

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

In the Matter of:

Electronic Application Banjo Creek Solar LLC for a)
Certificate of Construction for an Approximately 120)
Megawatt Electric Generating Facility in Graves) **Case No. 2023-00263**
County, Kentucky Pursuant to KRS 278.700 and 807)
KAR 5:110)

**RESPONSE OF BANJO CREEK SOLAR LLC
TO CONSULTANT’S REPORT**

Banjo Creek Solar LLC (“Banjo Creek”), by counsel, provides the following response to the Wells Engineering (“Wells”) Solar Generation Siting Final Report – Banjo Creek Solar report (“Report”) filed with the Siting Board on December 15, 2023.

Banjo Creek appreciates the thorough review and analysis of the proposed project and proposed location. The Report’s recommendations are generally agreed to with minor clarifications recommended below.

I. Noise Abatement

Wells recommended that Banjo Creek provide “[n]otices to neighbors regarding potential construction and operation noises, as well as [implement] limits on working hours during the construction period, as described in the Application.” Banjo Creek is generally agreeable to this recommendation. It will commit to providing notice to adjacent property owners fifteen days before the start of construction. Likewise, the Project will limit normal construction activity, process, and deliveries to the hours between 7 a.m. and 7 p.m. local time, Monday through Saturday. Construction activities that create a higher level of noise, such as pile-driving, will be

limited to 8 a.m. to 6 p.m. local time, Monday through Friday under normal circumstances. Non-noise causing and non-construction activities during normal construction periods may take place on the site between 6 a.m. and 11 p.m. local time, Monday through Sunday, including field visits, arrival, departure, planning, meetings, and surveying. The Project respectfully requests the right to alter the normal construction activities from time to time under “emergency conditions”, if necessary. Such “emergency construction” periods could include conformance to external requirements or circumstances impacting the Project economically or impacts by others such as TVA, etc.

In Attachment D, Wells provides noise-mitigation options and ultimately suggests that “ready-made sound reducing barriers or blankets are the most viable option for this application.” Banjo Creek has several concerns about this recommendation and some of the information contained in Attachment D.

The report initially mentions Trans Mountain Energy’s use of noise shrouds on larger pile drivers used in the construction of an expansion of a marine terminal, including a new dock complex with three berths, a utility dock to moor tugs, boom boats and emergency response vessels, and additional delivery pipelines to help pipeline shippers meet global oil demand. The picture in the report of the noise shroud appears to be while the shroud is being manufactured. Actual use of the shroud appears to be for a pile driver that was installed on a floating vessel.¹ The vessel could be mobile to move to the location where each pile is driven. This construction process is in stark contrast to installation of solar-racking systems on land, where the smaller-pile drivers are mobile. It would not be feasible to erect a shroud around a pile driver at a solar

¹ A timelapse video of the construction can be viewed here: <https://youtu.be/xtNiYZe8FUQ?t=11>

facility, where the pile driver must be moved approximately every 70 seconds. In addition, as Wells notes, these noise shrouds “are a very expensive and extreme option.”

The report also suggests that “[s]ound blanketing/shrouding appears to be the most viable option for the application of pile driving for solar farm construction.” Banjo Creek respectfully disagrees. Wells provides very little support for its recommendation of the use of sound blanketing. The pictures included in the report show temporary sound blankets or barriers for significant construction of multi-story buildings. The pictures show construction activities in close proximity to roads and buildings. As mentioned before, the pile-driving equipment on a solar site are much smaller, and the nearest public noise receptors are at least 300 hundred feet away from the nearest panel.

Banjo Creek will employ standard construction practices to mitigate construction noise effects through time restrictions on construction activities. Construction activities that create a higher level of noise, such as pile-driving, will be limited to 8 a.m. to 6 p.m. local time, Monday through Friday, unless emergency conditions arise.

Per the current design and based on an average (conservative) pile-driving time of 70 seconds per pile, Banjo Creek anticipates only six residences (refer to section 2.2.1 in the Noise and Traffic report) receiving dBA levels above 68 dBA L_{eq} . for more than three workdays. See the analysis included in Exhibit A. Given the limited duration and timing of pile driving for the nearest receptors, Banjo Creek submits that no additional sound suppression method is necessary and would be punitive in nature given other applications already approved (such as road construction, etc.) do not require similar levels of noise abatement.

To the extent that the Siting Board requires that Banjo Creek implement a construction method within 1,000 feet of a noise sensitive receptor that will reduce noise generated during the

pile-driving process below 68 dBA L_{eq} , such as sound blankets or any other comparable method, Banjo Creek respectfully requests the flexibility to obtain written waivers from nearby property owners, whereby Banjo Creek would only need to implement such methods within 1,000 feet of a noise sensitive receptor that has not otherwise provided a written waiver.

II. Construction of bridges and culverts

The Wells report recommends that the project “[c]onstruct new bridges or culverts wherever necessary for equipment transportation.”² Banjo Creek notes that its current transportation plan does not require construction of new bridges or culverts on public infrastructure. To the extent that new bridges or culverts would be necessary to access the project properties within its footprint, Banjo Creek will be responsible for constructing those bridges or culverts. In addition, Banjo Creek will coordinate with both Kentucky Transportation Cabinet and Graves County roadway authorities to develop plans to address potential road conditions that arise due to project construction. If necessary, Banjo Creek will obtain Overweight and Over-dimensional permits with the Kentucky Transportation Cabinet and comply with all conditions of those permits.

III. Transmission Line Location

Wells suggested that the information provided by Banjo Creek made it “difficult to fully visualize the proposed transmission line route” and requested that the project provide a specific line route map with any alternative routes.” In hopes of providing more information, Banjo Creek is submitting the attached updated Transmission Line Context Map, which identifies the planned

² See Wells Engineering’s Report at page 35.

location of an approximately 185-foot transmission line that would connect the Project substation and TVA's switchyard. See Exhibit B. In addition, the updated context map shows an alternate location if the project substation were to be sited at another nearby location. Banjo Creek has provided two potential substation location options within the Proposed Transmission Line and Supporting Structures Area for illustrative purposes indicated on the updated Banjo Creek Solar LLC Transmission Line Context Map filed herewith because the final substation location and resulting Proposed Transmission Line may shift depending on the findings of the NEPA review process led by TVA.

IV. Conclusion

As mentioned above, Banjo Creek appreciates review and analysis by Wells Engineering and its subcontractors, and it respectfully requests that the Siting Board consider these comments in the Siting Board's approval of the certificate of construction for this project.

Respectfully submitted,



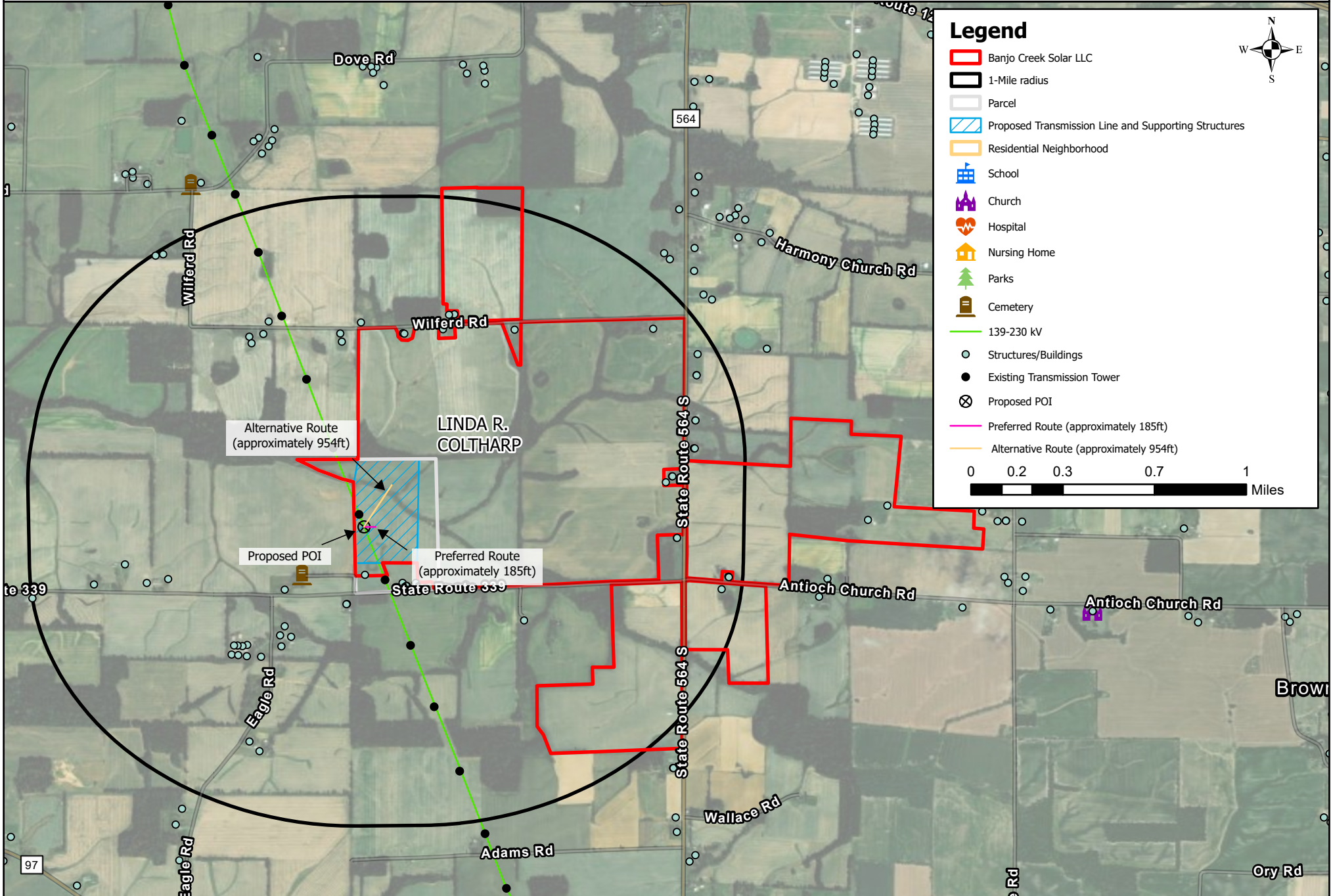
STURGILL, TURNER, BARKER & MOLONEY, PLLC
JAMES W. GARDNER
M. TODD OSTERLOH
333 W. Vine Street, Suite 1500
Lexington, Kentucky 40507
Telephone No.: (859) 255-8581
Fax No. (859) 231-0851
tosterloh@sturgillturner.com
jgardner@sturgillturner.com

ATTORNEYS FOR BANJO CREEK SOLAR LLC

Receiver ID	Number of Piles within 992ft Buffer (<i>Receivers not listed have zero piles within 992 ft buffer</i>)	Coordinate Receiver ID		Hrs pile driving noise above 68dBA Leq. (<i>70 sec per pile estimate</i>)	Avg. Number of Work Days (<i>assumes 10 hr work day from 8 am to 6 pm</i>)
		Latitude	Longitude		
3	407	36° 38' 50.03"	-88° 31' 22.34"	7.9	0.8
8	4	36° 38' 11.28"	-88° 30' 14.94"	0.1	0.0
19	220	36° 38' 01.41"	-88° 30' 59.07"	4.3	0.4
20	2639	36° 38' 05.42"	-88° 31' 17.07"	51.3	5.1
21	151	36° 38' 06.82"	-88° 30' 21.57"	2.9	0.3
23	193	36° 38' 12.08"	-88° 30' 18.78"	3.8	0.4
26	741	36° 38' 44.39"	-88° 31' 22.94"	14.4	1.4
29	3	36° 38' 05.44"	-88° 30' 18.07"	0.1	0.0
31	2759	36° 38' 13.09"	-88° 31' 27.16"	53.6	5.4
32	3317	36° 38' 25.30"	-88° 31' 28.27"	64.5	6.4
36	28	36° 38' 04.18"	-88° 30' 21.50"	0.5	0.1
40	323	36° 38' 52.11"	-88° 32' 33.79"	6.3	0.6
41*	3390	36° 38' 24.35"	-88° 31' 28.94"	65.9	6.6
43	493	36° 38' 16.51"	-88° 30' 21.95"	9.6	1.0
44	1913	36° 38' 54.60"	-88° 32' 13.72"	37.2	3.7
48	139	36° 38' 55.96"	-88° 32' 29.97"	2.7	0.3
50	219	36° 38' 16.34"	-88° 30' 18.73"	4.3	0.4
56	316	36° 38' 04.99"	-88° 30' 57.41"	6.1	0.6
57	1905	36° 38' 30.90"	-88° 31' 23.93"	37.0	3.7
58	1500	36° 38' 16.73"	-88° 30' 49.32"	29.2	2.9
59	1177	36° 38' 36.45"	-88° 31' 23.65"	22.9	2.3
62	1145	36° 38' 53.43"	-88° 32' 21.15"	22.3	2.2
63*	1976	36° 38' 57.52"	-88° 32' 11.50"	38.4	3.8
64	20	36° 38' 24.58"	-88° 30' 21.78"	0.4	0.0
65	439	36° 37' 27.39"	-88° 31' 27.93"	8.5	0.9
69	2470	36° 38' 54.46"	-88° 31' 59.57"	48.0	4.8

Note: Receivers 41 and 63 listed in the Noise and Traffic study in Section 2.1.3 are barns or storage sheds, not residences.

Transmission Line Context Map



Legend

- Banjo Creek Solar LLC
- 1-Mile radius
- Parcel
- Proposed Transmission Line and Supporting Structures
- Residential Neighborhood
- School
- Church
- Hospital
- Nursing Home
- Parks
- Cemetery
- 139-230 kV
- Structures/Buildings
- Existing Transmission Tower
- Proposed POI
- Preferred Route (approximately 185ft)
- Alternative Route (approximately 954ft)

0 0.2 0.3 0.7 1 Miles