

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING IN CASE NO. 2021-00029 DATED NOV 15 2021

#### MITIGATION MEASURES AND CONDITIONS IMPOSED

The following mitigation measures and conditions are hereby imposed on Martin County Solar Project LLC (“Martin County Solar”) to ensure that the facilities proposed in this proceeding are constructed as ordered.

1. A final site layout plan shall be submitted to the Siting Board upon completion of the final site design. Deviations from the preliminary site layouts provided in this matter should be clearly indicated on the revised graphic. Those changes could include, but are not limited to, location of solar panels, inverters, transformers, substation, operation and maintenance building or other Project facilities and infrastructure.

2. Any change in Project boundaries from the information which formed this evaluation should be submitted to the Siting Board.

3. A final, Project specific, construction schedule, including revised estimates of on-site workers and commuter vehicle traffic, shall be submitted to the Siting Board prior to commencing construction. Deviations from the preliminary construction schedule provided in this matter should be clearly indicated.

4. The Applicant or its contractor will control access to the site during construction and operation. All construction entrances will be gated and locked when not in use.

5. The Applicant’s access control strategy shall also include appropriate signage to warn potential trespassers. The Applicant must ensure that all site entrances

and boundaries have adequate signage, particularly in locations visible to the public, local residents, and business owners.

6. According to National Electric Code regulations, the security fence must be installed prior to any electrical installation work. The substation will have its own separate security fence and locked access installed.

7. Martin County Solar will retain vegetation to the extent feasible and without conflicting with construction and operational requirements.

8. Martin County Solar will offer vegetative screening to concerned neighbors where logistically feasible and not in conflict with construction and operational requirements. Should installed vegetation used as screening die over time, Martin County Solar shall replace it as appropriate.

9. Martin County Solar will not remove any existing vegetation during construction unless the existing vegetation needs to be removed, except to the extent it must remove such vegetation for the construction and operation of Project components.

10. Martin County Solar shall fix or pay for damage substantially resulting from any vehicle transport to the project site during construction. For damage resulting from vehicle transport in accordance with all permits, those permits will be controlling.

11. Martin County Solar shall comply with all laws and regulations regarding the use of roadways.

12. Martin County Solar shall consult with the Kentucky Transportation Cabinet (KYTC) regarding truck and other construction traffic and obtain necessary permits from the KYTC.

13. Martin County Solar shall consult with Martin County Road Department (MCRD) regarding truck and other construction traffic and obtain necessary permits from the MCRD.

14. Martin County Solar shall comply with any road use agreement executed with MCRD. Such an agreement might consider special considerations for overweight loads, routes utilized by heavy trucks, road weight limits, and bridge weight limits.

15. Martin County Solar shall properly maintain construction equipment and follow best management practices related to fugitive dust throughout the construction process. This should keep dust impacts to a minimal level.

16. Martin County Solar shall develop and implement a traffic management plan to minimize the impacts on traffic flow and keep traffic safe. Any such traffic management plan shall also identify any noise concerns during the construction phase and develop measures that would address those noise concerns.

17. Martin County Solar is required to limit the construction activity, process, and deliveries to the hours between 8 a.m. and 8 p.m. Monday through Saturday. Non-noise-causing and non-construction activities can take place on the site between 7 a.m. and 10 p.m. Monday through Sunday, including field visits, arrival, departure, planning meetings, mowing, surveying, etc.

18. Martin County Solar shall notify residents and businesses within 2,400 feet of the project boundary about the construction plan and the noise potential at least one month prior to start of construction.

19. Martin County Solar shall contact homes within 1,500 feet of any pile driving activity and notify them in advance of the upcoming activity, its timing and anticipated

duration. Martin County Solar shall also provide the opportunity for residents to ask questions or provide feedback, if desired.

20. Martin County Solar shall implement a Customer Resolution Program to address any complaints from surrounding landowners.

21. Martin County Solar shall place panels, inverters and substation equipment consistent with the distances to noise receptors indicated in Martin County Solar's noise and traffic study.

22. Martin County Solar shall file its full and explicit decommissioning plan with the Siting Board upon completion. This plan shall commit Martin County Solar to removing all newly constructed facility components, above-ground and below-ground, to a depth of thirty-six inches below grade, from the project site at the cessation of operations, subject to alternative agreement with landowners. Upon its completion, this plan shall be filed with the Siting Board or its successors. The decommissioning plan shall be completed at least one month prior to commencing construction of the Project.

23. Martin County Solar shall be required to file a bond, equal to the amount necessary to effectuate the explicit decommissioning plan naming Martin County as a third-party (or secondary, in addition to individual landowners) beneficiary, in addition to the lessors of the subject property insofar as the leases contain a decommissioning bonding requirements, so that Martin County will have the authority to draw upon the bond to effectuate the commissioning plan. For land in which there is no bonding requirement otherwise, Martin county shall be the primary beneficiary of the decommissioning bond for that portion of the project. The bond(s) shall be filed with the Martin County Treasurer or with a bank, title company or financial institution reasonably acceptable to the county.

That acceptance can be evidence by a letter from the Judge Executive, the fiscal court, or the County Attorney. The bond shall be in place at the time of commencement of operation of the Project. The bond amount shall be reviewed every five years at Martin County Solar's expense to determine and update the cost of removal amount. This review shall be conducted by an individual or firm with experience or expertise in the costs of removal or decommissioning of electric generating facilities. Certification of this review shall be provided to the Siting Board or its successors and the Martin County Fiscal Court. Such certification shall be by letter and shall include the current amount of the anticipated bond and any change in the costs of removal or decommissioning.

24. If any person shall acquire or transfer ownership of, or control, or the right to control the Project, by sale of assets, transfer of stock, or otherwise, or abandon the same, Martin County Solar or its successors or assigns shall provide explicit notice to the Siting Board and the Martin County Fiscal Court.

25. Martin County Solar or its assigns must provide notice to the Siting Board if during any two-year period, it replaces more than twenty percent of its facilities.

26. Any disposal or recycling of Project equipment, during operations or decommissioning of the Project, shall be done in accordance with applicable laws and requirements.