

COMMONWEALTH OF KENTUCKY

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF HENDERSON)	
COUNTY SOLAR LLC FOR A CERTIFICATE TO)	
CONSTRUCT AN APPROXIMATELY 50 MEGAWATT)	CASE NO.
MERCHANT SOLAR ELECTRIC GENERATING)	2020-00391
FACILITY IN HENDERSON COUNTY, KENTUCKY)	
PURSUANT TO KRS 278.700, ET SEQ.,)	
AND 807 KAR 5:110)	

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

Filed: November 9, 2021

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

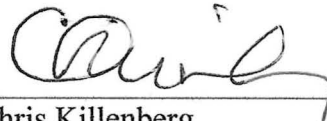
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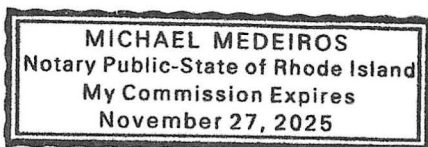
VERIFICATION OF CHRIS KILLENBERG

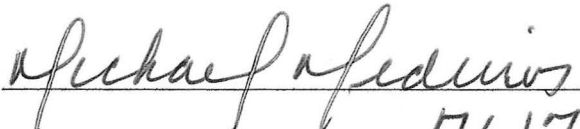
STATE OF Rhode Island)
COUNTY OF NEWPORT)

Chris Killenberg, Regional Development Director for Community Energy Solar, LLC on behalf of Henderson 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 8th day of November 2021, by Chris Killenberg.




Notary Commission Number: 761749
Commission expiration: 11/27/2025

Henderson County Solar, LLC
Case No. 2020-00391
Siting Board Staff's Post-Hearing Request for Information

1. Henderson Solar shall provide proposed mitigation measures to address noise from pile driving and other construction near the Kenergy Corporation building at 6402 Old Henderson-Corydon Rd., Henderson, Kentucky 42419, beyond the previously provided "Neighbor Zones" mitigation measures that restrict pile driving to Monday through Friday from 9 a.m. to 5 p.m.

Response:

The Applicant proposes a special 'Kenergy Zone' within which pile driving will be restricted to Saturdays only, from 8am to 6pm CT. The Kenergy Zone will be defined as all project areas within 750 feet of the nearest corner of the Kenergy Corporation building at 6402 Old Henderson-Corydon Rd., Henderson, Kentucky 42419. This Kenergy Zone will be surveyed and clearly staked out prior to construction.

The purpose of limiting pile driving within the Kenergy Zone to Saturdays is to defer the maximum associated sound levels to a non-workday when the offices are expected to be largely vacant.

The purpose of establishing 750 feet as the limit of the Kenergy Zone is to allow any sound generated by pile driving outside the Kenergy Zone during Monday-Friday to attenuate to an acceptable level before reaching the Kenergy building. At a distance of 750 feet, the sound level associated with pile driving is estimated to be below 60dBA, which is the low end of a sound range of 60dBA – 70 dBA, described as "normal conversation at a distance of 3 feet." In other words, by creating a Kenergy Zone, any sound associated with pile driving during the week will be perceived at the nearest corner of the Kenergy building as less than "normal conversation at 3 feet."

The Applicant also proposes to consult with Kenergy on a weekly basis during pile driving to confirm that the proposed Kenergy Zone is an adequate plan to mitigate any adverse effects on the Kenergy offices from the sound associated with nearby pile driving.

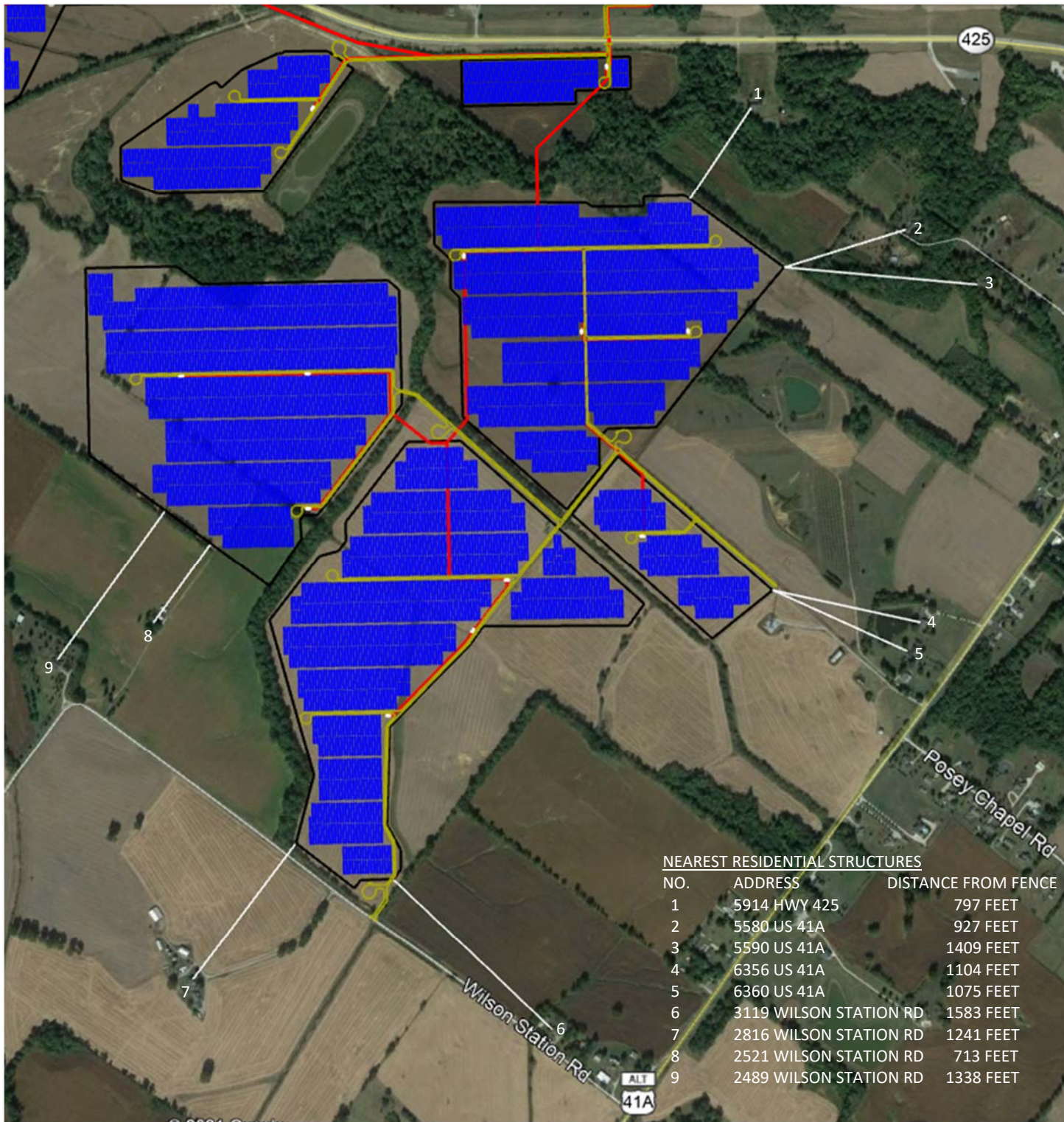
Henderson County Solar, LLC
Case No. 2020-00391
Siting Board Staff's Post-Hearing Request for Information

2. Henderson Solar shall provide an updated version of the map on page 4 of the attachment of Exhibit 2 of the Henderson Solar Application, Volume I. The map shall be updated to identify both the address and distance from the fence around the Henderson Solar project for Residential Structure No. 9.

Response:

Upon further review, the Applicant identified two errors in the prior map: 1) the distance listed for Residential Structure No. 8 was incorrect, and 2) the address and distance from the fence around the Henderson Solar project for Residential Structure No. 9 was mistakenly omitted. Both errors have been corrected.

Please see 'Henderson Project Site Map_Nearest Residential Structures (Southern)_UPDATED 11-1-21' attached as page 2 of this response.



NEAREST RESIDENTIAL STRUCTURES		
NO.	ADDRESS	DISTANCE FROM FENCE
1	5914 HWY 425	797 FEET
2	5580 US 41A	927 FEET
3	5590 US 41A	1409 FEET
4	6356 US 41A	1104 FEET
5	6360 US 41A	1075 FEET
6	3119 WILSON STATION RD	1583 FEET
7	2816 WILSON STATION RD	1241 FEET
8	2521 WILSON STATION RD	713 FEET
9	2489 WILSON STATION RD	1338 FEET



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 100 MATSONFORD RD.
 RADNOR, PA 19087
 (866) 946-3123

HENDERSON COUNTY SOLAR - 50MW SOLAR PROJECT
 SOUTHERN SECTION
 HENDERSON COUNTY, KY

	WILSON STATION RD, HENDERSON, KY
	LAT: 37.78N LONG: -87.63W
	DATE: 11.1.2021

UPDATED MAP SHOWING THE DISTANCE OF THE PROPOSED SOUTHERN SECTION OF THE PROJECT SITE FROM THE NEAREST RESIDENTIAL STRUCTURES

Henderson County Solar, LLC
Case No. 2020-00391
Siting Board Staff's Post-Hearing Request for Information

3. Henderson Solar shall confirm which definition of "Waters of the United States" (WOTUS) was used in completing the Wetlands Delineation Report. If the WOTUS definition that is no longer currently in effect was used in completing the Wetlands Delineation Report, Henderson Solar shall provide details regarding the specific impact, if any, to the Siting Board.

Response:

The Navigable Waters Protection Rule was used to identify WOTUS in the wetlands delineation report that was submitted to the US Army Corps of Engineers ("Corps") for an Approved Jurisdictional Determination (AJD).

This definition of WOTUS was recently vacated, and the definitions under Rapanos have been reinstated. However, the AJD remains valid. The jurisdictional aquatic features identified in the AJD, based on the rules at that time, are the jurisdictional features heading forward.

Where the "former" and "current" rules interact is around mitigation. Any future impacts to the features identified under the "former" rules would need to be mitigated appropriately under the "current" rules.

The Applicant asserts that, since the rule change does not affect the already-issued AJD, and since any future impacts and mitigation pertaining to WOTUS on the proposed project site would be governed by the Corps' rules at that time, there is no need for concern nor for the application of additional conditions by the Siting Board.

Henderson County Solar, LLC
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4. Henderson Solar shall provide the leases with the participating landowners that underlie the Henderson Solar application. If there are any successors or assignments of the leases, Henderson Solar shall provide those documents as well.

Response:

The requested lease agreements are provided under seal pursuant to a petition for confidential treatment filed simultaneously herewith. Because confidential treatment for the entire lease documents are being requested, redacted versions are not being filed with these responses.

ATTACHMENT
FILED UNDER SEAL
PURSUANT TO A
MOTION FOR
CONFIDENTIAL
TREATMENT