

SONG SPARROW SOLAR LLC

Ballard County, Kentucky

APPLICATION

Certificate of Construction

CLEARWAY ENERGY GROUP LLC

100 California Street, Suite 400
San Francisco, CA 94111



September 2023

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1. Applicant Information

REQUIREMENT: per KRS 278.706(2)(a); *The name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility*

COMPLIANCE: Song Sparrow Solar LLC is a Kentucky limited liability company formed on September 6, 2018. Song Sparrow Solar LLC is authorized to do business in Kentucky. The principal contact person, name, address, and telephone number for this application are provided below.

- Name: Song Sparrow Solar LLC
Attn: Nick Benjamin, Senior Director, Development
- Address: 100 California Street, Suite 400
San Francisco, CA 94111
- Phone: (415) 265-7583

Person Responsible: Nick Benjamin

2. Description of Proposed Site

REQUIREMENT: per KRS 278.706(2)(b); *A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility*

COMPLIANCE: Song Sparrow Solar LLC (“Song Sparrow Solar”) is proposing to construct and operate the Song Sparrow Solar Project (“Project”) located near the intersection of Gage and Davis Roads approximately 4 miles south of Kevil in Ballard County, Kentucky. The Project footprint encompasses approximately 655 acres of undeveloped, agricultural land with surrounding rural low density residential development intermixed with forested land (“Project area”). The generating capacity of the Project will be up to 104 megawatts (“MW”) alternating current (“AC”).

Arrays of photovoltaic modules will be mounted on single access trackers arranged in rows. Power conversion systems will be distributed throughout the Project. The equipment will connect via underground electrical wiring to a Project substation and switchyard proposing to interconnect to the existing Grahamville-to-Wickliffe 161kV transmission line located in the southwest corner of the Project area north of Mosstown Road. Perimeter fencing will enclose the modules and associated infrastructure and a separate fence will enclose the substation. The Project will comply with the National Electric Safety Code (“NESC”) and American National Standards Institute (“ANSI”) Z535 Safety Sign Standards for Electric Utility Power Plants and Substations to guide the placement of safety signage around the facility. In addition, Song Sparrow Solar, 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.

A map showing the location of residential structures, schools, and public and private parks in relation to the Project is submitted as Attachment A. There are no schools, public or private parks, or healthcare facilities within two miles of the Project’s radius. There are no residential neighborhoods, per KRS 278.700(6), within 2,000 feet of the Project’s radius.

Person Responsible: Nick Benjamin

3. Public Notice Evidence

REQUIREMENT: per KRS 278.706(2)(c); *Evidence of public notice that shall include the location of the proposed site and a general description of the project, state that the proposed construction is subject to approval by the board, and provide the telephone number and address of the Public Service Commission. Public notice shall be given within thirty (30) days immediately preceding the application filing to:*

- 1. Landowners whose property borders the proposed site; and*
- 2. The general public in a newspaper of general circulation in the county or municipality in which the facility is proposed to be located*

COMPLIANCE: A sample letter that was sent to landowners whose property borders the proposed site, followed by the list of addresses and names of those landowners who were sent notices on August 23, 2023, is submitted as Attachment B. Two copies of this notice were mailed to each landowner: one via regular USPS mail and one via USPS Certified Mail. Please see Attachment B for certified mail receipts.

Also contained in Attachment B is the affidavit of the notice published in the *Advance Yeoman* on August 18, 2023, which is the newspaper of general circulation in Ballard County.

Person Responsible: Shane Kelley

4. Compliance with Local Ordinances and Regulations

REQUIREMENT: per KRS 278.706(2)(d); *A statement certifying that the proposed plant will be in compliance with all local ordinances and regulations concerning noise control and with any local planning and zoning ordinances. The statement shall also disclose setback requirements established by the planning and zoning commission as provided under KRS 278.704(3)*

COMPLIANCE: The Project is located in Ballard County. Ballard County does not have local planning and zoning, and therefore, there are no setbacks established by ordinance. Ballard County Fiscal Court adopted Resolution 2023-04-18-01 on April 18, 2023, to facilitate the siting, development, construction, installation and decommissioning of Commercial Solar Energy Systems in the County. Song Sparrow Solar has designed the Project to comply with the standards set forth in Resolution 2023-04-18-01. A copy of the resolution is submitted as Attachment C. In addition, the Project understands that Ballard County has adopted on August 15, 2023, an amendment to that resolution that does not impact the Project.

Song Sparrow Solar certifies that the Project will follow all local ordinances and regulations concerning noise control, and with any applicable local planning and zoning ordinances adopted as of the date of the filing of this application. A statement certifying these facts is submitted as Attachment C.

Person Responsible: Nick Benjamin

5. Setback Requirements

REQUIREMENT: per KRS 278.706(2)(e); *If the facility is not proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source or in an area where a planning and zoning commission has established a setback requirement pursuant to KRS 278.704(3), a statement that the exhaust stack of the proposed facility and any wind turbine is at least one thousand (1,000) feet from the property boundary of any adjoining property owner and all proposed structures or facilities used for generation of electricity are two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, unless facilities capable of generating ten megawatts (10MW) or more currently exist on the site. If the facility is proposed to be located on a site of a former coal processing plant and the facility will use on-site waste coal as a fuel source, a statement that the proposed site is compatible with the setback requirements provided under KRS 278.704(5). If the facility is proposed to be located in a jurisdiction that has established setback requirements pursuant to KRS 278.704(3), a statement that the proposed site is in compliance with those established setback requirements:*

COMPLIANCE: The Project is not proposed to be located on the site of a former coal processing plant, nor will it use any waste coal as a fuel source. No existing electricity generating facilities are on-site at the Project location.

The Project will not include any exhaust stacks or wind turbines as part of the facility, and therefore there is no established 1,000-foot setback requirements from the property boundary of any adjoining property owner to the energy generating facilities.

There are no residential neighborhoods, schools, hospitals, or nursing home facilities within 2,000 feet of the Project. Therefore, no deviation from the statutory requirements is needed.

Ballard County does not have local planning and zoning, and therefore, there are no setbacks established by ordinance. Ballard County Fiscal Court adopted Resolution 2023-04-18-01 on April 18, 2023, to facilitate the siting, development, construction, installation and decommissioning of Commercial Solar Energy Systems in the County. The resolution encourages minimum setbacks for solar projects. Those setbacks are as follows:

- | | | |
|----|--|-----------|
| A. | Dwelling not owned by
CSES applicant/owner or participating landowner In the project. (*) | 250 feet |
| B. | Church, school, schoolyard, business,
park, (not located on project properties (*) | 250 feet |
| C. | Center of the following unincorporated town limits Bandana, Blandville and
Lovellsville, as shown in Table 2 below. | 1000 feet |
| D. | City limits of Wickliffe, Barlow, La Center, | 1500 feet |

Kevil, Kentucky

- E. Downstream public works supply surface intake, as defined in Table 1 below 1000 feet
- F. Roadways (primary and secondary) from centerline Primary: 50-feet
Secondary-25-feet
- G. Adjoining properties line (*) 100 feet

H. Setbacks are not required where the property line is shared by two or more participating landowners.

(*) The setback provisions above can be waived in writing by the adjacent property owner to whom the property line or residence setback is applicable. A copy of said waiver shall be filed with the application.

Table 1. Downstream Public Works Supply Surface Intake centers

Downstream Public Works Supply Surface Intake centers	Geographic Center Latitude	Geographic Center Longitude
Kevil City	37.084	-88.886
La Center City	37.068	- 88.989

Table 2. Unincorporated Town centers

Unincorporated Town	Geographic Center Latitude	Geographic Center Longitude
Bandana	37.146	-88.945
Blandville	36.944	-88.966
Lovellaceville	36.970	-88.830

For a local government to enact zoning regulations such as setbacks, it must comply with the requirements of KRS Chapter 100. Ballard County has not enacted zoning regulations pursuant to KRS Chapter 100; therefore, there are no setbacks established by a planning and zoning commission as contemplated by KRS 278.704(3). Nevertheless, the Project plans to comply with the setbacks stated in Resolution 2023-04-18-01. A copy of the resolution is submitted as Attachment C.

Person Responsible: Nick Benjamin

6. Public Notice Report

REQUIREMENT: per KRS 278.706(2)(f); *A complete report of the applicant's public involvement program activities undertaken prior to the filing of the application, including:*

- 1. The scheduling and conducting of a public meeting in the county or counties in which the proposed facility will be constructed at least ninety (90) days prior to the filing of an application, for the purpose of informing the public of the project being considered and receiving comment on it;*
- 2. Evidence that notice of the time, subject, and location of the meeting was published in the newspaper of general circulation in the county, and that individual notice was mailed to all owners of property adjoining the proposed project at least two (2) weeks prior to the meeting; and*
- 3. Any use of media coverage, direct mailing, fliers, newsletters, additional public meetings, establishment of a community advisory group, and any other efforts to obtain local involvement in the siting process*

COMPLIANCE: Song Sparrow Solar has made a substantial effort to engage the public in numerous ways regarding the Project. A detailed account of those efforts is provided below.

A public meeting was held on May 30, 2023, at 6:00pm CDT to inform the public about the Project and receive comments from the public. This meeting was held at the Grace United Methodist Church, which is located nearby the Project site in La Center, KY. A notice announcing the public meeting was published in the *Advance Yeoman*, the local newspaper, on Friday, May 12, 2023; on the same day, notice letters were mailed to adjacent property owners. See Attachment D for a copy of the mailed notice, and proof of the newspaper notice advertisement.

The Applicant conducted a public information meeting in the form of an open house. Project representatives and subject matter experts provided information in the development, permitting, construction, and operation of the proposed Song Sparrow Solar Project. Attendees were able to view Project maps, ask questions, and take-home Project materials. Please see Attachment E for copies of the materials provided at the public information meeting. In the public meeting, attendees were invited to examine various posterboard stations on topics including Applicant company information, a Project map and design overview, permitting process and timeline, environmental studies, Project equipment, local economic benefits, and visual renderings. The public information meeting was well attended by landowners, neighbors, public officials, and others.

Experts who were present at the public meeting, and available to answer questions from attendees included:

- Nick Benjamin, Senior Director, Development, Clearway

- Barry Matchett, Head of External Affairs, Midwest & Gulf Region, Clearway
- Jennifer Sherwood, Senior Manager, Permitting, Clearway
- Evan Good, Senior Associate, Development, Clearway
- Joshua Adams, Natural Resources Team Lead, Stantec
- Shane Kelley, Environmental Scientist, Stantec

The meeting also afforded attendees the opportunity for informal conversations with representatives of Song Sparrow about questions and concerns. The following is a brief description of other public involvement activities, in addition to the public meeting and various outreach activities/meetings with local stakeholders, undertaken prior to the submission of this Application. Song Sparrow will continue these efforts and will participate in any public notice, comment and hearings which may be initiated as part of ongoing permitting activities.

- On November 29, 2021, Song Sparrow hosted a Landowner Dinner at a local restaurant (“The Farm”) in La Center, KY. Company representatives made a presentation, answered questions, and connected with landowners, both participating and not participating.
- On November 30, 2021, Song Sparrow representatives met and began initial engagement with Ballard County Judge Executive, Todd Cooper. Regular communication has been maintained with the Judge Executive through present day.
- On November 30, 2022, Song Sparrow representatives met with the Ballard County Judge Executive Todd Cooper and Ballard County Attorney Bethany Denton to discuss the Project and engagement with local agencies and stakeholders.
- On December 13, 2022, Song Sparrow representatives presented a project update, and answered questions, to the Ballard County Chamber of Commerce
- On January 19, 2023, Song Sparrow representatives presented a project update via video conference call, and answered questions, to the Ballard County Industrial Development Authority during their regularly scheduled meeting.
- On February 7, 2023, Song Sparrow representatives had several meetings, including with the Ballard County Judge Executive, Todd Cooper, and Ballard County Schools Superintendent, Dr. Casey Allen, and some members of the Board of Education to provide a project update and answer questions.
- On February 7, 2023, Song Sparrow representatives presented a project update, and answered questions, to the Ballard County Fiscal Court during their regularly scheduled meeting.
- On February 9, 2023, Song Sparrow representatives presented a project update, and answered questions, to the Ballard County Economic Development Authority during their regularly scheduled meeting.
- On March 23, 2023, Song Sparrow representatives met with the Ballard County Judge Executive Todd Cooper and Ballard County Attorney Bethany Denton to discuss the project.
- On March 23, 2023, Song Sparrow representatives met with the Ballard County Schools Superintendent, Dr. Casey Allen, to discuss the project and answer questions.
- On April 20, 2023, the Ballard County Industrial Development Authority issued a letter in support of the Song Sparrow Solar Project

- On May 12, 2023, a notice announcing the public meeting was published in the *Advance Yeoman*, the local newspaper. Notices were mailed to the adjacent property owners the same day, pursuant to KRS 278.706(2)(f)2.
- On May 23, 2023, additional outreach letters were mailed to neighboring landowners offering individual meetings with Song Sparrow representatives, and three responses were received. Project representatives had multiple in-person meetings with two of these individuals, and the third individual preferred phone communication.
- On May 30, 2023, Song Sparrow held its Public Meeting at 6:00pm CDT, pursuant to KRS 278.706(2)(f)1, to inform the public about the Project and receive comments from the public. This meeting was held at the Grace United Methodist Church, which is located in La Center, KY near the Project site.
- On May 30, 2023, Song Sparrow representatives met with an adjoining neighbor to discuss the project and answer questions.
- On May 31, 2023, Song Sparrow representatives met with Ballard County Schools Superintendent, Dr. Casey Allen, and some members of the Board of Education and other school district staff members to discuss the project and answer questions.
- On July 17, 2023, Song Sparrow representatives met with adjoining neighbors to discuss the project and answer questions. Vegetative screening was discussed, and a solar industry white paper was provided. Additional meetings were offered and contact information provided for other nearby property owners.
- On July 17, 2023, Song Sparrow representatives met with the Ballard County Judge Executive Todd Cooper to discuss the project.
- Between November 2022 and July 2023, Song Sparrow representatives reached out to an adjoining landowner to answer any questions or hear any potential concerns. Our offers were not accepted.
- On August 1, 2023, Song Sparrow representatives met with adjoining neighbors to discuss the project, including vegetative screening details, and answer questions.
- On August 1, 2023, Song Sparrow representatives met individually with Ballard County Fiscal Court magistrates, and Judge Executive Todd Cooper, to discuss the project.

Person Responsible: Nick Benjamin

7. Efforts to locate near Existing Electric Generation

REQUIREMENT: per KRS 278.706(2)(g); *A summary of the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located;*

COMPLIANCE: It is rare for utility-scale solar projects to be co-located with existing electricity generating infrastructure, such as a coal or natural gas fired power plant. Efforts were made to site the Project where there is existing electricity transmission infrastructure.

The project will interconnect to an on-site, existing transmission line owned by Louisville Gas & Electricity and Kentucky Utilities.

Person Responsible: Nick Benjamin

8. Proof of Service to County and Municipality Officials

REQUIREMENT: per KRS 278.706(2)(h); *Proof of service of a copy of the application upon the chief executive officer of each county and municipal corporation in which the proposed facility is to be located, and upon the chief officer of each public agency charged with the duty of planning land use in the jurisdiction in which the facility is proposed to be located;*

COMPLIANCE: A copy of the Siting Board application for Song Sparrow Solar LLC will be electronically transmitted to Ballard County Judge/Executive on the date of electronic filing of this application, as evidenced by the certificate of service contained with this Application.

Person Responsible: Nick Benjamin

9. Effect on Kentucky Electricity Generation System

REQUIREMENT: per KRS 278.706(2)(i); *An analysis of the proposed facility's projected effect on the electricity transmission system in Kentucky;*

COMPLIANCE: The Project is located within the service territory of Louisville Gas & Electric Company and Kentucky Utilities Company (collectively “LG&E/KU”), which owns the transmission infrastructure to which the Project is proposing to interconnect.

In February 2019, an application and deposit for a generation interconnection request for Song Sparrow Solar was submitted to TranServ International, an Independent Transmission Organization that manages interconnection requests and studies network impacts on behalf of LG&E/KU. The request was for Network Resource Interconnection Service and Energy Resource Interconnection Service for a new 110 MW solar photovoltaic generator at a point of interconnection on the 161 kV Grahamville – Wickliffe transmission line. The project was assigned the queue number LGE-GIS-2019-002.

The study procedures required a feasibility study, system impact study, and facilities study. Key purposes of the study process are to determine impacts to the LG&E/KU transmission system caused by the Project, identify required network upgrades, and provide estimates for the costs of such upgrades. The Project will be required to pay the costs identified prior to LG&E/KU performing design, procurement, and installation of the network upgrades.

The feasibility study was completed in July 2019. The system impact study, which determines potential impacts to the regional electric grid and the need for any network upgrades to mitigate potential impacts, was completed in January 2020. During the System Impact Study, the Project was reviewed for the potential to impact adjoining utilities’ transmission systems outside of LG&E/KU territory. No Affected Systems (Ad Hoc Group Members) chose to provide independent testing results, nor provide comments to the System Impact Study report.

Prior to completing the facilities study in May 2020, Song Sparrow reduced its injection limit to 104 MW. The interconnection agreement was signed in November 2020 and will be amended in early September 2023 to update milestones, costs and other provisions.

The available studies listed below are submitted as Attachment F.

- LGE-GIS-2019-002_GI_FeS_Executive_Summary_Song Sparrow
- LGE-GIS-2019-002_SIS Executive Summary_song sparrow
- LGE-GIS-2019-002_Facilities Study Report_song sparrow
- LGE-GIS-2019-002_fully executed_LGIA_song sparrow
- LGE-GIS-2019-002_Final Amended LGIA_Partially Executed_Song Sparrow

Person Responsible: Nick Benjamin

10. Effect on Local and Regional Economies

REQUIREMENT: per KRS 278.706(2)(j); *An analysis of the proposed facility's economic impact on the affected region and the state;*

COMPLIANCE: See Attachment G for a report on the projected impact of the Project on local and regional economies, written by Paul A. Coomes, Ph.D., an Emeritus Professor of Economics from the University of Louisville.

On pages 1-2 of the report, it states:

There are two primary impacts expected from the Project. First, there will be a one-time increase in jobs during the construction period over approximately 14 months. Using estimates of the construction payroll, it is estimated that there will be a total (direct and spinoff) of 298 new jobs in the County in year one, with new labor compensation of \$18.0 million. Ballard County levies a one percent occupational tax on wages, salaries and other compensation. Thus, assuming this construction projection materializes, Ballard County would receive about \$180,000 in one-time tax revenues.

Second, the company is pursuing an Industrial Revenue Bond with the County Fiscal Court. There will be several decades of Payments in Lieu of Taxes (“PILOT”) to the County for the benefit of the County and, at the County’s discretion, other local districts. This amounts to \$104,000 per year during the first 20 years of the IRB and \$52,000 per year during the final 20 years of the IRB, a total of \$3.12 million in local revenue over four decades. I estimate that the land currently generates only about \$7,500 per year for the County and other local jurisdictions, compared to the average of \$78,000 in PILOT payments annually by the development.

Person Responsible: Dr. Paul Coomes

11. Record of Environmental Violations

REQUIREMENT: per KRS 278.706(2)(k); *A detailed listing of all violations by it, or any person with an ownership interest, of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars (\$5,000). The status of any pending action, whether judicial or administrative, shall also be submitted;*

COMPLIANCE: Neither Song Sparrow Solar LLC, nor any entity with direct ownership interest in the Project, has violated any state or federal environmental laws or regulations. There are no pending actions against Song Sparrow Solar LLC, nor any entity with direct ownership interest in the Project.

Person Responsible: Nick Benjamin

12. Site Assessment Report

REQUIREMENT: per KRS 278.706(2)(1); *A site assessment report as specified in KRS 278.708. The applicant may submit and the board may accept documentation of compliance with the National Environmental Policy Act (NEPA) rather than a site assessment report*

COMPLIANCE: The Site Assessment report is being contemporaneously filed herewith; please see the separately filed document titled “Song Sparrow Solar LLC: Site Assessment Report.”

Person Responsible: See the Site Assessment Report

13. Decommissioning Plan

REQUIREMENT: *A decommissioning plan that shall describe how the merchant electric generating facility will be decommissioned and dismantled following the end of its useful life. The decommissioning plan shall, at a minimum, include plans to:*

- 1. Unless otherwise requested by the landowner, remove all above-ground facilities;*
- 2. Unless otherwise requested by the landowner, remove any underground components and foundations of above-ground facilities. Facilities removed under this subparagraph shall be removed to a depth of three (3) feet below the surface grade of the land in or on which the component was installed, unless the landowner and the applicant otherwise agree to a different depth;*
- 3. Return the land to a substantially similar state as it was prior to the commencement of construction;*
- 4. Unless otherwise requested by the landowner, leave any interconnection or other facilities in place for future use at the completion of the decommissioning process;*
- 5. Secure a bond or other similar security for the project to assure financial performance of the decommissioning obligation, provided that:*
 - a. The amount of the proposed bond or similar security shall be determined by an independent, licensed engineer who is experienced in the decommissioning of solar electric generating facilities and has no financial interest in either the merchant electric generating facility or any parcel of land upon which the merchant electric generating facility is located. The proposed amount of the bond or similar security shall be either:*
 - i. The net present value of the total estimated cost of completing the decommissioning plan, less the current net salvage value of the merchant electric generating facility's components; or*
 - ii. The bond amount required by a county or municipal government that has established a decommissioning bond requirement or similar security obligation in the county or municipality where the merchant electric generating facility will be located. If the facility will be located in more than one (1) county or municipality that has established a decommissioning bond or similar security obligation, then the higher amount shall be required for the facility;*
 - b. The bond or other similar security names:*
 - i. For property that is leased by the applicant, each landowner from whom the applicant leases land and the Energy and Environment Cabinet as the primary co-beneficiaries; or*
 - ii. For property that is owned by the applicant, the Energy and Environment Cabinet as the primary beneficiary;*

c. If the merchant electric generating facility is to be located in a county or municipality that has not established a decommissioning bond or other similar security obligation, the bond or other similar security shall name the county or municipality as a secondary beneficiary with the county's or municipality's consent;

d. The bond or other similar security shall be provided by an insurance company or surety that shall at all times maintain at least an "Excellent" rating as measured by the AM Best rating agency or an investment grade credit rating by any national credit rating agency and, if available, shall be noncancelable by the provider or the customer until completion of the decommissioning plan or until a replacement bond is secured; and

e. The bond or other similar security shall provide that at least thirty (30) days prior to its cancellation or lapse, the surety shall notify the applicant, its successor or assign, each landowner, the Energy and Environment Cabinet, and the county or city in which the facility is located of the impending cancellation or lapse. The notice shall specify the reason for the cancellation or lapse and provide any of the parties, either jointly or separately, the opportunity to cure the cancellation or lapse prior to it becoming effective. The applicant, its successor, or its assign, shall be responsible for all costs incurred by all parties to cure the cancellation or lapse of the bond. Each landowner, or the Energy and Environment Cabinet with the prior approval of each landowner, may make a demand on the bond and initiate and complete the decommissioning plan.

6. Communicate with each affected landowner at the end of the merchant electric generating facility's useful life so that any requests of the landowner that are in addition to the minimum requirements set forth in this paragraph and in addition to any other requirements specified in the lease with the landowner may, in the sole discretion of the applicant or its successor or assign, be accommodated; and

7. Incorporate the requirements of paragraphs (m)1. to 6. of this subsection into the applicant's leases with landowners.

COMPLIANCE: Song Sparrow's Decommissioning Plan complies with the foregoing requirements and is attached as Attachment H.

Person Responsible: Shane Kelley

14. Cumulative Environmental Assessment Summary

REQUIREMENT: per KRS 224.10-280; *Cumulative environmental assessment and fee required before construction of facility for generating electricity -- Conditions imposed by cabinet -- Administrative regulations.*

(1) Except for a person that commenced construction of a facility prior to April 15, 2002, or that has received a certificate of public convenience and necessity from the Public Service Commission prior to April 15, 2002, no person shall commence to construct a facility to be used for the generation of electricity unless the person:

(a) Submits a cumulative environmental assessment to the cabinet with the permit application; and

(b) Remits a fee set pursuant to KRS 224.10-100(20) by the cabinet to defray the cost of processing the cumulative environmental assessment.

(2) The person may submit and the cabinet may accept documentation of compliance with the National Environmental Policy Act (NEPA) as satisfying the requirements to file a cumulative environmental assessment under subsection (1) of this section.

(3) The cumulative environmental assessment shall contain a description, with appropriate analytical support, of:

(a) For air pollutants:

1. Types and quantities of air pollutants that will be emitted from the facility; and

2. A description of the methods to be used to control those emissions;

(b) For water pollutants:

1. Types and quantities of water pollutants that will be discharged from the facility into the waters of the Commonwealth; and

2. A description of the methods to be used to control those discharges;

(c) For wastes:

1. Types and quantities of wastes that will be generated by the facility; and

2. A description of the methods to be used to manage and dispose of such wastes; and

(d) For water withdrawal:

1. Identification of the source and volume of anticipated water withdrawal needed to support facility construction and operations; and

2. A description of the methods to be used for managing water usage and withdrawal.

(4) The cabinet may impose such conditions regarding the timing, volume, duration, or type of pollutants on a permit, registration, general permit, or permit-by-rule for a facility subject to this section as are necessary to comply with applicable standards.

(5) The cabinet may promulgate administrative regulations to implement the provisions of this section.

COMPLIANCE: Song Sparrow's Cumulative Environmental Assessment is attached as Attachment I. The Cumulative Environmental Assessment is being submitted to the Energy and Environment Cabinet.

Person Responsible: Shane Kelley