Chapel Hill, NC 27516

Prepared by:

Marty Marchaterre, Senior Environmental Planner
Michael Tincher, Natural Resources Manager
Copperhead Environmental Consulting, Inc.

11 May 2021

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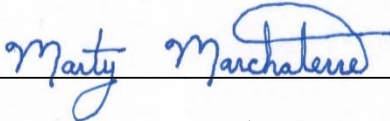
**Soil Control Plan for Proposed
Meade County Solar LLC Project
Meade County, Kentucky**

Prepared for

Meade County Solar LLC
C/O Community Energy
PO Box 17236
Chapel Hill, NC 27516

By:

Copperhead Environmental Consulting, Inc.
PO Box 73
471 Main Street
Paint Lick, KY 40461



Marty Marchaterre
Senior Environmental Planner



Michael Tincher
Natural Resources Manager

11 May 2021

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Introduction

The Meade County Solar LLC Project (“Meade County Solar” or “Project”) is a proposed solar project that will generate electricity through the use of photovoltaic (PV) solar panels. The Project will be located near Big Spring in southern Meade County (Figure 1). It will include ground-mounted solar panels, inverter boxes, transformers, a project substation, a storage/maintenance container, and overhead and underground electrical conveyance lines. The proposed project site currently consists of agricultural fields/cultivated crops, pasture, and forest/wooded land.

Meade County Ordinance 920.00, Section 4.3.7 Solar Energy Systems (SES) requires the submission of a soil control plan to the Meade County Planning and Zoning Commission when applying for a Level 3 SES conditional use permit. Under Section 4.3.7.3.h., a Level 3 SES shall comply with all existing federal, state, and local environmental restrictions.

Related Federal and State Requirements

Prior to construction, the Project will obtain a Kentucky Department of Environmental Protection Stormwater Construction General Permit (“General Permit”) from the Kentucky Division of Water (KDOW). This General Permit is required for construction projects that disturb 1 or more acres of land, in compliance with the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act (CWA). The Project will also obtain a Kentucky Pollution Discharge Elimination System (KPDES) permit, KPDES No. KYR100000, which is a permit for Stormwater Discharges Associated with Construction Activity. Meade County Solar will submit a Notice of Intent to KDOW at least seven days prior to the commencement of construction and KDOW will review the Notice of Intent and provide notification of authorization to discharge. When construction is completed, Meade County Solar will provide a notice of termination.

A site-specific stormwater pollution prevention plan (SWPPP) will be prepared and a copy will be kept on site. It will outline protection measures including, but not limited to, installation of Best Management Practices (BMPs) such as silt fences, on-site temporary sediment basins, sediment traps, and/or buffer zones that will control runoff. These stormwater BMPs will minimize sediment from entering Waters of the Commonwealth and sediment migration off site during construction and prior to achievement of final vegetative stabilization. The SWPPP will be consistent with industry standards such as the University of Kentucky’s *Planning and Technical Specifications Manual for Stormwater Pollution Prevention Plans* developed in coordination with KDOW (University of Kentucky 2009).

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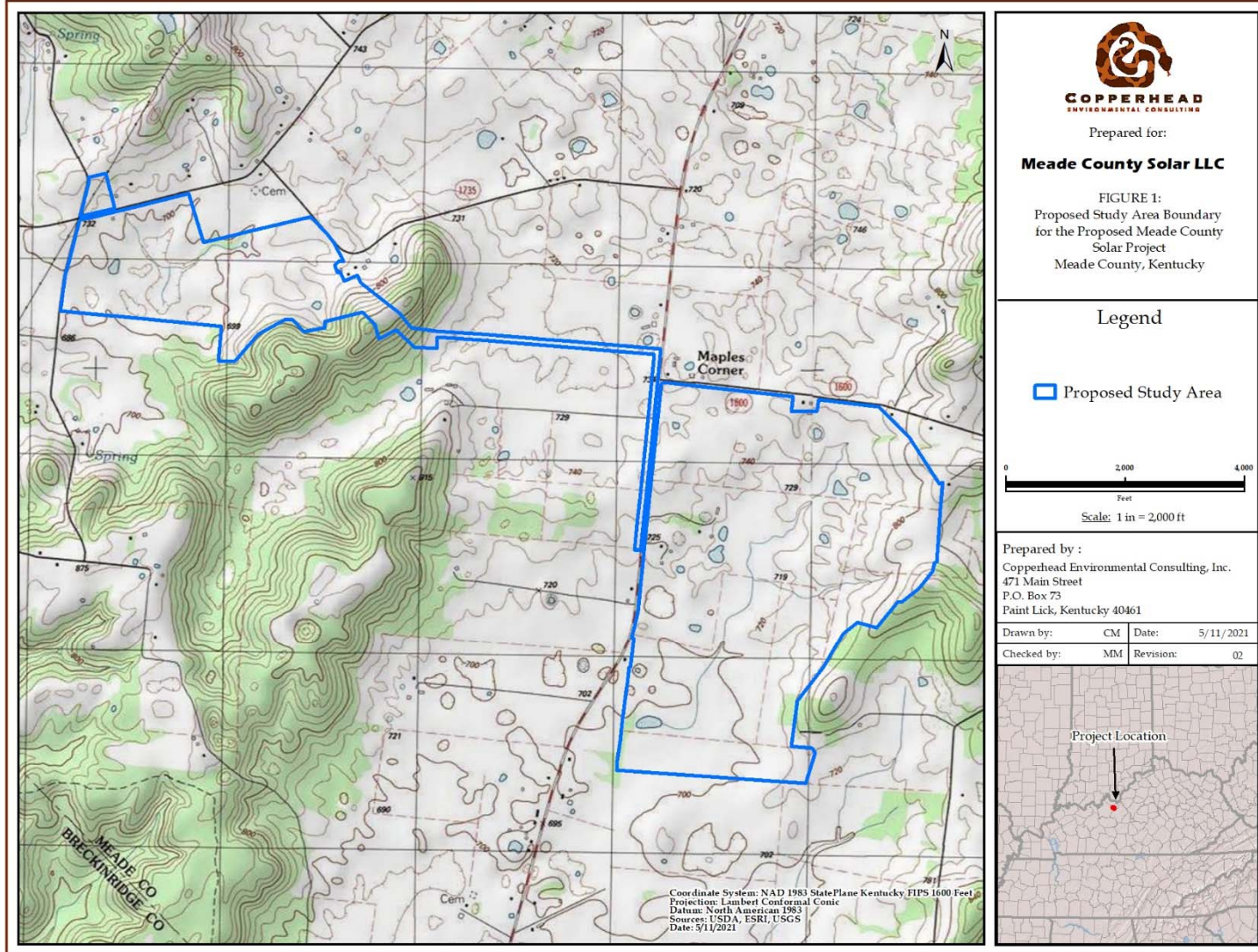


Figure 1. Project Location

Meade County Solar intends to consult with the Groundwater Section of the Watershed Management Branch of the Kentucky Energy and Environment Cabinet in regard to groundwater management practices around the karst features on the project site. Kentucky Revised Statutes (KRS) 151.110 Water Resources Policy - Duties of Cabinet and Kentucky Administrative Regulations 401 KAR 5:037 identifies groundwater as an important but vulnerable natural resource of the Commonwealth and recognizes the benefit of groundwater protection plans around karst features to protect groundwater resources. While a 'solar farm' is not one of the activities specifically identified in the regulations (e.g., storing bulk quantities of pesticides or fertilizer, landfills, mining), the Project will explore BMPs for groundwater protection in these sensitive areas.

Soil Control Plan During Construction

Soil and vegetation disturbance during construction may include vegetation removal, minor land grading, soil compaction, ditching for underground utilities, and the construction of access roads. These activities have the potential to increase soil loss by wind and water (Hernandez et al. 2014).

When construction is initiated, the Project area will be cleared and grubbed as necessary, retaining predevelopment drainage patterns as much as possible. Existing vegetation between the solar arrays and nearby residences will be left in place, to the extent practicable, to minimize potential soil erosion impacts. Minor grading will occur around inverter areas and the project substation to divert surface drainage from these facilities.



Areas subject to rutting during construction will be temporarily stabilized with gravel or construction mats. Access aisles will be needed for construction and maintenance access points for ingress/egress. Prior to construction, these aisles will be compacted by a smooth drum or sheepsfoot roller to reduce/prevent rutting. Gravel or construction mats may be placed in high traffic or poorly draining areas during construction activities to improve access and reduce soil

erosion. The access aisles between rows of solar panels will be scarified, aerated, and re-seeded after construction. Soil conditions and final equipment selection will determine if access aisles to inverters may require gravel to support the loads associated with delivery and maintenance of the inverter equipment.

To the extent practicable, construction phasing will limit the amount of exposed soil at any given time such that the erosion prevention and sediment control BMPs can be implemented. To manage soil erosion surrounding jurisdictional streams and wetlands, use of BMPs, including silt fences, on-site temporary sediment basins, sediment traps, and/or buffer zones (e.g., 25 feet) will be implemented. A copy of the site-specific SWPPP will be kept on site. Stormwater BMPs prescribed in the SWPPP will minimize sediment from entering Waters of the Commonwealth and sediment migration off site during construction, prior to achievement of final vegetative stabilization.

Temporary stabilization is an erosion prevention BMP that prevents the mobilization of sediment. Temporary stabilization will occur in areas of exposed soils that will not be worked on within 14 days. After that timeframe, temporary erosion control BMPs, such as mulch or straw, will be placed on exposed soil on the site to prevent erosion.

Disturbed areas will be seeded after construction using a mixture of certified weed-free, low-growing grass and herbaceous plant seed obtained from a reputable seed dealer. Erosion control measures will be inspected and maintained until vegetation in the disturbed areas has returned to preconstruction conditions or the Project Site is stable.

Meade County Solar or a representative will inspect and maintain erosion control BMPs throughout construction and operation activities.

Soil Control Plan During Operations

During Project operation, stormwater runoff will be generated primarily from rain that falls on access roads, inverter pads, and solar panels. Vegetated groundcover under and around the solar panels, as well as around other equipment such as the substation and inverter pads, will be maintained. Vegetation is the most effective and sustainable stormwater control due to the physical protection and stability provided by above and belowground plant biomass. It is also beneficial to reduce the overall erosion and stormwater burden by promoting filtration and reducing overall surface runoff. This accords with traditional soil conservation principles and guidelines for protection of soils by groundcover.

Literature Cited

- Hernandez, R. R., Easter, S. B., Murphy-Mariscal, M. L., Maestre, F. T., Tavassoli, M., Allen, M. F., Ravi, S. (2014). Environmental impacts of utility-scale solar energy. *Renewable and Sustainable Energy Reviews*, 29, 766-779. doi:10.1016/j.rser.2013.08.041
- University of Kentucky. 2009. Best Management Practices for Controlling Erosion, Sediment and Pollutant Runoff from Construction Sites; Planning and Technical Specifications Manual for Stormwater Pollution Prevention Plans. Technology Transfer Program, Kentucky Transportation Center. Revised October 2009.
- Meade County Fiscal County. 2021. Meade County Zoning Ordinance No. 920.00, Section 4.3.7 Solar Energy Systems (SES). 2021.

RESUMES