

May 15, 2026
ECT No. 260261-0100

Ms. Christina Martens
Lynn Bark Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106

**Re: Phase I Environmental Site Assessment
Lynn Bark Energy Center
East and West of South Wolf Creek Road
Martin County, Kentucky**

Dear Ms. Martens:

Environmental Consulting & Technology, Inc. (ECT) is pleased to provide this Phase I Environmental Site Assessment (ESA) for the above-referenced property. This assessment was performed in accordance with the ASTM Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process for Forestland or Rural Property (E2247-23). This Phase I ESA is valid through September 22, 2026, after which time certain components of this report may need to be updated. We appreciate the opportunity to work with you. Please feel free to contact us at 734.769.3004 should you have any questions concerning this report, or if we may assist you in any other matter.

Sincerely,

Environmental Consulting & Technology, Inc.



Courtney Roy
Technical Writer



Dana M. Falcone
Senior Project Manager

> **Phase I Environmental Site Assessment of the Lynn Bark Energy Center Martin County, Kentucky**

May 15, 2026
ECT No. 260261-0100

Report Viability Date
September 22, 2026

for
Lynn Bark Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106



3720 Wilder Road Unit B
Bay City, Michigan 48706
734.769.3004

REPORT FINDINGS SUMMARY

**Lynn Bark Energy Center
East and West of South Wolf Creek Road
Martin County, Kentucky**

Report Section		None	REC	CREC	HREC	DMC	Comments
3.0	Subject Property and Vicinity Descriptions	✓					
4.0	User Provided Information	✓					
5.0	Historical Review	✓					
6.0	Regulatory Database Review	✓					
7.0	Regulatory Agency Records Review		✓				REC #1: Oil/gas exploration, REC #2: Historical mining
9.0	Interviews	✓					
10.2	Aboveground Storage Tanks		✓				REC #1 Oil/gas exploration
10.3	Electrical or Hydraulic Equipment Likely to Contain Fluids	✓					
10.4	Pits, Ponds, Ditches, Streams, or Lagoons		✓				REC #2: Historical mining
10.5	Solid Waste, Fill Materials, or Debris		✓				REC #1: Historical mining
10.6	Wells		✓				REC #1 Oil/gas exploration
10.7	Other Field Observations		✓				REC #1 Oil/gas exploration

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Common Acronyms and Abbreviations

AAI	<i>All Appropriate Inquiry</i>
ACM	Asbestos-Containing Material
API	American Petroleum Institute
AST	Aboveground Storage Tank
AUL	<i>Activity and Use Limitation</i>
BER	<i>Business Environmental Risk</i>
bgs	Below Ground Surface
BTEX	Benzene, Toluene, Ethylbenzene, and Xylenes
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response Compensation and Liability Information System
COC	Chemical of Concern
CREC	<i>Controlled Recognized Environmental Condition</i>
DMC	<i>De Minimis Condition</i>
ECHO	Enforcement and Compliance History Online
ECT	Environmental Consulting & Technology, Inc.
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FOIA	Freedom of Information Act
FRS	Facility Registry Service
µg/L	Micrograms per Liter
HREC	<i>Historical Recognized Environmental Condition</i>
LBP	Lead-Based Paint
LLP	<i>Landowner Liability Protection</i>
LQG	Large Quantity Generator
LUST	Leaking Underground Storage Tank
MCL	Maximum Contaminant Level
mg/kg	Milligrams per Kilogram
mg/L	Milligrams per Liter
MTBE	Methyl tert-butyl ether
NFA/NFR	No Further Action/Remediation
NOV	Notice of Violation
NPL	National Priority List
NPMS	National Pipeline Mapping System
NRCS	Natural Resources Conservation Service
NWIS	National Water Information System
PAH	Polycyclic Aromatic Hydrocarbon
PCB	Polychlorinated Biphenyls
PCE	Perchloroethylene, Tetrachloroethylene, Tetrachloroethene, PERC
PFAS	Per- and Polyfluoroalkyl Substances
PFOS/PFOA	Perfluorooctane Sulfonic Acid/Perfluorooctanoic Acid
PID	Photoionization Detector
PIN	Parcel Identification Number
PPB	Parts per Billion
PPM	Parts per Million
RCRA	Resource Conservation and Recovery Act
REC	<i>Recognized Environmental Condition</i>
SDG	<i>Significant Data Gap</i>

SDS	Safety Data Sheet
SEMS	Superfund Enterprise Management System
SQG	Small Quantity Generator
SVOC	Semi-Volatile Organic Compound
SWF/LF	Solid Waste Facilities/Landfill
TCE	Trichloroethylene, Trichloroethene
TPH	Total Petroleum Hydrocarbons
TSDf	Treatment, Storage or Disposal Facility
USDA	United States Department of Agriculture
USGS	United States Geological Survey
UST	Underground Storage Tank
VOC	Volatile Organic Compound
VSQG	Very Small Quantity Generator
<i>Italicized = ASTM Terms</i>	

1.0 Executive Summary

Environmental Consulting & Technology, Inc. (ECT) was retained by Lynn Bark Energy Center, LLC (the Client) to conduct a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of the ASTM International (ASTM) Standard Practice E2247-23 (Forestland or Rural Property) and the U.S. Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) for the property located to the east and west of South Wolf Creek Road in Martin County, Kentucky. Any exceptions to, or deletions from, this practice are described in [Section 2.5](#) and [Section 12.1](#) of this report. Any references to ECT throughout this report shall mean the Environmental Professional (EP) or those under the supervision of the EP.

1.1 Property Description

The Subject Property (corridor) encompasses 89.9 acres of primarily wooded land (historically mined) in Martin County, Kentucky and is being proposed for the development of the Lynn Bark Energy Center Gen-tie Project (corridor study).

The project parcels and associated owners have been included in the table below. A U.S. Geological Survey (USGS) Topographic Map is provided as [Figure 1](#). A Subject Property Overview is provided as [Figure 2](#). Mine features are provided on [Figure 3](#). Any *Recognized Environmental Conditions (RECs)* identified as part of this assessment are depicted on [Figure 4](#), unless otherwise noted. Photographs taken during the reconnaissance are provided in the appendices ([Photographic Documentation](#)).

Parcel	Owner
031-00-00-001.00	Pocahontas Surface Interests Inc c/o Pocahontas Royalties LLC
040-00-00-011.00	
040-00-00-020.00	
030-00-00-052.00	
048-00-00-006.00	Triple H Real Estate LLC
030-00-00-054.00	Lexington Coal Company LLC
030-00-00-047.00	
030-00-00-055.00	
030-00-00-046.00	
040-00-00-035.00	Moore Sam & Elzava c/o Diana Fannin

1.2 Findings Overview

The Subject Property has been developed similar to the present since at least 2010. Prior to that time, mineral exploration was present throughout the Subject Property. During the course of this Phase I ESA, ECT identified two *RECs* associated with the potential impacts from oil/gas exploration and historical mining activities on and immediately adjoining the Subject Property. No *Controlled RECs (CRECs)*, *Historical RECs (HRECs)*, *De Minimis Conditions (DMCs)*, or *Significant Data Gaps (SDGs)* were identified during the course of this Phase I ESA.

In accordance with ASTM E1527-21, the EP should provide an opinion as to whether additional investigation to detect the presence of hazardous substances or petroleum products is warranted. This opinion does not render the assessment incomplete, nor is it intended to represent a recommendation. **Based on the identification of this *REC*, additional evaluation may be appropriate and/or continuing obligations may be triggered.**

2.0 Purpose and Scope of Work

This report documents the methods and findings of the Phase I ESA performed in conformance with the scope and limitations of ASTM Standard Practice E2247-23 and the EPA Standards and Practices for All Appropriate Inquiries (40 CFR 312) for the property located to the east and west of South Wolf Creek Road in Martin County, Kentucky.

2.1 Scope of Work

The purpose of ASTM Practice E2247-23 is to define good commercial and customary practices in the United States of America for conducting an environmental site assessment of *forestland* or *rural property* with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. §9601) and *petroleum products*. Any exceptions to, or deletions from, this practice are described in [Section 2.5](#) and [Section 12.1](#) of this report.

The Phase I ESA conducted by ECT included, but was not limited to, the following services:

- A site visit of the Subject Property to look for evidence of a *release(s)* or potential *release* of *petroleum products* and *hazardous substances*;
- Observations of adjoining properties and the vicinity of the Subject Property;
- Interviews with individuals familiar with the Subject Property, as available;
- Review of regulatory agency and local files, as necessary;
- Review of historical documents, as available; and
- Preparation of a report presenting ECT's findings, including a summary of conclusions and recommendations, if requested.

The objective of Phase I ESAs is to provide *all appropriate inquiries* into the previous ownership and uses of the property consistent with good commercial and customary practices as defined at 42 U.S.C. §9601(35) (B) to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA liability (a.k.a., *landowner liability protections [LLPs]*). The goal of Phase I ESAs is to identify *current*, *historical*, and *controlled Recognized Environmental Conditions (RECs)* and *de minimis conditions (DMC)* in connection with the property, to the extent feasible pursuant to the processes prescribed in the ASTM E2247-23 guidelines. The terms *current*, *historical*, and *controlled RECs* and *de minimis* conditions are defined by ASTM, the definitions of which are included in the [glossary](#).

2.2 Continued Viability of Phase I ESA

According to ASTM Standard Practice E2247-23, a Phase I ESA meeting or exceeding the standard and completed less than 180 days prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid. If within this period the assessment will be used by a *User* different than the *User* for whom the assessment was originally prepared, the subsequent *User* must also satisfy the *User's* Responsibilities outlined in Section 6 of ASTM Standard Practice E2247-23.

A Phase I ESA meeting or exceeding ASTM E2247-23 requirements and for which the information was collected or updated within one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction may be used provided that the below detailed components of the inquiries were conducted or updated within 180 days of the date of purchase, or the date of the intended transaction. The initial collection or inquiry dates for each required component as applicable to this report have been detailed in the table below.

REPORT COMPONENT	INITIAL DATE OF COLLECTION OR INQUIRY
(i) Interviews with Owners, Operators, and Occupants	April 14, 2026
(ii) Searches for Recorded Environmental Liens	March 26, 2026
(iii) Reviews of Federal, Tribal, State, and Local Government Records	April 14, 2026
(iv) Visual Inspection of the Property and of Adjoining Properties	April 16, and 17, 2026
(v) Declaration by the EP responsible for the assessment or update	May 15, 2026

This Phase I ESA is valid through September 22, 2026, after which time certain components of this report may need to be updated.

2.3 Significant Assumptions

ECT assumes that the information provided by the regulatory database electronic search report provider, the regulatory agencies, the local unit of government, and the current Subject Property owner(s) is true and reliable.

2.4 Limitations and Exceptions

The opinions and recommendations presented in this report are based upon the scope of services, information obtained through the performance of the services, and the schedule as agreed upon by ECT and the party for whom this report was originally prepared. This report is an instrument of professional service and was prepared in accordance with the generally accepted standards and level of skill and care under similar conditions and circumstances established by the environmental consulting industry. No representation, warranty, or guarantee, expressed or implied, is intended or given. To the extent that ECT relied upon any information prepared by other parties not under contract to ECT, ECT makes no representation as to the accuracy or completeness of such information. This report is expressly for the sole and exclusive use of the party for whom this report was originally prepared for a particular purpose. Only the party for whom this report was originally prepared and/or other specifically named parties have the right to make use of and rely upon this report. Reuse of this report or any portion thereof for other than its intended purpose, or if modified, or if used by third parties, shall be at the user's sole risk.

The findings presented in this report apply solely to site conditions existing at the time when ECT's assessment was performed. It must be recognized, however, that an ESA is intended for the purpose of determining the potential for contamination through limited research and investigative activities and in no way represents a conclusive or complete site characterization. Conditions in other parts of the Subject Property may vary from those at the locations where data were collected. ECT's ability to interpret investigation results is related to the availability of the data and the extent of the investigation activities. As such, 100 percent confidence in ESA conclusions cannot reasonably be achieved.

ECT, therefore, does not provide any guarantees, certifications, or warranties that a property is free from environmental contamination. Furthermore, nothing contained in this document shall relieve any other party of its responsibility to abide by contract documents and applicable laws, codes, regulations, or standards.

2.5 Limiting Conditions and Deviations

The performance of this Phase I ESA was limited by the following:

- Steep topography and densely wooded vegetation limited access to the Subject Property.
- Access was limited in some areas due to inaccessible roadways (i.e., locked gates, washed out/eroded roadways, fallen trees, and mud).
- Dense vegetation limited visibility of the ground surface.

Based on the quality of information obtained from other sources (e.g., historical documentation, interviews, regulatory sources, site reconnaissance, etc.), and the nature of the limitation(s), it is the opinion of the EP that these limitations do not impact ECT's ability to identify *RECs*.

2.6 Special Terms and Conditions

The scope of work for this Phase I ESA did not include testing of electrical equipment for the potential presence of polychlorinated biphenyls (PCBs), lead-based paint, or the assessment of natural hazards such as naturally occurring asbestos, radon, or methane gas, assessment of the potential presence of radionuclides, or assessment of non-chemical hazards such as the potential for damage from earthquakes or floods. This Phase I ESA also did not include an extensive assessment of the environmental compliance status of the Subject Property or of the businesses that have operated on-site, or a health-based risk assessment.

2.7 User Reliance

This Phase I ESA was conducted for the use of and reliance by Lynn Bark Energy Center, LLC and their assignees and may be relied upon by these parties only. No use of the information contained in this report by others is permissible without receiving prior written authorization to do so from ECT. ECT is not responsible for independent conclusions, opinions, or recommendations made by others or otherwise based on the findings presented in this report.

3.0 Subject Property and Vicinity Descriptions

3.1 Subject Property Characteristics

A summary of the Subject Property is included in the table below.

SUBJECT PROPERTY DETAILS	
Project Name	Lynn Bark Energy Center
Location	East and west of South Wolf Creek Road, Martin County, Kentucky
Approximate Acreage	89.9 Source: GIS
Current Use	Wooded land corridor (historically coal mined)
Proposed Use	Gen-tie
Areas of Environmental Interest	An Aboveground Storage Tank (AST), debris, a dilapidated structure, an electrical substation, and an oil/gas well were observed; refer to Section 10.0 for further discussion.
Observed Use of Hazardous Substances	None identified
UTILITY INFORMATION	
Heating/Cooling Source	None identified
Potable Water Source	According to the Kentucky Geological Survey (KGS), a water well exists within the western portion of the Subject Property (Lexington Coal parcel 030-00-00-054.00).
Sewage Disposal Provider	None identified
REGULATORY INFORMATION	
Regulatory Database Listings	MINE, Integrated Compliance Information System (ICIS), Facility Index (FIND)/Facility Registry System (FRS)
Activity and Use Limitations (AULs)	None identified
Environmental Liens	None identified

The Subject Property primarily consists of wooded land (historically coal mined). An easement for Kentucky Power is present within the eastern portion of the Subject Property, a railroad corridor transects the eastern portion, and easements for gathering lines and overhead electrical transmission lines are present throughout.

A USGS Topographic Map is provided as [Figure 1](#) and a Subject Property Overview is provided as [Figure 2](#). Photographs taken during the reconnaissance are provided in the appendices ([Photographic Documentation](#)).

3.2 Vicinity Characteristics

The Subject Property is situated in a rural area comprised primarily of unimproved, wooded and revegetated land (historically coal mined), with industrial utility features including electrical substations and solar arrays to the south. The unincorporated community of Davella is present to the west (2.5 miles), the unincorporated community of Debord is present to the northwest (2.5 miles), and the unincorporated community of Pilgram is present to the northeast (3.6 miles). A summary of the adjoining properties is included in the table below.

DIRECTION	OCCUPANT(S)/USE(S)	REGULATORY DATABASE LISTING(S)
North	Wooded land	Martin County Coal Corporation: Mine No 2 Mine: Mine Lexington Coal Company LLC: Mine White Cabin Mine #2: Mine LCC Kentucky LLC: Mine 17 West Mining INC: MINE
East	Wooded land	Martin County Coal Corporation: Mine No 2 Mine: Mine Lexington Coal Company LLC: Mine White Cabin Mine #2: Mine LCC Kentucky LLC: Mine 17 West Mining INC: MINE
South	Electrical substations, solar arrays, and wooded land	Martin County Coal Corporation: Mine No 2 Mine: Mine Lexington Coal Company LLC: Mine White Cabin Mine #2: Mine LCC Kentucky LLC: Mine 17 West Mining INC: MINE Martiki Coal Corp: Underground Storage Tank (UST)
West	Wooded land	Martin County Coal Corporation: Mine No 2 Mine: Mine Lexington Coal Company LLC: Mine White Cabin Mine #2: Mine LCC Kentucky LLC: Mine 17 West Mining INC: MINE

Refer to [Section 6.0](#) for a discussion of regulatory database listings.

3.3 Physical Setting

The physical setting of the Subject Property is described in the table below.

TOPOGRAPHY	
USGS Topographic Quadrangle	<i>Inez, Varney, Thomas, Kermit, Kentucky, West Virginia (2023)</i>
Approximate Elevation	800 to 1,200 feet above mean sea level
Nearest surface water	Coldwater Fork, Walnut Creek, and Wolf Creek transect the Subject Property.
Source: USGS	
SOILS	
Soil Map Unit	Fiveblock, Fairpoint, Kaymine, Handshoe-Fedscreek-Shelocta, Anthropic-Udorthents-Urban land, Cloverlick-Shelocta-Kimper, Rayne-Marrowbone-Dekalb, Shelocta-Grigsby-Orrville. Dumps (mine and tailing) (see Section 7.3).
Soil Type	Channery sandy loam, channery silt loam, very channery loam, very slightly decomposed plant material, very channery sandy loam, channery loam, bedrock, loam, slightly decomposed plant material, silt loam, very channery silt loam, very parachannery silt loam, extremely flaggy and silt loam, extremely flaggy and sandy loam, extremely flaggy loam, channery slightly decomposed plant material, very flaggy loam, silt loam, very channery slightly decomposed plant material, silty clay loam, very channery silty clay loam, weathered bedrock, sandy loam, unweathered bedrock, extremely channery sandy loam, silt clay loam, fine sandy loam, clay loam, stratified sandy loam to loam
Drainage Class	Well drained
Source: Soil Survey Geographic Database (SSURGO)	
GEOLOGY	
Physiographic Area/Region	Dissected Appalachian Plateau in the Central Appalachians
Geologic Formation	Breathitt Formation (middle part)
Bedrock	Pennsylvanian aged siltstone, shale, and sandstone
Sources: USGS, Database Report	
HYDROLOGY	
Estimated Groundwater Flow¹	Southwest
Estimated Depth to Groundwater	Approximately 20 to 35 feet below ground surface
Source: USGS, Kentucky Energy and Environmental Cabinet (EEC)	

1. Groundwater flow direction can be influenced by the presence of wetland features, surface topography, recharge and discharge areas, inconsistencies in the types and location of subsurface soils, and proximity to water pumping wells.

4.0 User Provided Information

The *User* of this report is Lynn Bark Energy Center, LLC. Mr. Sean Flannery, authorized person for Free State Solar Project, LLC, provided a completed *User Questionnaire* as part of this assessment dated May 27, 2026. The responses to the questionnaire have been summarized in the table below. A copy of the completed *User Questionnaire* is included in the appendices ([User Provided Information](#)).

At the direction of the *User*, ECT contracted AFX Research, LLC to conduct a search of *environmental liens* and *activity and use limitations (AULs)* for Pocahontas parcel 031-00-00-001.00. An *Environmental Lien/AUL Report*, dated March 26, 2026, was reviewed, of which there were no identified *environmental liens* or *AULs* for the signed lease. However, a quitclaim deed, which is a transfer of property that offers no protection against undisclosed property defects, was executed in 2023 between Lexington Coal Company, LLC (the Grantor), and Belleair Investment Holdings, INC. (the Grantee). Copies of the *Environmental Lien/AUL Reports* are included in the appendices ([Environmental Lien/AUL Reports](#)).

QUESTIONS	YES	NO	COMMENTS
Did a search of <i>recorded land title records</i> (or judicial records where appropriate ²) identify any <i>environmental liens</i> filed or recorded against the property under federal, tribal, state, or local law?	☐	☒	Date of search: March 26, 2026
Did a search of <i>recorded land title records</i> (or judicial records where appropriate) identify any <i>AULs</i> , such as <i>engineering controls</i> , land use restrictions or <i>institutional controls</i> that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state, or local law?	☐	☒	Date of search: March 26, 2026
Do you have any specialized knowledge or experience related to the property or nearby properties?	☐	☒	
Does the purchase price being paid for this property reasonably reflect the fair market value of the property?	☒	☐	Lease
Are you aware of any commonly known or reasonably ascertainable information about the property that would help the	☐	☒	

2. In certain jurisdictions, federal, tribal, state, or local statutes, or regulations specify that environmental liens and AULs be filed in judicial records rather than land title records. In such cases, judicial records must be searched for environmental liens and AULs.

QUESTIONS	YES	NO	COMMENTS
environmental professional to identify conditions indicative of releases or threatened releases?			
Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?	☐	☒	

Prior environmental reports provided by the *User* have been summarized in [Section 5.4](#).

4.1 Reason for Performing Phase I ESA

The reason for performing this Phase I ESA is to satisfy CERCLA requirements to qualify for the *innocent landowner, contiguous property owner, or bona fide prospective purchaser LLPs*.

5.0 Historical Review

5.1 Historical Sources Reviewed

ECT reviewed the following reasonably ascertainable standard historical sources, as described in ASTM E2247-23, to determine the previous uses and occupancies of the Subject Property, adjoining properties, and surrounding area.

Aerial photographs and topographic maps were obtained from Environmental Risk Information Services (ERIS). Additionally, ECT reviewed available aerial photographs on Google Earth™. The current USGS 7.5-minute topographic map quadrangles are *Inez, Varney, Thomas, Kermit, Kentucky, West Vagina*, which are dated 2023. Aerial photographs and topographic maps were reviewed on April 28, 2026.

Copies of the available aerial photographs and topographic maps are provided in the appendices ([Historical Sources](#)). The table below summarizes available historical source coverage for the Subject Property.

Dates	Aerial Photographs	Topographic Maps	Other Sources
No Coverage	☐	☐	☐
Prior to 1940	☐	✓	☐
1940 - 1945	☐	☐	☐
1946 - 1950	☐	☐	☐
1951 - 1955	✓	✓	☐
1956 - 1960	✓	☐	☐
1961 - 1965	☐	✓	☐
1966 - 1970	☐	☐	☐
1971 - 1975	✓	☐	☐
1976 - 1980	☐	✓	☐
1981 - 1985	✓	☐	✓
1986 - 1990	☐	✓	✓
1991 - 1995	✓	✓	✓
1996 - 2000	☐	☐	✓
2001 - 2005	✓	☐	☐
2006 - 2010	✓	✓	✓
2011 - 2015	✓	✓	☐
2016 - 2020	✓	✓	✓
2021-2025	✓	✓	✓
Current	☐	☐	✓

5.2 Subject Property Historical Summary

Based upon review of the available historical sources, a chronological summary of historical data for the Subject Property is included below.

DATES	SUBJECT PROPERTY DESCRIPTION/USE	SOURCE(S)
1910, 1912, 1914, 1915, 1916, 1917, 1928	The Subject Property is shaded green with closely spaced contour lines indicating vegetated land and steep terrain. Coldwater Fork, Walnut Creek, and Wolf Creek are depicted transecting the Subject Property.	Topographic maps
1951, 1951, 1960, 1963	The Subject Property appears to primarily consist of dense wooded land.	Aerial photographs Topographic maps
1975	Suspect grading is apparent on the eastern portion (Pocahontas parcel 040-00-00-020.00).	Aerial photographs
1976	According to the Kentucky Geological Survey (KGS), coal mining is permitted on the Subject Property.	KGS
1978	A railroad corridor is depicted transecting the eastern portion generally in a northeast-southwest direction (Moore parcel 040-00-00-035.00). Tanks and a strip mine are depicted on the eastern portion (Pocahontas parcel 040-00-00-020.00).	Topographic maps
1983	Earth work activities to the south appear to encroach onto the north-east boundary. Structures are apparent on the eastern portion (Pocahontas parcel 040-00-00-020.00).	Aerial photographs
1989	An electrical transmission line corridor is depicted transecting the eastern portion generally in a northeast to southwest direction.	Topographic maps
1992	Coal silos and a conveyer are depicted on the eastern portion (Pocahontas parcel 040-00-00-020.00).	Topographic maps
1995	Suspect grading is apparent on the western portion (Lexington Coal parcel 030-00-00-046.01 and Pocahontas parcel 030-00-00-052.00).	Aerial photographs
2004, 2008	Suspect grading is apparent on the western and central portion (Pocahontas parcel 030-00-00-052.00 and 040-00-00-011.00, respectively).	Aerial photographs
2009, 2012	According to the KGS, by 2009 a gas well was commenced within the western portion (Lexington Coal parcel 030-00-00-047.00).	KGS
2010, 2012-2014, 2016, 2018	An electrical substation is apparent on the eastern portion (Pocahontas parcel 040-00-00-020.00).	Aerial photographs Topographic maps

DATES	SUBJECT PROPERTY DESCRIPTION/USE	SOURCE(S)
	The Subject Property appears to have been revegetated, consisting primarily of dense wooded land.	
2019-2020, 2022	Coal silos on the eastern portion appear to be dilapidated (Pocahontas parcel 040-00-00-020.00).	Aerial photographs Topographic maps
2023, 2024	In 2023, Lexington Coal Company, LLC, and Bellaire Investment Holdings, INC. execute a quitclaim deed for Pocahontas parcel 031-00-00-001.00 (see Section 4.0).	Aerial photographs AFX
2026	The Subject Property remains primarily wooded land. An AST, an electrical substation, debris, an oil/gas well, and a dilapidated structure were observed. Refer to Section 10.0 for further discussion.	Site reconnaissance

Railroad tracks have traversed the eastern portion of the Subject Property since at least 1978. Railroads can pose environmental risks due to potential contamination from past chemical use (e.g., PCBs, herbicides, arsenic, creosote); however, aerial photographs show no evidence of misuse, and the railroad was privately maintained. Therefore, it is the opinion of the EP that this finding does not constitute a *REC*.

Refer to [Section 7.2](#) for a discussion on oil/gas exploration and [Section 7.3](#) for a discussion on mining.

5.3 Surrounding Area Historical Summary

Based upon review of the available historical sources, a chronological summary of historical data for the surrounding area is included below.

DATES	SURROUNDING PROPERTY DESCRIPTION/USE	SOURCES(S)
1910, 1912, 1914, 1915, 1916, 1917, 1928	The surrounding properties are shaded green with closely spaced contour lines indicating vegetated land and steep terrain. Numerous tributaries are present throughout.	Topographic maps
1951	The surrounding properties appear to primarily consist of dense wooded land.	Aerial photographs
1954, 1960	Gas wells are depicted within the greater surrounding area.	Aerial photographs Topographic maps
1975	Grading is apparent to the south of Pocahontas parcel 040-00-00-020.00.	Aerial photographs
1978	Lynn Bark School is depicted to the west of Lexington Coal parcel 030-00-00-055.00.	Topographic maps
1983	An electrical substation is apparent to the south of Triple H parcel 048-00-00-006.00. Structures are apparent to the north of Pocahontas parcel 040-00-00-020.00.	Aerial photographs
1989	Strip mines are depicted within the greater surrounding area.	Topographic maps
1992	Structures are depicted to the north and south of Pocahontas parcel 040-00-00-020.00. A conveyor is depicted to the south of Pocahontas parcel 040-00-00-020.00.	Topographic maps
1995, 2004, 2008	Grading is apparent to the west of Lexington Coal parcel 030-00-00-046.01.	Aerial photographs
2010, 2012-2014, 2016, 2018-2020, 2022-2023	The surrounding properties appear to have been revegetated.	Aerial photographs Topographic maps
2024	Solar arrays are visible to the southeast of Pocahontas parcel 040-00-00-020.00.	Aerial photographs
2026	The surrounding properties remain primarily dense wooded land with industrial utility features including electrical substations and solar arrays to the south.	Site reconnaissance

5.4 Prior Environmental Reports

ECT was provided with the following prior environmental report, which is summarized below.

Document Name:	Phase I ESA of Lynn Bark Energy Center
Prepared By:	ECT
Date:	July 7, 2023
Provided By:	User/ECT
Comments:	The ASTM E2247-16 Phase I ESA was prepared for Lynn Bark Energy Center, LLC, and the current Subject Property boundary encroaches onto the eastern boundary of the previous Subject Property boundary. During the course of the prior Phase I ESA, the Subject Property was owned by various landowners but was represented in its entirety by Pocahontas Royalties LLC. ECT interviewed Mr. Michael Blackburn, representative of Pocahontas Royalties LLC, who had been affiliated with the property since the early 1990s. Mr. Blackburn reported knowledge of the property historically utilized as a surface coal mine. Fill material was utilized on the Subject Property with historical sediment control structures implemented on the Subject Property. At the time of the site visit, ECT was unable to perform a visual assessment of the eastern portion of the Subject Property due to poor road conditions from rain events. Additionally, a visual assessment of the ground surface and access throughout the Subject Property was limited due to densely wooded vegetation and grassland coverage. However, these limitations were not considered significant. ECT identified <i>RECs</i> associated with historical mining and long term oil/gas exploration and production, one <i>Business Environmental Risk (BER)</i> associated with plugged or dry and abandoned wells, and one <i>SDG</i> associated with a lack of state agency response. No other <i>RECs</i>, <i>CRECs</i>, <i>HRECs</i>, <i>SDGs</i>, or <i>DMCs</i> were identified for the Subject Property by ECT.

Information obtained from the above prior environmental report(s) may have been used for guidance of the site reconnaissance portion of this Phase I ESA; however, no prior reports were relied upon without the completion of a new site reconnaissance.

Pertinent portions of the prior environmental reports are included in the appendices ([User Provided Information](#)).

6.0 Regulatory Database Review

6.1 Database Finding Summary

ECT contracted Environmental Risk Information Services (ERIS) to conduct a search of publicly available information from federal, state, tribal, and local environmental record sources in accordance with ASTM E2247-23. Data gathered during the regulatory database search is compiled by ERIS into a government records report (i.e., database report). This government records report, dated April 14, 2026, was reviewed by ECT on April 28, 2026. The standard databases researched in accordance with ASTM E2247-23 requirements are listed below.

Standard Environmental Record Sources (where available)	Approximate Minimum Search Distance (miles)
Federal Sources	
National Priority List (NPL list)	1.0
Delisted NPL list	0.50
CERCLIS list	0.50
CERCLIS-No Further Remedial Action Planned (NFRAP) list	0.50
RCRA Corrective Action (CORRACTS) facilities list	1.0
RCRA non-CORRACTS TSD facilities list	0.50
RCRA generators list	SP and Adjoining
Federal institutional control/engineering control registries	SP
Federal Emergency Response Notification System (ERNS) list	SP
State Sources	
<i>State- and tribal-equivalent NPL</i>	1.0
<i>State- and tribal-equivalent CERCLIS</i>	0.50
State and tribal landfill and/or solid waste disposal site lists	0.50
State and tribal leaking storage tank lists	0.50
State and tribal registered storage tank lists	SP and Adjoining
State and tribal institutional control/engineering control registries	SP
State and tribal voluntary cleanup sites	0.50
State and tribal Brownfield sites	0.50
SP = Subject Property <i>Italicized</i> = State and tribal lists of hazardous waste sites identified for investigation or remediation CERCLIS = Comprehensive Environmental Response, Compensation, and Liability Information System RCRA = Resource Conservation and Recovery Act; TSD = Treatment, Storage, and Disposal	

The database report, which includes a search of standard and additional record sources, identified the following listings for the Subject Property and/or surrounding area.

For full details pertaining to the databases searched, refer to the database report included in the appendices ([Regulatory Database Report](#)).

Regulatory Report Summary

Database	Search Radius	Target Property	Within 0.12mi	0.12mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
UST	0.25	0	0	1	-	-	1
FINDS/FRS	0.02	1	-	-	-	-	1
ICIS	0.02	1	-	-	-	-	1
MINES	0.25	0	2	0	-	-	2
MINE	1.0	33	13	7	15	27	95

6.2 Subject Property Listings

The Subject Property was listed on the following regulatory databases.

Subject Property Summary

Database	Site Name	Address	Dist. (mi) / Dir.	Elev. diff. (ft)	Comments
MINE, FIND/FRS, ICIS	Martin County Coal Corporation	, , KY,	0.00/NE	0.0	See below.

Martin County Coal Corporation: According to a review of the database, the ICIS and FIND/FRS databases identified a National Pollution Discharge Elimination System (NPDES) permit categorized under the North American Industry Classification System (NAICS) as bituminous coal and lignite surface mining. No violations were identified. Additionally, this facility was identified by the MINES database. Refer to [Section 7.3](#) for further discussion.

6.3 Surrounding Properties

Each surrounding property listing identified within the searched radius of the Subject Property was evaluated using the EP's judgment to determine its potential impact to the Subject Property. The distance of the listing from the Subject Property was included in ECT's evaluation, as well as the listing details, the regional topography, and the estimated groundwater flow. Based on ECT's evaluation, surrounding properties of potential environmental significance in relation to the Subject Property have been identified in the table below.

Surrounding Properties Summary

Database	Site Name	Address	Dist. (mi) / Dir.	Elev. diff. (ft)	Comments
MINE	Martin County Coal Corporation	, , KY,	0.00/NW	230.0	See below.
MINE	Ruth Contracting Corp	, , KY,	0.02/W	257.0	See below.
MINES	No 2 Mine	, Inez, KY,	0.05/WSW	230.0	See below.
MINE	Martin County Coal LLC	, , KY,	0.08/NW	147.0	See below.
MINE	Lexington Coal Company LLC	, , KY,	0.08/NW	147.0	See below.
MINES	White Cabin Mine #2	, Pilgrim, KY,	0.08/SW	118.0	See below.
MINE	LCC Kentucky LLC	, , KY,	0.15/ESE	31.0	See below.
MINE	Martin County Coal Corporation	, , KY,	0.15/ESE	33.0	See below.
UST	Martiki Coal Corp	KY 1439, Lovely, KY, 41231	0.17/ESE	33.0	See below.
MINE	17 West Mining INC	, , KY,	0.18/E	189.0	See below.

Refer to [Section 7.3](#) for additional information pertaining to the MINES database listings.

Martiki Coal Corp (approximately 1,021 feet to the south of Pocahontas parcel 040-00-00-020.00): According to a review of the database, six former oil, gasoline, and unknown/other USTs ranging in size between 4,000 and 8,000-gallons were installed in 1978 and removed in 1992. These USTs were reportedly associated with a retail trade/gasoline station in Lovey Kentucky, which is greater than four miles to the northeast of the Subject Property; therefore, ECT is of the opinion that this site is incorrectly plotted and does not represent an environmental concern to the Subject Property.

6.4 Unmappable Properties

ERIS also provides an unmappable (or “orphan”) summary list which identifies properties that cannot be mapped due to poor or inadequate address information. ECT identified an additional listing within the ERNS database associated with a release of coal sludge. Refer to [Section 7.3](#) for further discussion.

6.5 Supplement Database Information

ECT reviewed available information obtained from the U.S. EPA and the EEC on April 28, 2026. Additional listings in the surrounding area identified by the U.S. EPA were associated with air permits, NPDES permits, and electronic data repositories. Given the nature of the listings and/or their down/cross-gradient location in relation to the Subject Property, it is the opinion of the EP that these do not represent a *REC*.

7.0 Regulatory Agency Records Review

7.1 State Environmental Agency

Although the Subject Property and/or adjoining property(ies) were listed on standard environmental record sources, it is the opinion of the EP that a records review was not necessary as it would not likely lead to the identification of *RECs*.

7.2 Oil and Gas Pipelines/Wells

ECT reviewed the National Pipeline Mapping System (NPMS) and the KGS to evaluate if pipelines are located at the Subject Property on April 28, 2026. According to the KGS, gathering lines, which are flowlines used to transport product from individual wells to a storage feature or major pipeline, are present throughout the Subject Property.

In addition, ECT reviewed the KGS Geode mapper for the presence of current and/or historical oil/gas wells on April 28, 2026. According to the KGS, one gas well exists within the limits of the Subject Property and two gas wells and one terminated (TRM) well exist within 200-feet of the Subject Property boundary. These wells are further described in the table below.

UniqueID	LOCATION	TYPE	FINDING	COMMENTS
Subject Property				
118336	37.788137, -82.525801	Gas	REC	Commenced: May 5, 2009 Completed: May 11, 2009 Shut-In: October 23, 2009
Surrounding Property				
64819	37.779723, -82.522075	Gas	REC	No drill record (approximately 55 feet to the east of Pocahontas parcel 030-00-00-052.00).
64823	37.771432, -82.520172	Gas	REC	No drill record (approximately 170 feet to the south of Pocahontas parcel 031-00-00-001.00).
62332	37.764155, -82.481302	TRM	N/A	Commenced: September 20, 1948 Completed: December 5, 1948 Plugged: December 10, 1948 (approximately 15 feet to the south of Pocahontas parcel 040-00-00-020.00).
Source: KGS				

The well types have been defined below.

- Gas wells refer to wells completed as gas (including abandoned producers).
- Terminated wells refer to wells with canceled or expired permits.

Oil and gas exploration and production activities typically involve multiple centralized pits which receive produced fluids (i.e., brine), and/or drilling muds (i.e., “mud”) from wells, leases, or fields. According to the U.S. EPA, these pits are known as brine disposal pits, mud disposal pits, or combined mud/brine disposal pits, and are defined as excavated or above-grade earthen impoundments located away from oil/gas operations from which they receive brine and/or mud. These impoundments may be lined or unlined. Brine generally consists of injection water, oil, and salts. Drilling mud generally consists of a water or oil base mixed with soil cuttings. Both byproducts often contain elevated concentrations of crude oil, petroleum hydrocarbons, metals, and/or chloride. For the sake of brevity, these pits are collectively referred to as “disposal pits” throughout this report. While no evidence of disposal pits were visible in historical aerial images, the likelihood of these pits remains. At the time of the site reconnaissance, a gas well (ID 137132) and a partially filled AST were observed on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00). An additional oil/gas well not previously identified by the KGS was observed approximately 60 feet to the south of Pocahontas parcel 040-00-00-020.00.

Given the long-term presence of oil/gas exploration, infrastructure, site reconnaissance observations, the suspected presence of disposal pits, it is the EP's opinion that these findings represent a *REC* to the Subject Property, should these specific areas be located in areas designated for power line infrastructure.

Copies of readily available oil/gas drilling records are included in the appendices ([Regulatory Agency Documentation](#)).

7.3 Mining and Mineral Exploration

Based on a review of historical aerial photographs and topographic maps, grading was apparent on the eastern portion by 1975, tanks and a strip mine were depicted on the eastern portion on the 1978 topographic map, coal silos and a conveyor are depicted on the eastern portion on the 1995 topographic map, and grading was apparent on the western portion on the 1995 aerial photograph (Pocahontas parcel 040-00-00-020.00, Lexington Coal parcel 030-00-00-046.01, Pocahontas parcel 030-00-00-052.00, respectively). Moreover, the soil classification for a portion of Pocahontas parcel 040-00-00-020.00 on the eastern portion of the Subject Property was listed as “dumps” by the SSURGO (see [Section 3.3](#)). This portion of the Subject Property is within a strip mine area with coal silos (tanks) depicted on the 1978, 1989, and 1992 topographic maps.

ECT reviewed the KGS Kentucky Coal Mine Maps information system, Kentucky Mine Mapping Information System, and the database report provided by ERIS, which identified numerous permitted surface and underground coal mining sites as well as the mined out area within the permitted locations within the Subject Property and surrounding area. These mines, their permit number, date issued, and their status, which include complete bond release (RC), active (A1), reclamation only or all coal removed or permit expired with no/late renewal (A2), and phase I bond release (P1) are depicted on [Figure 3](#).

Furthermore, an unmappable was identified by ERIS within the ERNS database associated with a release of coal sludge. According to an EPA Administrative Order of Consent dated March 9, 2001, a breach occurred on October 11, 2001, at the Martin County Coal Corporation which released millions of gallons of waste material (i.e., coal mine fine refuse slurry, and sediment) into Wolf Creek and other nearby creeks and rivers. The release flowed downstream into connecting tributaries, including Coldwater Fork. Wolf Creek and Coldwater Fork transverse the east and west portions of the Subject Property, respectively.

According to the prior 2023 Phase I ESA (see [Section 5.4](#)), Ms. McGinnis and Mr. Baldwin of the EEC stated typical reclamation practices involve removing highwalls, backfilling with imported clean fill material, achieving the required grade, and vegetating the area to prevent erosion. Mine permits that have been released are no longer regulated by the Division of Reclamation and Enforcement. Reclamation of previously mined land does not guarantee any associated contamination has been evaluated or addressed.

At the time of the site reconnaissance, no mining activity was observed, and the Subject Property appeared to have been revegetated, consisting of dense wooded land. A dilapidated structure, debris primarily consisting of ceramic insulators, and an abandoned/decommissioned electrical substation were observed.

Due to the extensive mining of the Subject Property and adjoining properties, site reconnaissance observations, and known release of coal sludge, it is the opinion of the EP that mining activities on and immediately adjoining the Subject Property represent a *REC*, specifically in the western and eastern ends of the proposed corridor associated with mining processes, differentiated with those areas where coal was merely excavated and transported.

7.4 Land Application

A publicly available resource for land application in the State of Kentucky was not identified by ECT. Applicable interviews and the regulatory database report did not reveal any evidence indicative of land application of biosolids for the Subject Property or adjoining properties.

8.0 Vapor Migration Review

This preliminary vapor migration review is intended to assess whether a *REC* associated with vapor migration exists for the Subject Property. Based on a review of information obtained throughout this Phase I ESA, ECT has not identified a vapor migration concern for the Subject Property.

9.0 Interviews

9.1 Past and Present Owners

Per the *User*, the Subject Property is owned by Pocahontas Surface Interests INC c/o Pocahontas Royalties LLC, Triple H Real Estate LLC, Lexington Coal Company LLC, and Moore Sam & Elzava c/o Diana Fannin. Contact information for Moore Sam & Elzava c/o Diana Fannin was not provided by the client; however, ECT successfully interviewed Mr. Timothy Cole, landowner representative of Pocahontas Surface Interests INC c/o Pocahontas Royalties LLC, and Mr. Jeff Hoops, landowner representative of Lexington Coal Company LLC and Triple H Real Estate LLC, via telephone on April 14, 2026. The landowner responses have been summarized in the table below.

QUESTIONS	RESPONSE SUMMARY
How long have you owned and/or been affiliated with the property?	Mr. Timothy Cole: Unsure. Mr. Jeff Hoops: Not sure; however, the property was acquired over 25 years ago.
What are the current uses of the property?	Mr. Timothy Cole: Agriculture (hay), mineland reclamation, and timber. Mr. Jeff Hoops: There is no current use other than timber and vacant land.
What are the past uses of the property?	Mr. Timothy Cole: Agricultural,(hay), mineland reclamation, and timber. Mr. Jeff Hoops: Portions of the property may have been used for coal mining.
What is the approximate age (or construction date) and size / square footage of current structure(s)?	Mr. Timothy Cole: Old mining offices and past mining buildings; however, there are no operational structures. Mr. Jeff Hoops: There are no structures.
If vacant or undeveloped, do you know of any prior improvements?	Mr. Timothy Cole: Yes. Mr. Jeff Hoops: Undeveloped/timber land.
Are you aware of any current or previous well(s) and/or septic system(s)?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Do any utilities currently service the property?	Mr. Timothy Cole: There are some power lines that run through them; however, they do not provide power. Mr. Jeff Hoops: No.
Are you aware of any area of storage, used, generation or disposal of automotive, industrial, or agricultural chemicals, batteries, solvents, petroleum products, pesticides or related regulated chemicals?	Mr. Timothy Cole: No. Mr. Jeff Hoops: Unsure.

QUESTIONS	RESPONSE SUMMARY
Are you aware of any underground or aboveground storage tanks for any chemicals or petroleum products currently or historically located on the property?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Has the property been used as a waste landfill, dump, or disposal site?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any fill material that has been placed on the property?	There is a potential of mining overburden on the property in some locations; however, Mr. Timothy Cole was unsure of the location.
Are you aware of any current or former oil or gas wells, or associated tanks / pipelines on the property?	Mr. Timothy Cole: Yes. Diversified has some oil and gas wells but unsure where. Mr. Jeff Hoops: No
Are you aware of any current or former (i.e., filled) pits, ponds, or lagoons located on the property?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any past cattle dipping vats on the property?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any former or current biosolid application?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any petroleum or hazardous waste discharges or releases to the environment, or contamination impacts to the property's soil, groundwater, or surface waters?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any leases or easements on the property?	Mr. Timothy Cole: There is a lease to a farm tenet. Mr. Jeff Hoops: No.
Are you aware of any pending, threatened, or past environmental litigation, proceedings, or notices of possible violations of environmental laws or liability, or potential environmental concerns in connection with the property?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.
Are you aware of any past environmental assessment report(s) prepared for the property?	Mr. Timothy Cole: No. Mr. Jeff Hoops: No.

Additional landowner interview notes and completed questionnaires are included in the appendices ([Owner Interview Documentation](#)).

9.2 State and/or Local Government Officials

The following state and/or local government officials were interviewed as part of this assessment:

Agency:	Martin County Health Department
Contact Name:	Eric Mills
Title:	Public Health Director
Method:	E-mail inquiry on April 14, 20, and 24, 2026
Comments:	ECT requested documentation (if any) on file pertaining to biosolids, wells, septic systems, storage tanks, releases, landfills or dumping of materials, remediation sites, migrating contamination, and/or any other environmental sensitive records. A response was received via email on April 30, 2026, stating that they are not aware of any records (or complaints).

Agency:	Pigeon Roost Volunteer Fire Department
Contact Name:	Undisclosed
Title:	Undisclosed
Method:	E-mail inquiry on April 14, 20, 24, 2026
Comments:	ECT requested documentation (if any) on file pertaining to fires, storage tanks, releases, landfills or dumping of materials, remediation sites, migrating contamination, and/or any other environmentally sensitive records. No response has been received as of the date of this report.

Copies of state and/or local government correspondence and any provided documents are included in the appendices ([State/Local Interview Documentation](#)).

10.0 Site Reconnaissance

RECONNAISSANCE OVERVIEW	
Site Reconnaissance Date:	April 16, and 17, 2026
ECT Assessor(s) Name & Title:	Mr. Alec Besinger, Associate Scientist II
Escort & Relationship to Property:	None
Methodology:	Automobile reconnaissance via public roadways and available access roads with closer walkovers of identified areas of environmental interest unless otherwise disclosed as a limiting condition (see below).
Access Limitations:	• Steep topography and densely wooded vegetation limited access to the Subject Property. • Access was limited due to inaccessible roadways (i.e., locked gates, washout, eroded, fallen trees, and mud). • Dense vegetation limited visibility of the ground surface. refer to Section 2.5
SUBJECT PROPERTY CONDITIONS	
Weather:	70°F, overcast, occasional showers
General Topography:	Steep terrain
Current Use:	Wooded land
Areas of Environmental Interest:	An AST, debris, a dilapidated structure, an electrical substation, and an oil/gas well were observed.
Roads and Corridors:	
Other Corridors and Easements:	Transmission multiple, pipeline, old railroad

In accordance with ASTM E2247-23, the EP conducted a review of aerial photographs, regulatory records, and information obtained from interviews prior to the completion of the reconnaissance. Based on the EP's review of these data sources, areas of environmental interest (if any) were identified and discussed with field personnel prior to the reconnaissance. The EP was in contact with field personnel, who transmitted photographs, video recordings, and/or live video feed, during the reconnaissance, and provided further guidance as necessary.

In assessing *forestland* or *rural property*, it is not expected that the interior of all structures on the property will be accessed, unless the structure has been identified as an *area of environmental interest*. Site reconnaissance of isolated areas of the property that include activities outside the definition of *forestland* or *rural property* as defined in E2247-23 should be addressed using methodologies, such as those provided in E1527-21, or documented in [Section 2.5](#) as a limitation.

10.1 Subject Property Reconnaissance Summary

Field observations, as noted in the table below, are included on [Figure 2](#). Photographs taken during the reconnaissance are provided in the appendices ([Photographic Documentation](#)).

OBSERVATION	YES	NO
Hazardous Substances and/or Petroleum Products in Connection with Property Use	☐	☒
Hazardous Substances and/or Petroleum Products not in Connection with Property Use	☐	☒
Aboveground Storage Tanks (ASTs)	☒	☐
Underground Storage Tanks (USTs), vent pipes, fill pipes, or access ways indicating USTs may be present	☐	☒
Drums	☐	☒
Unidentified Substance Containers	☐	☒
Strong, Pungent, or Noxious Odors	☐	☒
Drains, Sumps, Clarifiers, or Pools of Liquid	☐	☒
Electrical or Hydraulic Equipment Likely to Contain Fluids	☒	☐
Pits, Ponds, Ditches, Streams, or Lagoons	☒	☐
Stained Soil or Pavement	☐	☒
Stressed Vegetation	☐	☒
Solid Waste, Evidence of Fill Materials or Dumping of Debris	☒	☐
Wastewater or Storm Water Discharges	☐	☒
Wells	☒	☐
Septic Systems	☐	☒
Other	☒	☐

10.2 Aboveground Storage Tanks

A partially filled 1,000-gallon AST was observed on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00). There were no observable signs of staining or stressed vegetation. Given that there was no odor detected to aid in identifying the liquid, ECT is of the opinion that the observed AST is likely partially filled with rainwater. Refer to [Section 7.3](#) for further discussion.

10.3 Electrical or Hydraulic Equipment Likely to Contain Fluids

In the United States, PCBs were commercially manufactured from 1929 until production was banned in 1979 by the Toxic Substances Control Act (TSCA). Due to their non-flammability, chemical stability, high boiling point and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications, such as electrical, heat transfer, and hydraulic equipment, such as transformers, elevators, and hydraulic lifts.

No electrical or hydraulic equipment likely to contain fluids was observed on the Subject Property during the site reconnaissance. A Pole-mounted transformer was observed to the south of Triple H parcel 048-00-00-006.00. No labels were visible on the transformers to indicate its PCB status; however, it appeared to be in good condition with no evidence of leaks. Therefore, it is the opinion of the EP that this finding does not represent a *REC*.

An electrical substation appearing to be abandoned/decommissioned was observed on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00). Refer to [Section 7.3](#) for further discussion.

An electrical substation and solar arrays were observed to the south of Pocahontas parcel 040-00-00-020.00. Given the overall distance of the electrical substation in relation to the Subject Property (approximately 390 feet), and lack of observed staining and/or stressed vegetation, it is the opinion of the EP that this finding does not represent a *REC*.

10.4 Pits, Ponds, Ditches, Streams, or Lagoons

Wolf Creek was observed transecting the eastern portion of the Subject Property. Refer to [Section 7.3](#) for additional information.

10.5 Solid Waste, Fill Materials, or Debris

A debris pile appearing to primarily consist of ceramic insulators, an old telephone pole, and a dilapidated structure were observed on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00). Refer to [Section 7.3](#) for further discussion.

10.6 Wells

A gas well was observed on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00) and to the south of Pocahontas parcel 040-00-00-020.00. Refer to [Section 7.2](#) for further discussion.

10.7 Other Field Observations

A gas pipeline marker was observed on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-054.00) and to the south of Pocahontas parcel 040-00-00-020.00. Refer to [Section 7.2](#) for further discussion.

A tote was observed to the south of Pocahontas parcel 040-00-00-020.00. Given the off-site location and lack of observed staining and/or stressed vegetation, it is the opinion of the EP that this finding does not represent a *REC*.

11.0 Non-Scope Considerations

No non-scope considerations as defined in Appendix X5 of ASTM E2247-23 were included as part of this assessment.

12.0 Evaluation

12.1 Data Failure and Data Gaps

The following *data failures* and/or *data gaps* have been identified as part of this assessment:

- *Historical Coverage Gap(s)*: No historical coverage was available for the Subject Property for the late 1940s, late 1960s, and late 1990s. Based on the other available aerial photographs and topographic maps, ECT believes the Subject Property remained primarily agricultural and wooded during that time. Therefore, it is the opinion of the EP that this does not represent an *SDG*.
- *Lack of Local Agency Responses*: ECT conducted good faith efforts to obtain relevant documentation pertaining to the Subject Property or surrounding properties from the Pigeon Roost Volunteer Fire Department; however, as of the publication date of this report, no response has been received. Based on the quality of information obtained from other sources (e.g., historical documentation, interviews, regulatory sources, site reconnaissance, etc.), it is the opinion of the EP that this does not represent an *SDG*.
- *Completion of User Questionnaire*: A completed *User Questionnaire* was not provided to ECT; therefore, ECT assumes that qualification for the *LLPs* is being established by the User in documentation outside of this assessment. ECT does not believe this represents an *SDG*.

No other *data failures* or *data gaps* were identified in this Phase I ESA.

12.2 Findings and Opinions

Based on the information revealed as part of this Phase I ESA, ECT has identified the following findings and offers the below opinions as part of this Phase I ESA:

- **Oil/gas exploration (REC #1):** According to the KGS, a gas well was commenced within the western portion of the Subject Property by at least 2009 (Lexington Coal parcel 030-00-00-047.00) and three additional wells were identified within 200-feet of the Subject Property boundary. At the time of the site reconnaissance, a gas well (ID 118336) and an AST were observed on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00), and an oil/gas well not identified by the KGS was observed approximately 60 feet to the south of Pocahontas parcel 040-00-00-020.00. **Given the long-term presence of oil/gas exploration, infrastructure, site reconnaissance observations, the suspected presence of disposal pits, it is the EP's opinion that these findings represent a REC to the Subject Property, should these specific areas be located in areas designated for power line infrastructure.**
- **Historical Mining (REC #2):** The Subject Property and neighboring properties have been subjected to both underground and surface coal mining since at least the 1970s. Reclamation efforts have reportedly been engaged on portions of the Subject Property. According to the prior 2023 Phase I ESA, Ms. McGinnis and Mr. Baldwin of the EEC stated typical reclamation practices involve removing highwalls, backfilling with imported clean fill material, achieving the required grade, and vegetating the area to prevent erosion. Mine permits that have been released are no longer regulated by the Division of Reclamation and Enforcement. Reclamation of previously mined land does not guarantee any associated contamination has been evaluated or addressed. At the time of the site reconnaissance, no mining activity was observed, and the Subject Property appeared to have been revegetated, consisting of dense wooded land. However, a dilapidated structure, debris primarily consisting of ceramic insulators, and an abandoned/decommissioned electrical substation were observed. **Due to the extensive mining of the Subject Property and adjoining properties, site reconnaissance observations, and known release of coal sludge, it is the opinion of the EP that mining activities on and immediately adjoining the Subject Property represent a REC, specifically in the western and eastern ends of the proposed corridor associated with mining processes, differentiated with those areas where coal was merely excavated and transported.**

12.3 Conclusion

Mr. Dirk Mammen, Environmental Professional, has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E2247-23 and the 40 CFR 312 (*All Appropriate Inquiry*) of the Subject Property, located east and west of South Wolf Creek Road in Martin County, Kentucky. Any exceptions to, or deletions from, this practice are described in [Section 2.5](#) of this report. **This assessment has revealed no evidence of RECs, CRECs, and/or SDGs, with the exception of the following:**

- **REC #1:** Oil/gas exploration
- **REC #2:** Historical mining

In accordance with ASTM E2247-23, the EP should provide an opinion as to whether additional investigation to detect the presence of hazardous substances or petroleum products is warranted. This opinion does not render the assessment incomplete, nor is it intended to represent a recommendation. **Based on the identification of the RECs, additional evaluation may be appropriate and/or continuing obligations may be triggered.**

13.0 Environmental Professional Statement

I, Dirk Mammen, declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR §312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. All elements of this Phase I ESA have been completed by me or persons under my direct supervision. For the sake of brevity, any references herein to the "Environmental Professional" or "EP" shall refer directly to me. Any references to "ECT" shall refer to me and/or those persons under my direct supervision.

A copy of the EP's resume and those directed by the EP in the completion of this assessment are included in the appendices ([Resumes of Environmental Consultants](#)).



Dirk Mammen

Environmental Professional

References

REFERENCED ITEM OR AGENCY	PUBLICATION OR INQUIRY	
	DATE(S)	SOURCE
Aerial Photographs	1951, 1960, 1975, 1983, 1995, 2004, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024	ERIS
	1995, 2004, 2008, 2010, 2013, 2016, 2019, 2024	Google Earth™
Assessor Information	April 28, 2026	Martin County
Depth to Groundwater Information	April 28, 2026	EEC
Environmental Lien/AUL Search	March 26, 2026	AFX
Fire Department(s)	April 14, 20, and 24, 2026	Pigeon Roost Volunteer Fire Department
Geology Information	April 20, 2026	Database Report
Health Department(s)	April 14, 20, and 24, 2026	Martin County Health Department
Land Application	April 28, 2026	Applicable Interviews
Mining Information	April 28, 2026	KGS
Oil and Gas Authority	April 28, 2026	KGS
Owner(s), Key Site Manager(s), and/or Occupant Interviews	April 14, 2026	Various landowners; refer to Section 8.1
Physiographic Information	April 20, 2026	USGS
Pipeline Information	April 28, 2026	NPMS
Prior Environmental Report(s)	July 7, 2023	ECT Lynn Bark Energy Center
Regulatory Database Report	April 14, 2026	ERIS
Soils Information	April 20, 2026	USDA-NRCS
Standard Practice	2023	ASTM Standard E2247-23, <i>Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property</i>
State Environmental Agency	April 28, 2026	EEC
Supplemental Regulatory Data	April 28, 2026	U.S. EPA
Topographic Maps	1910, 1912, 1914, 1915, 1916, 1917, 1926, 1928, 1954, 1963, 1978, 1989, 1992, 2010, 2013, 2014, 2016, 2019, 2022, 2023	ERIS
Topographic Map (current)	2023	USGS (<i>Inez, Varney, Thomas, Kermit, Kentucky, West Vagina</i>)
User Interview	May, 27, 2026	Mr. Sean Flannery, Lynn Bark Energy Center, LLC

Glossary – ASTM Standard E2247-23

The below definitions have been selected for inclusion in this glossary to remove unnecessary length of the report text, and to provide a quick point of reference for the most commonly used terms. This list is not exhaustive and should not be interpreted as a replacement for ASTM E2247-23. For a full list of definitions and references, please refer to ASTM E2247-23: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property.

Term	Definition
<i>activity and use limitations (AULs), n.</i>	Legal or physical restrictions or limitations on the use of, or access to, a site or facility: (1) to reduce or eliminate potential exposure to <i>hazardous substances</i> or <i>petroleum products</i> in the soil, soil vapor, ground water, or surface water on the <i>property</i> , or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the <i>environment</i> . These legal or physical restrictions, which may include <i>institutional</i> and/or <i>engineering controls</i> , are intended to pre-vent adverse impacts to individuals or populations that may be exposed to <i>hazardous substances</i> and <i>petroleum products</i> in the soil, soil vapor, ground water, or surface water on a <i>property</i> .
<i>all appropriate inquiries, n.</i>	That inquiry constituting <i>all appropriate inquiries</i> into the previous ownership and uses of the <i>subject property</i> consistent with good commercial or customary standards and practices as defined in CERCLA, 42 U.S.C. § 9601(35)(B) and 40 C.F.R. Part 312, that will qualify a party to a <i>forestland</i> or <i>rural property</i> transaction for one of the threshold criteria for satisfying the LLPs to CERCLA liability (42 U.S.C. §§ 9601(A) and (B), § 9607(b)(3), § 9607(q), and § 9607(r)), assuming compliance with other elements of the defense.
<i>area(s) of environmental interest, n.</i>	An area or areas of the <i>property</i> with indications of activity that could have resulted in the presence of a recognized environmental condition, especially areas where <i>hazardous substances</i> or <i>petroleum products</i> may be used, handled, managed or stored or may have been used, handled, managed or stored in the past.

Term	Definition
<i>bona fide prospective purchaser, n.</i>	[42 U.S.C. §9607(r)]. A person may qualify as a bona fide prospective purchaser if, among other requirements, such person made “ <i>all appropriate inquiries</i> into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” Knowledge of contamination resulting from <i>all appropriate inquiries</i> would not generally preclude this liability protection. A person must make <i>all appropriate inquiries</i> on or before the date of purchase. The facility must have been purchased after January 11, 2002. See Appendix X1 for the other necessary requirements that are beyond the scope of this Practice.
<i>Brownfields Amendments, n.</i>	Amendments to CERCLA pursuant to the Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118 (2002), 42 U.S.C. §9601 <i>et seq.</i>
<i>business environmental risk, n.</i>	A risk that can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of <i>commercial real estate</i> , not necessarily related to those environmental issues required to be investigated in this practice. Consideration of <i>business environmental risk</i> issues may involve addressing one or more non-scope considerations, some of which are identified in Section 13 [of E2247-23].
<i>contiguous property owner, n.</i>	[42U.S.C. §9607(q)]. A person may qualify for the <i>contiguous property owner liability protection</i> if, among other requirements, such person owns real <i>property</i> that is contiguous to, and that is or may be contaminated by <i>hazardous substances</i> from other real <i>property</i> that is not owned by that person. Furthermore, such person conducted <i>all appropriate inquiries</i> at the time of acquisition of the <i>subject property</i> and did not know or have reason to know that the <i>subject property</i> was or could be contaminated by a release or threatened release from the contiguous <i>property</i> . The <i>all appropriate inquiries</i> must not result in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the <i>contiguous property owner</i> liability protection. See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.
<i>controlled recognized environmental condition, n.</i>	A recognized <i>environmental condition</i> affecting the <i>subject property</i> that has been addressed to the satisfaction of the applicable regulatory authority or authorities with <i>hazardous substances</i> or <i>petroleum products</i> allowed to remain in place subject to implementation of required controls (for example, <i>activity and use limitations</i> or other <i>property use limitations</i>).

Term	Definition
<i>data failure, n.</i>	A failure to achieve the historical research objectives in 8.3.1 even after reviewing the <i>standard historical resources</i> in 8.3.4.1 through 8.3.4.3 that are <i>reasonably ascertainable</i> and likely to be useful. <i>Data failure</i> is one type of <i>data gap</i> .
<i>data gap, n.</i>	A lack of or inability to obtain information required by this practice despite <i>good faith</i> efforts by the <i>environmental professional</i> to gather such information. <i>Data gaps</i> may result from incompleteness in any of the activities required by this practice, including, but not limited to <i>site reconnaissance</i> (for example, an inability to conduct the <i>site visit</i>), and <i>interviews</i> (for example, an inability to interview the <i>key site manager</i> , regulatory officials, etc.).
<i>de minimis condition, n.</i>	A condition related to a <i>release</i> that generally does not present a threat to human health or the <i>environment</i> and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a <i>de minimis conditions</i> condition is not a <i>recognized environmental condition</i> nor a <i>controlled recognized environmental condition</i> .
<i>environmental lien, n.</i>	A charge, security, or encumbrance upon title to a <i>property</i> to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of <i>hazardous substances</i> or <i>petroleum products</i> upon a <i>property</i> , including, but not limited to, liens imposed pursuant to CERCLA 42 U.S.C. §§9607(r) and 9607(r) and similar state or local laws.
<i>environmental site assessment (ESA), n.</i>	The process by which a person or entity seeks to determine if a <i>subject property</i> is subject to <i>recognized environmental conditions</i> . At the option of the user, an <i>environmental site assessment</i> may include more inquiry than that constituting <i>all appropriate inquiries</i> or, if the user is not concerned about qualifying for the <i>LFPs</i> , less inquiry than that constituting <i>all appropriate inquiries</i> (see Appendix X1).
<i>Forestland, n.</i>	<i>Property</i> that is either unmanaged <i>land</i> or managed <i>land</i> where forest management principles are applied to the regeneration, utilization, productivity, and conservation of forests to meet specific goals. Both managed and unmanaged <i>forestland</i> may have roads and limited areas of development.

Term	Definition
<i>hazardous substance, n.</i>	A substance defined as a <i>hazardous substance</i> pursuant to CERCLA 42 U.S.C. § 9601(14), as interpreted by EPA regulations and the courts: "(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any <i>hazardous waste</i> having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, (42 U.S.C. § 6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. § 6901 <i>et seq.</i>) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. § 7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a <i>hazardous substance</i> under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)."
<i>hazardous waste, n.</i>	Any <i>hazardous waste</i> having the characteristics identified under or listed pursuant to section 3001 of RCRA, as amended, (42 U.S.C. § 6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§ 6901-6992k) has been suspended by Act of Congress). RCRA is sometimes also identified as the Solid Waste Disposal Act. RCRA defines a <i>hazardous waste</i> , at 42 U.S.C. § 6903, as: "A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed."
<i>historical recognized environmental condition, n.</i>	A previous <i>release of hazardous substances</i> or <i>petroleum products</i> affecting the <i>subject property</i> that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the <i>subject property</i> to any controls (for example, <i>activity and use limitations</i> or other <i>property use limitations</i>). A <i>historical recognized environmental condition</i> is not a <i>recognized environmental condition</i> .

Term	Definition
<i>Innocent landowner</i> [42 U.S.C. §§ 9601(35) & 9607(b)(3)], <i>n.</i>	[42 U.S.C. §§9601(35)& 9607(b)(3)]. A person may qualify as one of three types of innocent landowners: (1) a person who “did not know and had no reason to know” that contamination existed on the <i>subject property</i> at the time the purchaser acquired the <i>subject property</i> ; (2) a government entity which acquired the <i>property</i> by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; or (3) a person who “acquired the facility by inheritance or bequest.” To qualify for the <i>innocent landowner defense</i> , such person must have made <i>all appropriate inquiries</i> on or before the date of purchase. Furthermore, the <i>all appropriate inquiries</i> must not have resulted in knowledge of the contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the <i>innocent landowner defense</i> . See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.
<i>Institutional controls</i> (IC), <i>n.</i>	A legal or administrative restriction (for example, “deed restrictions”, restrictive covenants, easements, or zoning) on the use of, or access to, a site or facility to (1) reduce or eliminate potential exposure to <i>hazardous substances</i> or <i>petroleum products</i> in the soil or ground water on the <i>property</i> , or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the <i>environment</i> . An institutional control is a type of <i>activity and use limitation</i> (AUL).
<i>Landowner Liability Protections</i> (LLPs), <i>n.</i>	A <i>defense to CERCLA</i> available to <i>bona fide prospective purchasers</i> , <i>contiguous property owners</i> , and <i>innocent landowners</i> . See 42 U.S.C. §§ 9601(35)(A), 9601(40), 9607(q), and 9607(i).
<i>material threat</i> , <i>n.</i>	An <i>obvious threat</i> which is likely to lead to a <i>release</i> and that, in the opinion of the <i>environmental professional</i> , would likely result in impact to public health or the <i>environment</i> . An example might include an aboveground storage tank system that contains a <i>hazardous substance</i> , and which shows evidence of damage. The damage would represent a <i>material threat</i> if it is deemed serious enough that it may cause or contribute to tank integrity failure with a <i>release</i> of contents to the <i>environment</i> .

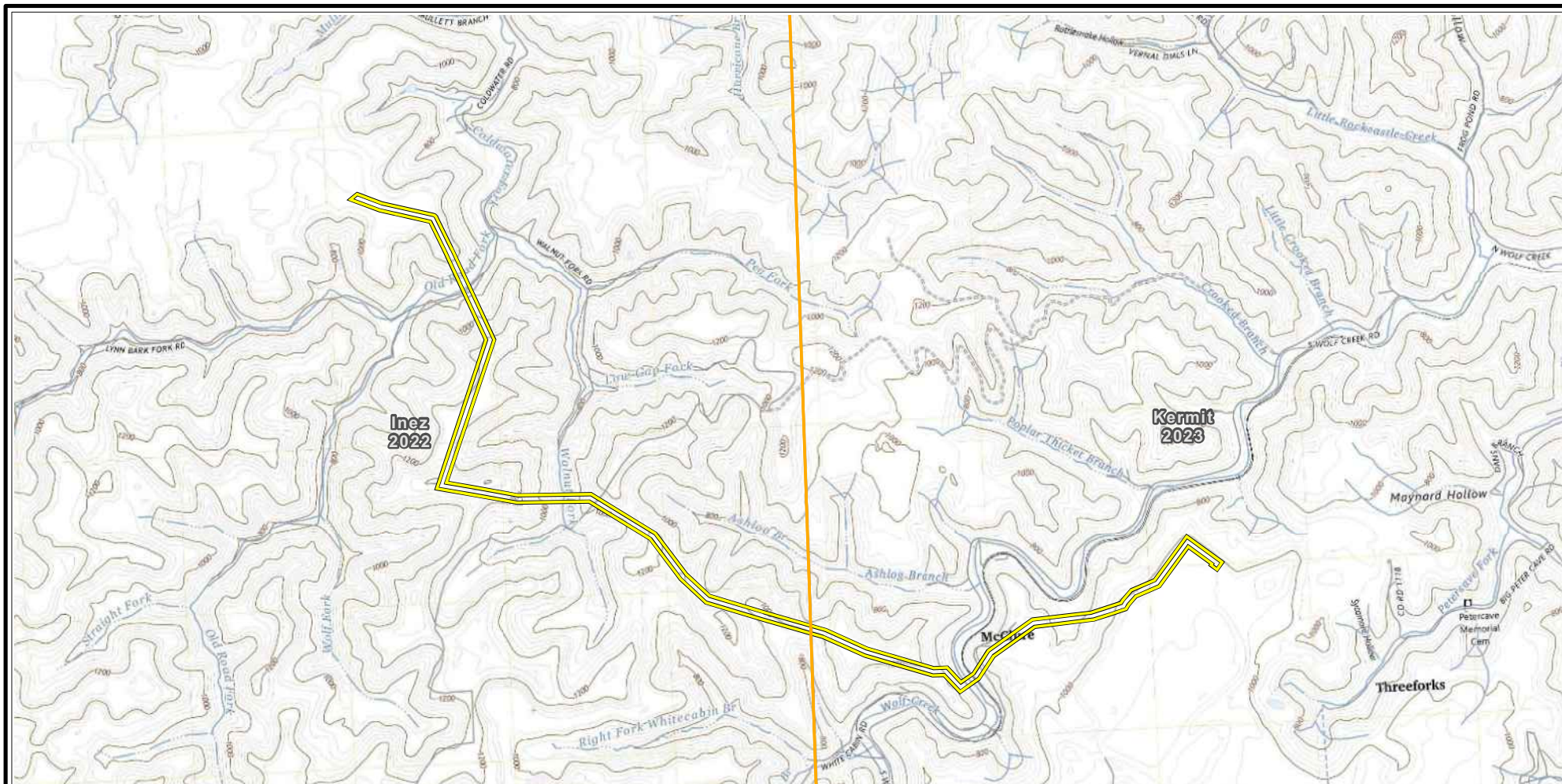
Term	Definition
<i>petroleum products</i> , <i>n.</i>	Those substances included within the meaning of the <i>petroleum exclusion</i> to CERCLA, 42 U.S.C. § 9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a <i>hazardous substance</i> under Subparagraphs (A) through (F) of 42 U.S.C. § 9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to <i>Standard Definitions of Petroleum Statistics</i> . ¹
<i>pits, ponds, or lagoons</i> , <i>n.</i>	Manmade or natural depressions in a ground surface that are likely to hold liquids or sludge containing <i>hazardous substances</i> or <i>petroleum products</i> . The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an <i>obvious wastewater discharge</i> .
<i>recognized environmental condition</i> , <i>n.</i>	The presence of <i>hazardous substances</i> or <i>petroleum products</i> in, on, or at the <i>subject property</i> due to <i>release</i> to the <i>environment</i> ; (2) the likely presence of <i>hazardous substances</i> or <i>petroleum products</i> in, on, or at the <i>subject property</i> due to a <i>release</i> or likely <i>release</i> to the <i>environment</i> ; or (3) the presence of <i>hazardous substances</i> or <i>petroleum products</i> in, on, or at the <i>subject property</i> under conditions that pose a <i>material threat</i> of a future <i>release</i> to the <i>environment</i> .
<i>release</i> , <i>n/v</i>	A <i>release</i> of any <i>hazardous substance</i> or <i>petroleum product</i> shall have the same meaning as the definition of “ <i>release</i> ” in CERCLA 42 U.S.C. § 9601(22)). There are a number of statutory exclusions from the definition of <i>release</i> that may impact the <i>environmental professional's</i> opinions and conclusions, such as, the normal application of fertilizer.
<i>rural property</i> , <i>n.</i>	<i>Property</i> that has a low human population density and is undeveloped or has limited areas of development.
<i>user</i> , <i>n.</i>	The party seeking to use E2247 to complete an <i>environmental site assessment</i> of the <i>subject property</i> .

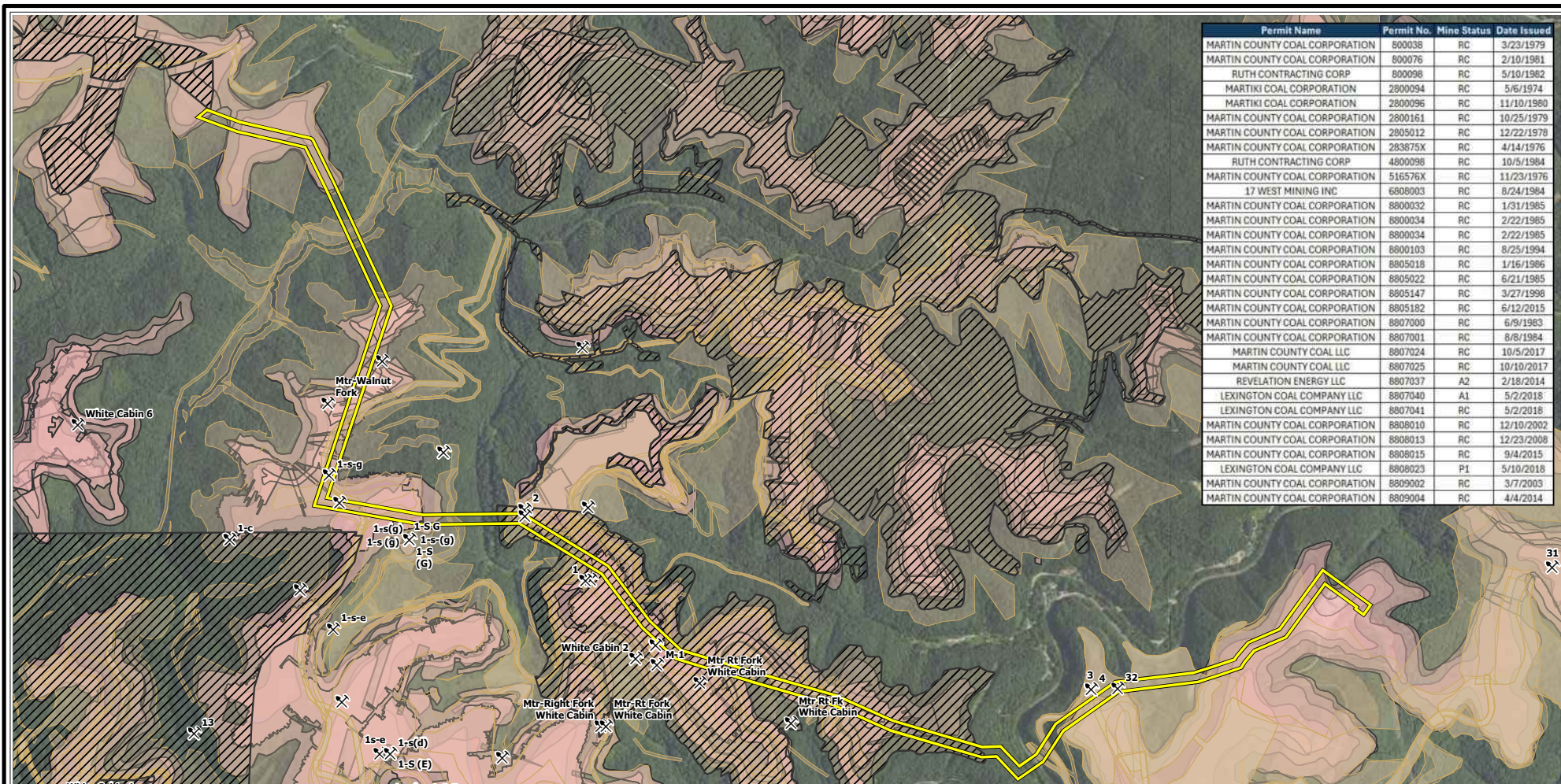
Source: ASTM International Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property (E2247-23)

¹ *Standard Definitions of Petroleum Statistics*, American Petroleum Institute, Fifth Edition, 1995.

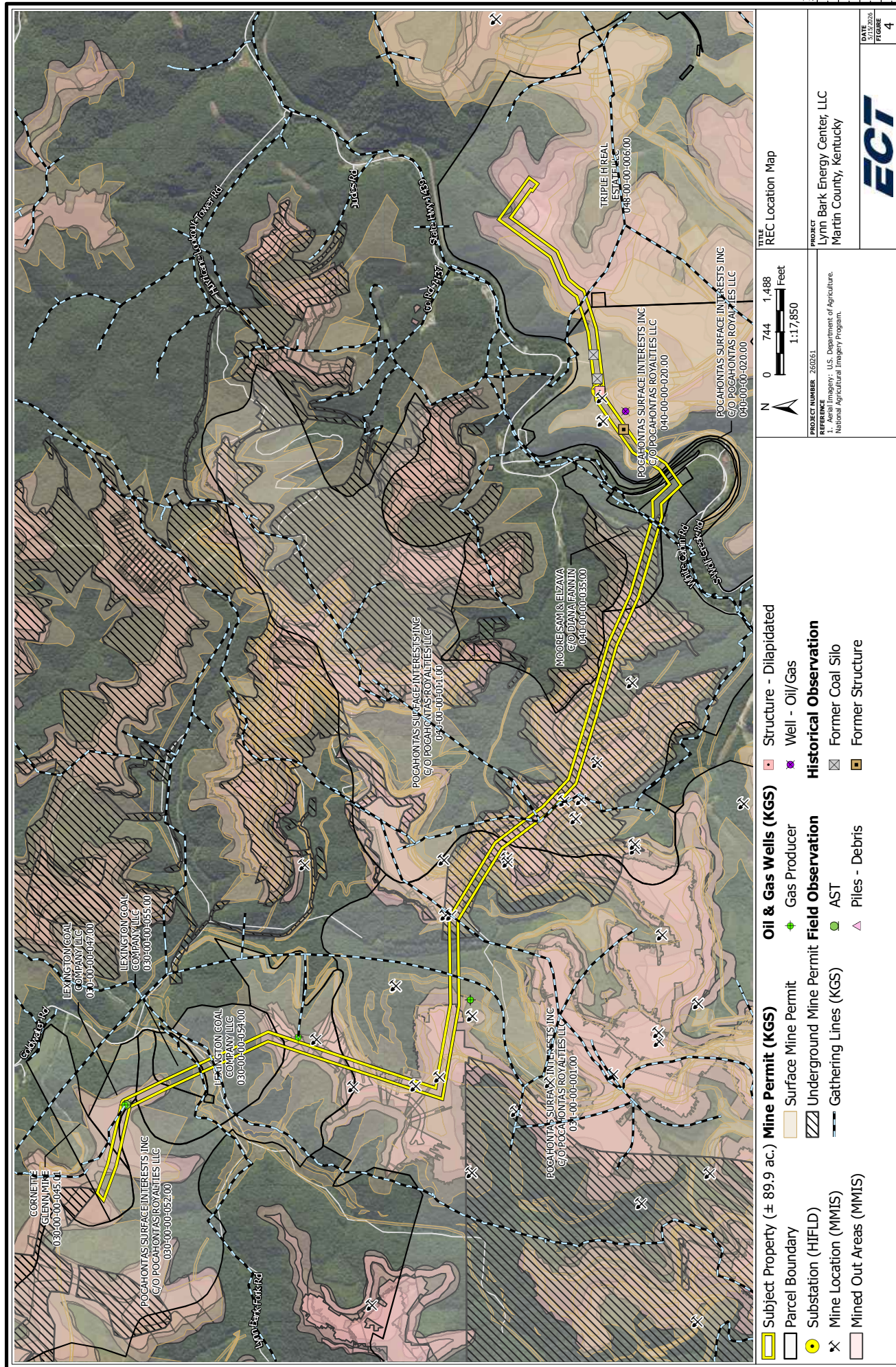
Appendix A

Figures





Permit Name	Permit No.	Mine Status	Date Issued
MARTIN COUNTY COAL CORPORATION	800036	RC	3/23/1979
MARTIN COUNTY COAL CORPORATION	800076	RC	2/10/1981
RUTH CONTRACTING CORP	800098	RC	5/10/1982
MARTIKI COAL CORPORATION	2800094	RC	5/6/1974
MARTIKI COAL CORPORATION	2800096	RC	11/10/1980
MARTIN COUNTY COAL CORPORATION	2800161	RC	10/25/1979
MARTIN COUNTY COAL CORPORATION	2805012	RC	12/22/1978
MARTIN COUNTY COAL CORPORATION	283875X	RC	4/14/1976
RUTH CONTRACTING CORP	4800098	RC	10/5/1984
MARTIN COUNTY COAL CORPORATION	516576X	RC	11/23/1976
17 WEST MINING INC	6808003	RC	8/24/1984
MARTIN COUNTY COAL CORPORATION	8800032	RC	1/31/1985
MARTIN COUNTY COAL CORPORATION	8800034	RC	2/22/1985
MARTIN COUNTY COAL CORPORATION	8800034	RC	2/22/1985
MARTIN COUNTY COAL CORPORATION	8800103	RC	8/25/1994
MARTIN COUNTY COAL CORPORATION	8805018	RC	1/16/1986
MARTIN COUNTY COAL CORPORATION	8805022	RC	6/21/1985
MARTIN COUNTY COAL CORPORATION	8805147	RC	3/27/1998
MARTIN COUNTY COAL CORPORATION	8805182	RC	6/12/2015
MARTIN COUNTY COAL CORPORATION	8807000	RC	6/9/1983
MARTIN COUNTY COAL CORPORATION	8807001	RC	8/8/1984
MARTIN COUNTY COAL LLC	8807024	RC	10/5/2017
MARTIN COUNTY COAL LLC	8807025	RC	10/19/2017
REVELATION ENERGY LLC	8807037	A2	2/18/2014
LEXINGTON COAL COMPANY LLC	8807040	A1	5/2/2018
LEXINGTON COAL COMPANY LLC	8807041	RC	5/2/2018
MARTIN COUNTY COAL CORPORATION	8808010	RC	12/19/2002
MARTIN COUNTY COAL CORPORATION	8808013	RC	12/23/2008
MARTIN COUNTY COAL CORPORATION	8808015	RC	9/4/2015
LEXINGTON COAL COMPANY LLC	8808023	P1	5/10/2018
MARTIN COUNTY COAL CORPORATION	8809002	RC	3/7/2003
MARTIN COUNTY COAL CORPORATION	8809004	RC	4/4/2014



Appendix B

Photographic Documentation

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of the northern portion of the Subject Property, facing north.



View of the eastern portion of the Subject Property, facing north.

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of the southern portion of the Subject Property, facing east.



View of the western portion of the Subject Property, facing north.

Client Name:

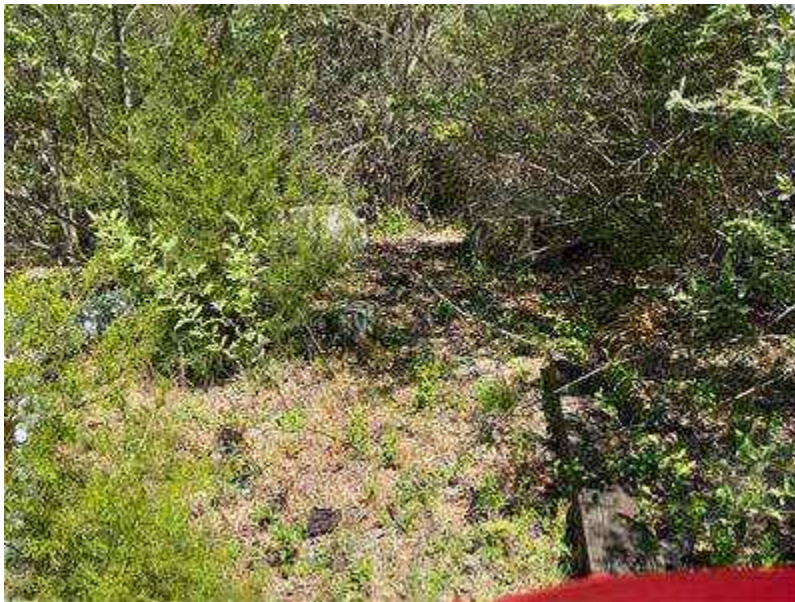
Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of steep terrain on the western portion of the Subject Property.



View of ceramic insulators on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of ceramic insulators and other discarded materials on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).



View of an abandoned/decommissioned electrical substation on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of an abandoned/decommissioned electrical substation on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).



View of a dilapidated structure on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of an old telephone pole on the eastern portion of the Subject Property (Pocahontas parcel 040-00-00-020.00).



Overview of an electrical transmission line corridor.

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of a gas line marker on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-055.00).



View of a gas well on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00).

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of a partially filled 1,000-gallon AST on the western portion of the Subject Property (Lexington Coal parcel 030-00-00-047.00).



View of solar arrays to the south of Pocahontas parcel 040-00-00-020.00.



Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of a Substation to the south of Pocahontas parcel 040-00-00-020.00.



View of a substation and tote to the south of Pocahontas parcel 040-00-00-020.00.

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of a gas pipeline to the south of Pocahontas parcel 040-00-00-020.00.



View of a gas well to the south of Pocahontas parcel 040-00-00-020.00.

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of the northern adjoining property, facing north.



View of the eastern adjoining property, facing east.

Client Name:

Lynn Bark Energy Center, LLC

Project No:

260261-0100



View of the southern adjoining property, facing southeast.



View of the western adjoining property, facing west.

Appendix C

User Provided Information



USER QUESTIONNAIRE

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

Project Name: Lynn Bark Energy Center

County(ies) & State: Martin County, KY

1. ENVIRONMENTAL LIENS

Did a search of recorded land title records (or judicial records where appropriate¹) identify any environmental liens filed or recorded against the property under federal, tribal, state, or local law?

☒

NO

☐

YES

Date of Search: _____

2. ACTIVITY AND USE LIMITATIONS (AULs)

Did a search of recorded land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions, or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state, or local law?

☒

NO

☐

YES

Date of Search: _____

3. SPECIALIZED KNOWLEDGE OR EXPERIENCE

Do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?

☒

NO

☐

YES

If yes, explain. _____

¹ In certain jurisdictions, federal, tribal, state, or local statutes, or regulations specify that environmental liens and AULs be filed in judicial records rather than in land title records. In such cases judicial records must be searched for environmental liens and AULs.

4. PURCHASE PRICE & FAIR MARKET VALUE

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

☐

NO

☒

YES

If no, explain.

LEASE?

☒

5. COMMONLY KNOWN INFORMATION

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? *For example, do you know the past uses of the property? Do you know if specific chemicals that are present or once were present at the property? Do you know of spills or other chemical releases that have taken place at the property? Do you know of any environmental cleanups that have taken place at the property?*

☒

NO

☒

YES

If yes, explain.

6. DEGREE OF OBVIOUSNESS

Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

☒

NO

☒

YES

If yes, explain.

Completed By: Sean Flannery

Title: Authorized Person

Signature: Sean Flannery

Digitally signed by Sean Flannery
Date: 2026.05.27 14:31:54 -05'00'

USER ENTITY: Lynn Bark Energy Center, LLC

Date: 05/27/2026

Reason for Phase I:

Other Reliance Entities:

July 7, 2023
ECT No. 230452

Mr. Jason Funk
Lynn Bark Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106

**Re: Phase I Environmental Site Assessment
Lynn Bark Energy Center
Martin County, Kentucky**

Dear Mr. Funk

Environmental Consulting & Technology, Inc. (ECT) is pleased to provide this Phase I Environmental Site Assessment (ESA) for the above-referenced property. This assessment was performed in accordance with the ASTM Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process for Forestland or Rural Property (E2247-16). This Phase I ESA is valid through December 23, 2023, after which time certain components of this report may need to be updated. We appreciate the opportunity to work with you. Please feel free to contact us at 734.769.3004 should you have any questions concerning this report, or if we may assist you in any other matter.

Sincerely,

Environmental Consulting & Technology, Inc.



Jessica Philips
Technical Writer



Rebecca M. Powell
Operations Director, Due Diligence

> **Phase I Environmental Site Assessment
of the Lynn Bark Energy Center
Martin County, Kentucky**

July 7, 2023
ECT No. 230452

for
Lynn Bark Energy Center, LLC
422 Admiral Boulevard
Kansas City, Missouri 64106

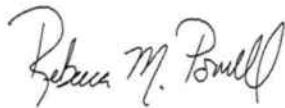


3720 Wilder Road Unit B
Bay City, Michigan 48706
734.769.3004

Environmental Professional Statement

I, Rebecca M. Powell, declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR §312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. All elements of this Phase I ESA have been completed by me or persons under my direct supervision. For the sake of brevity, any references herein to the "Environmental Professional" or "EP" shall refer directly to me. Any references to "ECT" shall refer to me and/or those persons under my direct supervision.

A copy of the EP's resume and those directed by the EP in the completion of this assessment are included in the appendices ([Resumes of Environmental Consultants](#)).



Rebecca M. Powell

Operations Director, Due Diligence

Environmental Professional

PROJECT SUMMARY

Lynn Bark Energy Center Martin County, Kentucky

	Report Section	None	REC	CREC	HREC	DMC	Comments
3.0	Subject Property and Vicinity Descriptions	✓					
4.0	User Provided Information	✓					
5.0	Historical Review		✓				REC #1: The historical use of the Subject Property and surrounding properties for coal mining
6.0	Regulatory Database Review		✓				REC #1: See Above
7.0	Regulatory Agency Records Review		✓				REC #1: See Above; REC #2: Oil and gas exploration with significant staining on the western portion; SDG #1: The unknown extents of mining reclamation activities at the Subject Property; BER #1: The presence of three dry and abandoned wells and one plugged gas well on the Subject Property.
8.0	Interviews		✓				REC #2: See Above
9.2	Observed Hazardous Substances and/or Petroleum Products		✓				REC #2: See Above
9.3	Aboveground Storage Tanks		✓				REC #2: See Above
9.4	Underground Storage Tanks	✓					
9.5	Electrical or Hydraulic Equipment Likely to Contain Fluids	✓					
9.6	Stained Soil or Pavement		✓				REC #2: See Above
9.7	Stained or Stressed Vegetation		✓				REC #2: See Above
9.8	Wells		✓				REC #2: See Above
9.9	Other Field Observations	✓					

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Common Acronyms and Abbreviations

AST	Aboveground Storage Tank
AAI	All Appropriate Inquiry
AUL	Activity and Use Limitation
API	American Petroleum Institute
ACM	Asbestos-Containing Material
bgs	Below Ground Surface
BTEX	Benzene, Toluene, Ethylbenzene, and Xylenes
BER	Business Environmental Risk
CESQG	Conditionally Exempt Small Quantity Generator
COC	Constituent of Concern
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response Compensation and Liability Information System
CREC	Controlled Recognized Environmental Condition
DMC	<i>De Minimis</i> Condition
ECHO	Enforcement and Compliance History Online
ECT	Environmental Consulting & Technology, Inc.
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FRS	Facility Registry Service
FOIA	Freedom of Information Act
HREC	Historical Recognized Environmental Condition
LLP	Landowner Liability Protection
LQG	Large Quantity Generator
LBP	Lead-Based Paint
LUST	Leaking Underground Storage Tank
MCL	Maximum Contaminant Level
MTBE	Methyl tert-butyl ether
µg/L	Micrograms per Liter
mg/kg	Milligrams per Kilogram
mg/L	Milligrams per Liter
NPL	National Priority List
NPMS	National Pipeline Mapping System
NWIS	National Water Information System
NFA/NFR	No Further Action/Remediation
NOV	Notice of Violation
NRCS	Natural Resources Conservation Service
PPB	Parts per Billion
PPM	Parts per Million
PID	Photoionization Detector
PCE	Perchloroethylene, Tetrachloroethylene, Tetrachloroethene, PERC
PIN	Parcel Identification Number
PCB	Polychlorinated Biphenyls
PAH	Polycyclic Aromatic Hydrocarbon
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
SDS	Safety Data Sheet
SVOC	Semi-Volatile Organic Compound
SDG	Significant Data Gap
SQG	Small Quantity Generator
SEMS	Superfund Enterprise Management System
SWF/LF	Solid Waste Facilities/Landfill
TCE	Trichloroethylene, Trichloroethene
TPH	Total Petroleum Hydrocarbons
TSDF	Treatment, Storage or Disposal Facility
USDA	United States Department of Agriculture
USGS	United States Geological Survey
UST	Underground Storage Tank
VSQG	Very Small Quantity Generator
VOC	Volatile Organic Compound

1.0 Executive Summary

Environmental Consulting & Technology, Inc. (ECT) was retained by Lynn Bark Energy Center, LLC (the Client) to conduct a Phase I ESA in conformance with the scope and limitations of the ASTM Standard Practice E2247-16 (Forestland or Rural Properties) and the EPA Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) for the property located east of the intersection of KY-3 and Davella Road in Martin County, Kentucky. Any exceptions to, or deletions from, this practice are described in [Section 1.2.4](#) and [Section 2.5](#) of this report.

1.1 Property Description

The Subject Property encompasses approximately 1,381 acres of unimproved and wooded land in Martin County, Kentucky and is being proposed for development of the Lynn Bark Energy Center.

A USGS Topographic Map is provided as [Figure 1](#) and a Subject Property Overview is provided as [Figure 2](#). Any RECs identified as part of this assessment are depicted on [Figure 3](#) unless otherwise noted.

1.2 Evaluation

1.2.1 Findings and Opinions

Based on the information revealed as part of this Phase I ESA, ECT has identified the following findings and offers the below opinions as part of this Phase I ESA:

- **HISTORICAL MINING (REC #1):** The Subject Property and neighboring properties have been subjected to both underground and surface coal mining since at least the 1970s. Reclamation efforts have reportedly been engaged on portions of the Subject Property; however, no documentation describing the reclamation process or any continuing obligations associated with additional use(s) of the property have been received as of the date of this report. In addition to subsidence concerns, potential issues with mining include the use of fill material of unknown origin, the use of heavy equipment with possible spills of oils and/or fluids over time, abandoned mine drainage, and methane gas buildup in underground mines. **It is the opinion of the EP that surficial and subsurface impacts associated with the historical mining activities on the Subject Property cannot be ruled out, thus representing a REC.**

- **LONG TERM OIL/GAS EXPLORATION & PRODUCTION (REC #2):** A total of 14 gas and/or oil wells were permitted across the Subject Property between 1901 and 2020, including three dry and abandoned wells; one plugged gas well, one gas well, six oil wells, two combined oil/gas wells, and one permit that has not been drilled. At the time of the inspection, one (1) 2,000-gallon poly AST was observed alongside an on-site gas well (KGS number 138712). The tank appeared to be empty with unknown former contents; however, significant oil staining and stressed vegetation was observed on the ground surface surrounding the base of the AST. **Given the long-term use of the Subject Property for oil/gas well exploration and production coupled with the observed staining near at least one of the wells, it is the opinion of the EP that potential impact from the ten oil and gas wells constitutes a REC.**
- **PLUGGED OR DRY & ABANDONED WELLS (BER #1):** Three Dry and Abandoned (D&A) wells and one plugged gas well were recorded for the Subject Property. Additionally, the possibility of abandoned underground piping exists near the historical well locations. Given the extensive surface mining completed across the entirety of the Subject Property since the wells were installed and/or plugged, it is unlikely for any associated disposal pits to remain intact and pose a significant environmental concern. As a best management practice, the wells and any abandoned infrastructure should be located prior to development to minimize the possibility of damaging these features during construction activities.
- **LACK OF STATE AGENCY RESPONSE (SDG #1):** ECT requested any available documentation pertaining to the Subject Property from the Kentucky Energy and Environment Cabinet; however, as of the publication date of this report, no responses have been received. Given the unknown extents of reclamation activities completed for the Subject Property, ECT believes this represents a significant data gap. Information provided by the state agency could potentially eliminate or minimize environmental concerns that have been recognized.

1.2.2 Conclusion

Ms. Rebecca M. Powell, Environmental Professional, has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E2247-16 and the 30 CFR 312 (All Appropriate Inquiry) of the Subject Property, located east of the intersection of KY-3 and Davella Road in Martin County, Kentucky. Any exceptions to, or deletions from, this practice are described in Section 2.5 of this report. **This assessment has revealed no evidence of RECs, CRECs, and/or SDGs, with the exception of the following:**

- **REC #1: The historical use of the Subject Property and surrounding properties for coal mining.**
- **REC #2: The potential subsurface impact associated with the long term oil/gas exploration and production paired with the presence of stained and stressed vegetation.**
- **SDG #1: The unknown extents of mining reclamation activities at the Subject Property.**

1.2.3 Additional Investigation

In accordance with ASTM E2247-16, the EP shall provide an opinion as to whether additional investigation to detect the presence of hazardous substances or petroleum products is warranted. This opinion does not render the assessment incomplete, nor is it intended to represent a recommendation. **Based on the findings of this assessment, it is the opinion of the EP that additional investigation is warranted for the Subject Property.**

1.2.4 Data Failure and Data Gaps

According to ASTM E2247-16, a data failure occurs when all the standard historical sources that are reasonably ascertainable and likely to be useful have been reviewed and yet the objectives have not been met. Pursuant to ASTM E2247-16, historical sources are required to identify the use of the property at five-year intervals back to first developed use or 1940, whichever is earlier. A data failure is a type of data gap (defined below).

A data gap is defined by ASTM E2247-16 as a lack or inability to obtain information required by the practice despite good faith efforts by the Environmental Professional to gather such information. Data gaps may result from incompleteness in any of the activities required by the practice, including, but not limited to the site reconnaissance and interviews.

The following data failures and/or data gaps have been identified as part of this assessment:

- *Historical Heating Sources:* ECT was unable to verify the heating source(s) of the historical structures formerly situated in the central portion of the Subject Property. Based on the rural nature of the area, there is the potential for heating oil tanks to have been used as heating sources. However, it is likely that any buried heating oil tanks would have been removed during demolition activities. Therefore, ECT does not believe this represents a significant data gap.

- *Lack of Local Agency Responses:* ECT requested any available documentation pertaining to the Subject Property or its vicinity from the Martin County Health Department, Inez Fire and Rescue, and Pigeon Roost Fire Station; however, as of the publication date of this report, only the Pigeon Roost Fire Station and Inez Fire and Rescue has responded. Based on the quality of information obtained from other sources (e.g., historical documentation, interviews, regulatory sources, site reconnaissance, etc.), ECT does not believe this represents a significant data gap.
- *Historical Intervals Data Gap:* No historical coverage was available for the Subject Property for the late 1940s, 1960s, and late 1990s. However, based on the other available aerial photographs and topographic maps, ECT believes the Subject Property remained primarily wooded during that time, with surface mining beginning in the 1980s. Therefore, ECT does not believe the gaps in the historical sources are considered a significant data gap to the conclusions of this assessment.
- *Lack of State Agency Response:* ECT requested any available documentation pertaining to the Subject Property from the Kentucky Energy and Environment Cabinet; however, as of the publication date of this report, no responses have been received. Given the unknown extents of reclamation activities completed for the Subject Property, ECT believes this represents a significant data gap.

No other data failures or data gaps were identified in this Phase I ESA.

2.0 Purpose and Scope of Work

This report documents the methods and findings of the Phase I ESA performed in conformance with the scope and limitations of ASTM Standard Practice E2247-16 and the EPA Standards and Practices for All Appropriate Inquiries (40 CFR 312) for the property located to the east of the intersection of KY-3 and Davella Road in Martin County, Kentucky.

2.1 Scope of Work

The purpose of ASTM Practice E2247-16 is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of forestland or rural properties with respect to the range of contaminants within the scope of the CERCLA (42 U.S.C. §9601) and petroleum products. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report.

The Phase I ESA conducted by ECT included, but was not limited to, the following services:

- A site visit of the Subject Property to look for evidence of a release(s) or potential release of petroleum products and hazardous materials;
- Observations of adjacent properties and the vicinity of the Subject Property;
- Interviews with individuals familiar with the Subject Property, as available;
- Review of regulatory agency and local files, as necessary;
- Review of historical documents, as available; and
- Preparation of a report presenting ECT's findings, including a summary of conclusions and recommendations, if requested.

The objective of Phase I ESAs is to provide all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice as defined at 42 U.S.C. §9601(35) (B) to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (a.k.a., landowner liability protections). The goal of Phase I ESAs is to identify current, historical, and controlled RECs and *de minimis* conditions in connection with the property, to the extent feasible pursuant to the processes prescribed in the ASTM E2247-16 guidelines. The terms current, historical, and controlled RECs and *de minimis* conditions are defined by ASTM in the following paragraphs.

A REC is the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term includes hazardous substances or petroleum products even under conditions in compliance with laws.

A controlled REC is a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

A historical REC is a past release of any hazardous substances or petroleum products that has occurred in connection with the Subject Property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the Subject Property to any required controls.

A *de minimis* condition is a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* conditions are not current, historical, or controlled RECs.

2.2 Continued Viability of Phase I ESA

According to ASTM Standard Practice E2247-16, a Phase I ESA meeting or exceeding the standard and completed less than 180 days prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid. If within this period the assessment will be used by a User different than the User for whom the assessment was originally prepared, the subsequent User must also satisfy the User's Responsibilities outlined in Section 6 of ASTM Standard Practice E2247-16.

A Phase I ESA meeting or exceeding ASTM E2247-16 requirements and for which the information was collected or updated within one year prior to the date of acquisition of the property or (for transactions not involving an acquisition) the date of the intended transaction may be used provided

that the below detailed components of the inquiries were conducted or updated within 180 days of the date of purchase, or the date of the intended transaction. The initial collection or inquiry dates for each required component as applicable to this report have been detailed in the table below.

REPORT COMPONENT	INITIAL DATE OF COLLECTION OR INQUIRY
(i) Interviews with Owners, Operators, and Occupants	June 29, 2023
(ii) Searches for Recorded Environmental Liens	July 7-11, 2024
(iii) Reviews of Federal, Tribal, State, and Local Government Records	June 26, 2023
(iv) Visual Inspection of the Property and of Adjoining Properties	June 27 and 28, 2023
(v) Declaration by the EP responsible for the assessment or update	July 7, 2023

2.3 Significant Assumptions

ECT assumes that the information provided by the regulatory database electronic search report provider, the regulatory agencies, the local unit of government, and the current Subject Property owner(s) is true and reliable.

2.4 Limitations and Exceptions

The opinions and recommendations presented in this report are based upon the scope of services, information obtained through the performance of the services, and the schedule as agreed upon by ECT and the party for whom this report was originally prepared. This report is an instrument of professional service and was prepared in accordance with the generally accepted standards and level of skill and care under similar conditions and circumstances established by the environmental consulting industry. No representation, warranty, or guarantee, expressed or implied, is intended or given. To the extent that ECT relied upon any information prepared by other parties not under contract to ECT, ECT makes no representation as to the accuracy or completeness of such information. This report is expressly for the sole and exclusive use of the party for whom this report was originally prepared for a particular purpose. Only the party for whom this report was originally prepared and/or other specifically named parties have the right to make use of and rely upon this report. Reuse of this report or any portion thereof for other than its intended purpose, or if modified, or if used by third parties, shall be at the user's sole risk.

The findings presented in this report apply solely to site conditions existing at the time when ECT's assessment was performed. It must be recognized, however, that an ESA is intended for the purpose of determining the potential for contamination through limited research and investigative activities

and in no way represents a conclusive or complete site characterization. Conditions in other parts of the Subject Property may vary from those at the locations where data were collected. ECT's ability to interpret investigation results is related to the availability of the data and the extent of the investigation activities. As such, 100 percent confidence in ESA conclusions cannot reasonably be achieved.

ECT, therefore, does not provide any guarantees, certifications, or warranties that a property is free from environmental contamination. Furthermore, nothing contained in this document shall relieve any other party of its responsibility to abide by contract documents and applicable laws, codes, regulations, or standards.

2.5 Limiting Conditions and Deviations

The performance of this Phase I ESA was limited by the following:

- Due to densely wooded vegetation and grassland coverage across the Subject Property, a visual assessment of the ground surface and access throughout the Subject Property was limited
- Due to poor road conditions from recent rain events, a visual assessment of the eastern portion of the Subject Property was limited

Based on the quality of information obtained from other sources (e.g., historical documentation, interviews, regulatory sources, site reconnaissance, etc.), and the nature of the limitation(s), it is the opinion of the EP that these limitations do not impact ECT's ability to identify RECs.

2.6 Special Terms and Conditions

The scope of work for this Phase I ESA did not include testing of electrical equipment for the potential presence of PCBs, lead-based paint, or the assessment of natural hazards such as naturally occurring asbestos, radon, or methane gas, assessment of the potential presence of radionuclides, or assessment of non-chemical hazards such as the potential for damage from earthquakes or floods. This Phase I ESA also did not include an extensive assessment of the environmental compliance status of the Subject Property or of the businesses that have operated on-site, or a health-based risk assessment.

2.7 User Reliance

This Phase I ESA was conducted for the use of and reliance by Lynn Bark Energy Center, LLC and their assignees and may be relied upon by these parties only. No use of the information contained in this report by others is permissible without receiving prior written authorization to do so from ECT. ECT is not responsible for independent conclusions, opinions, or recommendations made by others or otherwise based on the findings presented in this report.

PRIOR REPORT

3.0 Subject Property and Vicinity Descriptions

3.1 Subject Property Characteristics

A summary of the Subject Property is included in the table below.

SUBJECT PROPERTY DETAILS	
Project Name	Lynn Bark Energy Center
Location	Martin County, Kentucky
Approximate Acreage	1,381 Source: Client
Current Use	Vacant land, recreational hunting
Proposed Use	Lynn Bark Energy Center
Areas of Environmental Interest	Oil/gas wells and AST
Observed Use of Hazardous Substances	2,000-gallon poly AST with significant staining
UTILITY INFORMATION	
Heating/Cooling Source	None identified
Potable Water Source	None identified
Sewage Disposal Provider	None identified
REGULATORY INFORMATION	
Regulatory Database Listings	COAL MINES - KY, ECHO, FRS, HIST PCS ENF, ICIS, INACTIVE PCS, MINES, NPDES - KY, PCS FACILITY; refer to Section 6.2
Activity and Use Limitations (AULs)	None identified
Environmental Liens	None identified

The Subject Property encompasses approximately 1,381 acres of primarily unimproved and wooded land in Martin County, Kentucky and is being proposed for development of the Lynn Bark Energy Center. A USGS Topographic Map is provided as [Figure 1](#) and a Subject Property Overview is provided as [Figure 2](#).

The Subject Property is situated in a rural residential area comprised primarily of wooded and revegetated (historically mined) land with multiple stream branches (Venters, Mullet, Parsons, Lynn Bark Fork) surrounding and extending onto the property. The unincorporated communities of Davella (0.4 miles west), Debord (1.5 miles north), Preece (0.7 miles east), and Threeforks (3.4 miles southeast) surround the Subject Property.

3.2 Vicinity Characteristics

A summary of the surrounding properties is included in the table below.

DIRECTION	OCCUPANT(S)/USE(S)	REGULATORY DATABASE LISTING(S)
North	Venters Branch Road, sparse residences, unimproved and wooded land	COAL MINES - KY
East	Unnamed right-of-way, unimproved and wooded land	None
South	Lynn Bark Fork Road, unimproved and wooded land	COAL MINES - KY
West	Unimproved and wooded land	MINES

Refer to [Section 6.0](#) for a discussion of regulatory database listings.

3.3 Physical Setting

The physical setting of the Subject Property is described in the table below.

TOPOGRAPHY	
USGS Topographic Quadrangle	Inez, Kentucky
Approximate Elevation	1069 ft. above sea level
Nearest surface water	Various stream branches throughout Subject Property
Source: Database Report	
SOILS	
Soil Classification	Fiveblock, Fairpoint, and Kaymine soils, Rayne-Marrowbone-Dekalb, Cloverlick-Shelocta-Kimper, Shelocta-Grigsby-Orrville, and Handshoe-Feds Creek-Shelocta complexes
Soil Type	Stony to very stony
Drainage Class	Well drained
Source: USDA-NRCS	
GEOLOGY	
Physiographic Area/Region	The Dissected Appalachian Plateau in the Central Appalachians
Geologic Formation	Pennsylvanian age Breathitt Formation, upper part
Bedrock	Primarily sandstone and limestone
Sources: EPA and USGS	
HYDROLOGY	
Estimated Groundwater Flow ¹	Generally north
Estimated Depth to Groundwater	Approximately 20-32 feet below ground surface
Sources: Database report, KGS	

1. Groundwater flow direction can be influenced by the presence of wetland features, surface topography, recharge and discharge areas, inconsistencies in the types and location of subsurface soils, and proximity to water pumping wells.

4.0 User Provided Information

The User of this report is Lynn Bark Energy Center, LLC. Ms. Emily Truebner, authorized person for Free State Solar Project, LLC, provided a completed User Questionnaire as part of this assessment. The responses to the questionnaire have been summarized in the table below. A copy of the completed User Questionnaire is included in the appendices ([User Provided Information](#)).

At the direction of the User, ECT contracted Envirosite Corporation to conduct a search of environmental liens and AULs for each parcel within the Subject Property boundary. The searches were conducted between July 7 and 11, 2023. No *environmental liens* or *AULs* were identified. Copies of the Environmental Lien/AUL Reports are included in the appendices ([Environmental Lien/AUL Searches](#)).

QUESTIONS	YES	NO	COMMENTS
Did a search of recorded land title records (or judicial records where appropriate ²) identify any environmental liens filed or recorded against the property under federal, tribal, state, or local law?	☐	☒	Date of search: July 7-11, 2024
Did a search of recorded land title records (or judicial records where appropriate) identify any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state, or local law?	☐	☒	Date of search: July 7-11, 2024
Do you have any specialized knowledge or experience related to the property or nearby properties?	☐	☒	
Does the purchase price being paid for this property reasonably reflect the fair market value of the property?	☒	☐	
Are you aware of any commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases?	☒	☐	Former coal mining operation

2. In certain jurisdictions, federal, tribal, state, or local statutes, or regulations specify that environmental liens and AULs be filed in judicial records rather than land title records. In such cases, judicial records must be searched for environmental liens and AULs.

QUESTIONS	YES	NO	COMMENTS
Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?	☐	☒	

4.1 Reason for Performing Phase I ESA

The reason for performing this Phase I ESA is to satisfy CERCLA requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser LLPs.

PRIOR REPORT

5.0 Historical Review

5.1 Historical Sources Reviewed

ECT reviewed the following reasonably ascertainable standard historical sources, as described in ASTM E2247-16, to determine the previous uses and occupancies of the Subject Property, adjoining properties, and surrounding area.

Aerial photographs were obtained from EnviroSite Corporation (EnviroSite), which were sourced from the USGS, National Historical Aerial Program (NHAP), National Aerial Photography Program (NAPP), National Agriculture Imagery Program (NAIP), and/or Digital Orthophoto Quadrangle (DOQ). Additionally, ECT reviewed available aerial photographs on Google Earth™.

ECT reviewed topographic maps of the Subject Property and surrounding area. The current USGS 7.5-minute topographic map quadrangle is *Inez, Kentucky*, which is dated 2022. Aerial photographs and topographic maps were reviewed on July 5, 2023.

Copies of the available aerial photographs and topographic maps are provided in the appendices ([Historical Sources](#)). The table below summarizes available historical source coverage for the Subject Property.

Dates	Aerial Photographs	Topographic Maps	Other Sources
No Coverage	☐	☐	☐
Prior to 1940	☐	☒	☒
1940 - 1945	☐	☐	☒
1946 - 1950	☐	☐	☐
1951 - 1955	☒	☒	☐
1956 - 1960	☒	☐	☒
1961 - 1965	☐	☐	☐
1966 - 1970	☐	☐	☐
1971 - 1975	☒	☐	☐
1976 - 1980	☒	☐	☒
1981 - 1985	☒	☐	☒
1986 - 1990	☒	☐	☒
1991 - 1995	☒	☒	☒
1996 - 2000	☐	☐	☒
2001 - 2005	☒	☐	☒
2006 - 2010	☒	☒	☒
2011 - 2015	☒	☒	☒
2016 - 2020	☒	☒	☒
Current	☒	☒	☒

5.2 Subject Property Historical Summary

Based upon review of the available historical sources, a chronological summary of historical data for the Subject Property is included below.

DATES	SUBJECT PROPERTY DESCRIPTION/USE	SOURCE(S)
1901 1907 1914 1916 1935 1941 1943 1945	The area appears to be unimproved, with the Jones Branch, Mullet Branch, Venters Branch, Parsons Branch, Meadow Branch, and Lynnbark Fork intersecting the north, east, and southern boundaries. A structure is depicted on the western portion. Oil and gas exploration begins on-site with the drilling of 8 wells scattered throughout between 1901 and 1945, one of which is listed as dry and abandoned.	Topographic maps Regulatory file review
1951 1954 1956 1960 1975	The property is primarily undeveloped with a mountainous terrain and vegetative coverage. Oil and gas exploration continues with the addition of two dry and abandoned wells in the western portion in 1956, with one depicted on topographical maps as early as 1954.	Aerial photographs Regulatory file review Topographic maps
1977 1979 1983	Martin County Coal Corporation / MTR is listed as the operator of a surface mine with a controller date beginning in 1977.	Aerial photographs Regulatory file review
1987 1988	Mining permits under the name B&H Coal Co Inc are listed as active in 1985, 1987, and 1988. An area of ground disturbance indicative of mining with at least one right-of-way is present in the central and southwestern portion of the property. A well in the central portion is plugged in 1987. The remainder of the property remains unimproved.	Aerial photographs Regulatory file review
1992- 1995	The ground disturbance has expanded to include a majority of the property. The entire central portion is depicted as a strip mine on topographical maps. Two additional mining permits under the name B&H Coal are listed as active in 1993, 1994, and 1995. An extensive network of unpaved paths is present throughout the property. Several vehicles are present in a graded area in the central portion. Small ponds are shown in the north-central, south-central, and western portions. Mr. Michael Blackburn, representative for Pocahontas Royalties LLC, became affiliated with the property in the early 1990s and confirms that some of the previously mined land is used for hay and pastureland.	Aerial photographs Topographic maps Interviews Regulatory File Review
2004 2008 2009	A majority of the property has been revegetated, with some densely wooded areas present. Unnamed, unpaved rights-of-way traverse the property in various directions. The graded area in the central portion remains, with no vehicles present. Oil and gas exploration continues with the addition of one gas well, one combined oil and gas well, and one additional permit granted in the northwestern portion. A second area is grading is present to the in the south-central portion.	Aerial photographs Interviews Regulatory file review

DATES	SUBJECT PROPERTY DESCRIPTION/USE	SOURCE(S)
2010	Two small structures are present near the graded area, south of a right-of-way. Portions of the property appear to be in agricultural use. Lynn Bark Road is shown traversing a small area of the southern portion.	Aerial photographs Topographic maps Regulatory file review Interviews
2012-2014	The two small structures to the south of the right-of-way near the central graded area are no longer visible. Another structure is present to the north of the right-of-way. The mine permitted to Martin County Coal Corporation / MTR is listed as inactive in 2013. An additional structure is present in the northeastern portion by 2013. Jones Fork Road traverses a small area in the northern portion.	Aerial photographs Regulatory file review Topographic maps Interviews
2016 2018 2019	The graded area appears to have been fully revegetated. A surface mining permit is issued to Lexington Coal Company LLC in 2018.	Aerial photographs Topographic maps Interviews
2020 2022 2023	Oil and gas exploration continues with the addition of a combined oil and gas well in the northeastern portion in 2020.	Regulatory file review Topographical maps Interviews Site reconnaissance

5.3 Surrounding Area Historical Summary

Based upon review of the available historical sources, a chronological summary of historical data for the surrounding area is included below.

DATES	SURROUNDING PROPERTY DESCRIPTION/USE	SOURCES(S)
1914 1916 1951	The area is primarily undeveloped with a mountainous terrain and vegetative coverage, with a few structures depicted throughout. Right-of-ways are present to the north and east. The Mudlick School is present to the northwest as early as 1914. The unincorporated community of Davella, is present to the west.	Aerial photographs Topographic maps
1954 1960 1975	Additional rights-of-way are present travelling in all directions throughout the area. Gas wells are depicted to the north, east, and south. A few small structures are present to the east.	Aerial photographs
1979	An area of disturbed land is present to the south of the eastern portion.	Aerial photographs
1982- 1985 1987 1988 1992	Several areas of disturbed land indicative of mining are present to the north, south, and west.	Aerial photographs Topographic maps
1995	Kentucky Highway 3 and limited commercial development is present to the west.	Aerial photographs

DATES	SURROUNDING PROPERTY DESCRIPTION/USE	SOURCES(S)
2004 2008 2010 2012- 2014 2016 2018- 2020 2022 2023	A majority of the surrounding land has been revegetated. Residential development is present to the east. Walnut Fork Road is depicted to the east, Lynn Bark Fork Road is depicted to the south, and several minor roads are present to the north.	Aerial photographs Site reconnaissance Topographic maps

5.4 Prior Environmental Reports

ECT was not provided with and did not encounter any prior environmental reports completed for the Subject Property.

6.0 Regulatory Database Review

6.1 Database Finding Summary

ECT contracted Envirosearch Corporation (Envirosearch) to conduct a search of publicly available information from federal, state, tribal, and local environmental record sources in accordance with ASTM E2247-16. Data gathered during the regulatory database search is compiled by Envirosearch into a government records report (i.e., database report). This government records report, dated June 26, 2023, was reviewed by ECT on July 5, 2023.

In addition to the regulatory database report, ECT reviewed readily available EPA listed facilities data. This information has been included on [Figure 2](#). Unless summarized in [Sections 6.2](#), [6.3](#), or [6.4](#), the additional facilities/locations obtained from EPA were not determined to represent a REC to the Subject Property.

The standard databases researched in accordance with ASTM E2247-16 requirements are listed below.

Standard Environmental Record Sources (where available)	Approximate Minimum Search Distance (miles)
Federal Sources	
NPL list	1.0
Delisted NPL list	0.50
CERCLIS list	0.50
CERCLIS-No Further Remedial Action Planned (NFRAP) list	0.50
RCRA Corrective Action (CORRACTS) facilities list	1.0
RCRA non-CORRACTS TSD facilities list	0.50
RCRA generators list	SP and Adjoining
Federal institutional control/engineering control registries	SP
Federal Emergency Response Notification System (ERNS) list	SP
State Sources	
State- and tribal-equivalent NPL	1.0
State- and tribal-equivalent CERCLIS	0.50
State and tribal landfill and/or solid waste disposal site lists	0.50
State and tribal leaking storage tank lists	0.50
State and tribal registered storage tank lists	SP and Adjoining
State and tribal institutional control/engineering control registries	SP
State and tribal voluntary cleanup sites	0.5
State and tribal Brownfield sites	0.50

Standard Environmental Record Sources (where available)	Approximate Minimum Search Distance (miles)
SP = Subject Property <i>Italicized</i> = State and tribal lists of hazardous waste sites identified for investigation or remediation	

The database report, which includes a search of standard and additional record sources, identified the following listings for the Subject Property and/or surrounding area.

For full details pertaining to the databases searched, refer to the database report included in the appendices ([Regulatory Database Report](#)).

Regulatory Report Summary

Database	Search Radius	Target Property	Within 0.12mi	0.12mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
FRS	0	2	0	0	0	0	2
HIST PCS ENF	0	1	0	0	0	0	1
ICIS	0	1	0	0	0	0	1
INACTIVE PCS	0	1	0	0	0	0	1
MINES	0.25	1	0	1	0	0	2
PCS FACILITY	0	1	0	0	0	0	1
ECHO	0	2	0	0	0	0	2
COAL MINES - KY	0.25	1	0	3	0	0	4
NPDES - KY	0	1	0	0	0	0	1
SWF/LF - KY	0.5	0	0	0	1	0	1

6.2 Subject Property Listings

The Subject Property was listed on the following regulatory databases.

Subject Property Summary

Database	Site Name	Address	Dist. (mi) / Dir.	Elev. diff. (ft)	Comments
COAL MINES - KY	B & H Coal Co Inc / Martin County Coal Corp	37.790277, -82.555, KY	-	0	See Below
FRS	W B PREECE #5622	KY	-	0	See Below
MINES	MTR Surface Mine	37.794166, -82.534444, KY	-	0	See Below

Database	Site Name	Address	Dist. (mi) / Dir.	Elev. diff. (ft)	Comments
ECHO, FRS, ICIS, INACTIVE PCS, NPDES - KY, PCS FACILITY	JANICE MAYNARD RESIDENCE	JCT OF KY 908 & PARSONS BRANCH, INEZ, KY, 41224	-	0	Partially off-site, see below.
ECHO, HIST PCS ENF	WRIGHT RESIDENCE	37.796389, -82.526944, INEZ, KY, 41224	-	0	Partially off-site, see below.

B & H Coal Co Inc/ Martin County Coal Corp and MTR Surface Mine: The Subject Property historically operated as a coal mine. Refer to [Section 7.3](#) for mining information.

W B Preece (Southern Portion): W B Preece #5622 was listed under EPA registry ID 110045277927 with no further information. The coordinates of this listing coincide with a gas producing development well (KGS number 68631) that was drilled on parcel number 030-00-00-062.00 in December 1945. No abandonment or plugging date was provided. Based on the lack of reported violations, it is the opinion of the EP that the FRS listing does not represent a REC. Refer to [Section 7.2](#) for further discussion of oil/gas exploration and production on the Subject Property.

Janice Maynard Residence (Eastern Portion): This listing appears to be associated with parcel numbers 030-00-00-042.00 and 030-00-00-041.03, which are owned by the Maynard family and partially extend onto the eastern portion of the Subject Property. According to the database report, the residence has held a permit to discharge wastewater to Coldwater Creek since 2003. The database report further indicates that an oil/gas development well (KGS number 89725) was drilled on parcel 030-00-00-041.03 in June 1991 and "improperly abandoned" in August 1993. Although this parcel overlaps the Subject Property, the well and residence are situated more than 500 feet east of the Subject Property boundary. Given the distance relative to the Subject Property and considering the lack of violations associated with the discharge permits, these database listings and off-site well are not considered to represent a REC.

Wright Residence (Eastern Portion): This listing appears to be associated with parcel number 030-00-00-041.06, which is owned by Derrick and Rachel Wright. The residence is situated more than 500 feet east of the Subject Property boundary and was permitted as a private wastewater discharge facility from 2013 through 2018. No violations were reported associated with the historical permit. No abandonment or plugging date was provided. Given the distance relative to the Subject Property and considering the lack of violations associated with the discharge permit, the ECHO, HIST

PCS, and ENF listings do not represent a REC. Of note, a gas producing development well was plotted on the Subject Property within 75 feet of this parcel. According to the database report, the gas well was drilled in July 1930 (KGS number 68852) and replaced in July 1941 (KGS number 68741). Refer to [Section 7.2](#) for further discussion of oil/gas exploration and production on the Subject Property.

6.3 Surrounding Properties

Each surrounding property listing identified within the searched radius of the Subject Property was evaluated using the EP's judgement to determine its potential impact to the Subject Property. The distance of the listing from the Subject Property was included in ECT's evaluation, as well as the listing details, the regional topography, and the estimated groundwater flow. Based on ECT's evaluation, surrounding properties of potential environmental significance in relation to the Subject Property have been identified in the table below.

Surrounding Properties Summary

Database	Site Name	Address	Dist. (mi) / Dir.	Elev. diff. (ft)	Comments
COAL MINES - KY	Unicorn Mng - 1	37.777777, -82.551944	0.22/SSW	-147.6	See Below
COAL MINES - KY	Rifle Coal Co - 15	37.808333, -82.544444	0.24/N	-139.7	See Below
COAL MINES - KY, MINES	Meadow Branch Coal Corp - Mine 1, 1A, and 1B	37.786944, -82.572777	0.24/WSW	-306.7	See Below

Unicorn Mng - 1, Rifle Co - 15, and Meadow Branch Coal Corp - Mine 1, 1A, and 1B: Similar to the Subject Property, the north, west, and south surrounding properties historically operated as coal mines since the early 1980s. The mine statuses are listed as inactive or abandoned. According to regulatory information, Meadow Branch Coal Corp also operated a surface mine on the Subject Property in 1980. Refer to [Section 7.3](#) for on-site mining information.

6.4 Unmappable Properties

EnviroSite also provides an unmappable (or "orphan") summary list which identifies properties that cannot be mapped due to poor or inadequate address information. None of the orphan sites identified by EnviroSite were determined to pose an environmental concern to the Subject Property.

7.0 Regulatory Agency Records Review

7.1 State Environmental Agency

ECT requested pertinent regulatory files associated with the restoration, reclamation, bond, land use restrictions, spills or incidents, and any other long term environmental impacts of the mining activity on and in the vicinity of the Subject Property. Records were requested from the Kentucky Energy and Environment Cabinet (KY EEC) via e-mail on July 6, 2023. No response has been received as of the date of this report. ECT reviewed readily available oil/gas and mining information, as further described in [Section 7.2](#) and [Section 7.3](#), respectively.

7.2 Oil and Gas Pipelines/Wells

ECT reviewed the National Pipeline Mapping System (NPMS) to evaluate if pipelines are located at the Subject Property. No pipelines are listed as being located on or within close proximity of the Subject Property. However, during reconnaissance, markers were seen denoting a natural gas pipeline traversing the central and eastern portion of the Subject Property. ECT reviewed the Kentucky Geological Survey (KGS)'s database on July 5, 2023 and determined this feature is a gathering line, which is a flowline used to transport product from individual wells to a storage feature or major pipeline. Refer to [Figure 2](#) for the location of these gathering lines.

According to the KGS, a total of 14 gas and/or oil wells were installed or permitted across the Subject Property between 1901 and 2020, including three dry and abandoned wells; one plugged gas well, one gas well, six oil wells, two combined oil/gas wells, and one permit that has not yet been drilled. These well types have been defined below.

- *Dry & abandoned (D&A)* refers to wells which are not a productive well or service well. The U.S. EPA defines a *dry hole* as "Any well that does not produce oil or gas in commercial quantities. A dry hole may flow water, gas, or even oil, but not enough to justify production."
- *Oil wells* refers to wells completed as oil (including abandoned producers).
- *Gas wells* refers to wells completed as gas (including abandoned producers).

Oil and gas exploration and production activities typically involve multiple centralized pits which receive produced fluids (i.e., brine), and/or drilling muds (i.e., "mud") from wells, leases, or fields. According to the U.S. EPA, these pits are known as brine disposal pits, mud disposal pits, or combined mud/brine disposal pits, and are defined as excavated or above-grade earthen impoundments

located away from oil/gas operations from which they receive brine and/or mud. These impoundments may be lined or unlined. Brine generally consists of injection water, oil, and salts. Drilling mud generally consists of a water or oil base mixed with soil cuttings. Both byproducts often contain elevated concentrations of crude oil, petroleum hydrocarbons, metals, and/or chloride. For the sake of brevity, these pits are collectively referred to as "disposal pits" throughout this report. While no evidence of disposal pits was visible in historical aerial images, the likelihood of these pits remains.

The oil/gas wells are further described in the following table.

KGS RECORD NUMBER	COORDINATES	LOCATION	TYPE	SOURCE	COMMENTS
68625	37.790157, -82.543645	Central Portion	Plugged Gas Well	KY EEC	Operator: Kentucky West Virginia Gas Co.; Completed 1943, plugged 1987.
68699	37.7968, -82.548143	North-central Portion	D&A	KY EEC	Operator: Triple S Drilling Co; Completed 1901, no plug date.
68606	37.791667, -82.553161	Central Portion	Oil Well	KY EEC	Operator: Warfield Natural Gas Co. ; Completed 1935, no plug date.
68654	37.79529, -82.538656	Eastern Portion	Gas Well	KY EEC	Operator: United Fuel Gas Co.; Completed 1901, no plug date.
68631 ³	37.784939, -82.548316	South-central Portion	Gas Well	KY EEC	Operator: Kentucky West Virginia Gas Co.; Completed 1945, no plug date.
138713	37.795906, -82.558684	Northwestern Portion	Combined Oil/ Gas Well	KY EEC	Operator: Leonard Hall; Completed 2009, no plug date.
68632	37.785488, -82.556794	Southwestern Portion	Gas Well	KY EEC	Operator: Kentucky West Virginia Gas Co.; Completed 1945, no plug date.
68407	37.781918, -82.544339	South-central Portion	Gas Well	KY EEC	Operator: Tug River Natural Gas Co.; Completed 1907, no plug date.
136835	37.804207, -82.546555	Northeastern portion	Combined Oil/Gas Well	KY EEC	Operator: Penn Virginia Oil & Gas Corp.; Completed 2020, no plug date.
68624	37.791667, -82.563721	Western Portion	D&A	KY EEC	Operator: Kentucky West Virginia Gas Co.; Completed 1956, no plug date.
68623	37.79164, -82.563739	Western portion	D&A	KY EEC	Operator: Warfield Natural Gas Co.; Completed 1956, no plug date.

3. Previously discussed in Section 6.2.

KGS RECORD NUMBER	COORDINATES	LOCATION	TYPE	SOURCE	COMMENTS
68741*	37.79529, -82.529919	Northwestern Portion	Gas Well	KY EEC	Operator: Warfield Natural Gas Co.; Completed 1941, no plug date.
139112	37.795416, -82.563625	Northwestern Portion	Permit	KY EEC	Operator: Leonard Hall; Permit only, no drill record.
138712	37.795296, -82.563735	Northwestern Portion	Gas Well	KY EEC	Operator: Leonard Hall; Completed 2009, no plug date. Significant staining present; refer to Section 9.6 .

Three D&A wells and one plugged gas well were recorded for the Subject Property. Additionally, the possibility of abandoned underground piping exists near the historical well locations. Given the extensive surface mining completed across the entirety of the Subject Property since the wells were installed and/or plugged, it is unlikely for any associated disposal pits to remain intact and pose a significant environmental concern. As a best management practice, the wells and any abandoned infrastructure should be located prior to development to minimize the possibility of damaging these features during construction activities.

The potential subsurface impact associated with ten oil and gas wells, including long term oil/gas exploration and production paired with the presence of stained and stressed vegetation observed during the site reconnaissance, represents a REC.

Copies of readily available oil/gas drilling records are included in the appendices ([Regulatory Agency Documentation](#)). The locations of the wells and AST with staining are noted on [Figures 2 and 3](#).

7.3 Mining and Mineral Exploration

According to the Kentucky Coal Mine Maps Mapping Information System, which was accessed on June 28, 2023, a large portion of the Subject Property and the surrounding area have been mined for coal through surface mining. A limited area in the eastern portion was listed as an underground mine on the Kentucky Government Maps Permitted Mine Boundaries data portal. The database report provided by Envirosearch lists one inactive surface mine and one abandoned surface mine on-site, as well as two inactive surface mines and one inactive/abandoned surface mine on adjoining properties. Information provided by KGS and KY EEC depicts a total of ten surface coal mines and two underground coal mines.

These mining types and other terminology are defined below, using US EPA definitions unless otherwise noted.

- Inactive mines are permits that have been reclaimed, forfeited, or abandoned.
- Surface Coal Mining Operations are defined as "activities conducted on the surface of lands in connection with a surface coal mine and surface impacts incident to an underground coal mine according to the Kentucky Statutes, Codes, and Regulations Section 350.010. The activities shall include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, extended depth secondary recovery systems, mountaintop removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching, or other chemical or physical processing, and cleaning, concentrating, or other processing or preparation, and the loading of coal at or near the mine site. Excavation for the purpose of obtaining coal includes extraction of coal from refuse piles.
- An underground coal mine is a mine at which coal is produced by tunneling into the earth to the coalbed, which is then mined with underground mining equipment such as cutting machines and continuous, longwall, and shortwall mining machines, and transported to the surface.
- Reclamation means the reconditioning of the area affected by surface coal mining operations under a plan approved by the cabinet.

Ms. Gina McGinnis and Mr. Joshua Baldwin, EEC Division of Reclamation and Enforcement representatives, were interviewed in June 2023 about reclamation details in Martin County, Kentucky. At that time, Ms. McGinnis and Mr. Baldwin stated typical reclamation practices involve removing highwalls, backfilling with imported clean fill material, achieving required grade, and vegetating the area to prevent erosion. Mine permits that have been released are no longer regulated by the Division of Reclamation and Enforcement. Reclamation of previously mined land does not guarantee any associated contamination has been evaluated or addressed.

A summary of the mines are provided below. The locations can be viewed on [Figures 2 and 3](#).

Permit Number or Mine ID	Date Issued	Mine Type	Acres	Entity	Bond Status
800043	4/30/1979	Surface	960.2	DANIEL CONSTRUCTION CO	Released
800059	8/21/1980	Surface	249.4	MEADOW BRANCH COAL CO	Released

Permit Number or Mine ID	Date Issued	Mine Type	Acres	Entity	Bond Status
800070	11/10/1980	Surface	198.9	SAARCAR COAL INC	Released
656771	Not Listed	Surface	69.8	Not Provided	Unkown
8800032	1/31/1985	Surface	1399.1	MARTIN COUNTY COAL CORPORATION	Released
8800043	7/29/1986	Surface	946.4	MARTIN COUNTY COAL CORPORATION	Released
8800067	12/9/1987	Surface	37.6	MARTIN COUNTY COAL CORPORATION	Released
8807002	9/7/1984	Surface	111.1	MARTIN COUNTY COAL CORPORATION	Released
8807026	10/6/2017	Surface	111.1	MARTIN COUNTY COAL LLC	Released
8807042	5/10/2018	Surface	114.4	LEXINGTON COAL COMPANY LLC	Active
8809002	3/7/2003	Underground	132.5	MARTIN COUNTY COAL CORPORATION	Released
8809004	4/4/2014	Underground	132.5	MARTIN COUNTY COAL CORPORATION	Released

As discussed in [Section 5](#), historical sources depict mining features such as disturbed land that has since been filled in, graded, and vegetated, indicating reclamation activities have commenced or completed. Furthermore, in an interview with Mr. Michael Blackburn, representative of Subject Property landowner Pocahontas Royalties LLC, he stated that he believes the land has been fully released from bond for 10-15 years, and that fill material was placed which led to the current topographic configuration being established decades ago.

Attempts were made to reach Ms. McGinnis and Mr. Baldwin to interview them about the on-site mining permits, however, no response has been received as of the date of this report. Although readily available data suggests all but one surface mine (permit number 8807042) were released from bond, no documentation confirming the reclamation processes was readily available online. An active surface mining permit for approximately 114.4 acres of land situated within the central portion of the Subject Property is registered to Lexington Coal Company LLC. Additionally, no information was provided associated with surface mining permit 656771. No indications of active surface mining activities were observed during the site visit; however, given that the permit remains active, surface mining operations could resume on this portion of the Subject Property.

Due to the extensive mining of the Subject Property and adjoining properties and the lack of documentation regarding groundwater monitoring or reclamation confirmation, the mining activity represents a REC.

8.0 Interviews

8.1 Past and Present Owners

According to the User, the Subject Property is owned by multiple landowners but represented in its entirety by Pocahontas Royalties LLC. ECT interviewed Mr. Michael Blackburn, representative for Pocahontas Royalties LLC via email on June 29, 2023. The responses generally indicated that the property is currently used for agricultural purposes and has previously been used for a surface coal mine, and he believes the land has been fully released from bond for 10-15 years. The landowner response has been summarized in the table below.

QUESTIONS	RESPONSE SUMMARY
How long have you owned and/or been affiliated with the property?	Since the early 1990s
What are the current uses of the property?	Agricultural land (hay and pastureland)
What are the past uses of the property?	Surface coal mine
What is the approximate age (or construction date) and size / square footage of current structure(s)?	None
If vacant or undeveloped, do you know of any prior improvements?	No
Are you aware of any current or previous well(s) and/or septic system(s)?	No
Do any utilities currently service the property?	No
Are you aware of any area of storage, used, generation or disposal of automotive, industrial, or agricultural chemicals, batteries, solvents, petroleum products, pesticides or related regulated chemicals?	No
Are you aware of any underground or aboveground storage tanks for any chemicals or petroleum products currently or historically located on the property?	No
Has the property been used as a waste landfill, dump, or disposal site?	No
Are you aware of any fill material that has been placed on the property?	Yes, in the mining process decades ago, the current topographic configuration was established.
Are you aware of any current or former oil or gas wells, or associated tanks / pipelines on the property?	Yes, gas wells
Are you aware of any current or former (i.e., filled) pits, ponds, or lagoons located on the property?	Prior sediment control structures
Are you aware of any past cattle dipping vats on the property?	No
Are you aware of any former or current biosolid application? If yes, please describe location(s) and years of application.	No
Are you aware of any petroleum or hazardous waste discharges or releases to the environment, or contamination impacts to the property's soil, groundwater, or surface waters?	No
Are you aware of any leases or easements on the property? If yes, please list.	Season-to-season farm lease

QUESTIONS	RESPONSE SUMMARY
Are you aware of any pending, threatened, or past environmental litigation, proceedings, or notices of possible violations of environmental laws or liability, or potential environmental concerns in connection with the property?	No
Are you aware of any past environmental assessment report(s) prepared for the property?	No

Additional landowner interview notes and completed questionnaires are included in the appendices ([Owner Interview Documentation](#)).

8.2 State and/or Local Government Officials

The following state and/or local government officials were interviewed as part of this assessment:

Agency:	Martin County Health Department
Contact Name:	Not Specified
Title:	Not Specified
Method:	Emails on June 29, July 6 and July 7, 2023
Comments:	Records were requested regarding any wells, septic systems, storage tanks, releases or incidents involving hazardous substances and/or petroleum products, historical or active landfills, dumping of materials, remediation sites, migrating contamination, and/or any other environmentally sensitive records for the Subject Property and the vicinity. No response has been received as of the date of this report.

Agency:	Inez Fire and Rescue
Contact Name:	Not Specified
Title:	Not Specified
Method:	Emails on June 29, July 6 and July 7, 2023
Comments:	Records were requested regarding any fires, storage tanks, releases or incidents involving hazardous substances and/or petroleum products, historical or active landfills, dumping of materials, remediation sites, migrating contamination, and/or any other environmentally sensitive records for the Subject Property and the vicinity. No response has been received as of the date of this report.

Agency:	Pigeon Roost Fire Station
Contact Name:	Mr. Eric Jude
Title:	Not Specified
Method:	Emails on June 29 and July 5, 2023
Comments:	Records were requested regarding any fires, storage tanks, releases or incidents involving hazardous substances and/or petroleum products, historical or active landfills, dumping of materials, remediation sites, migrating contamination, and/or any other environmentally sensitive records for the Subject Property and the vicinity. Mr. Jude responded that to his knowledge, there are no records available for the Subject Property.

Copies of state and/or local government correspondence and any provided documents are included in the appendices ([State/Local Interview Documentation](#)).

9.0 Site Reconnaissance

RECONNAISSANCE OVERVIEW	
Site Reconnaissance Date:	June 27 and 28, 2023
ECT Assessor(s) Name & Title:	Mr. Sam Lucente, Project Manager
Escort & Relationship to Property:	None
Methodology:	Automobile reconnaissance via public roadways and available access roads with closer walkovers of identified areas of environmental interest unless otherwise disclosed as a limiting condition (see below; refer to Section 2.5).
Access Limitations:	Densely wooded vegetation and grassland coverage; poor road conditions from recent rain events
SUBJECT PROPERTY CONDITIONS	
Weather:	70°F and Sunny
General Topography:	Primarily mountainous with rolling topography and sections of steep topography
Current Use:	Reclaimed mine with wooded land and grassland vegetation that is part of a recreational hunting lease; oil/gas production
Areas of Environmental Interest:	Oil/gas wells and AST with staining
Roads and Corridors:	Multiple interconnected private access roads throughout the Subject Property; New Route 3 to the west; Walnut Fork Road and Coldwater Road to the east.
Other Transportation Corridors:	A natural gas pipeline traversing the central and eastern portions of the Subject Property

In accordance with ASTM E2247-16, the EP conducted a review of aerial photographs, regulatory records, and information obtained from interviews prior to the completion of the reconnaissance. Based on the EP's review of these data sources, areas of environmental interest (if any) were identified and discussed with field personnel prior to the reconnaissance. The EP was in contact with field personnel, who transmitted photographs, video recordings, and/or live video feed, during the reconnaissance, and provided further guidance as necessary.

9.1 Subject Property Reconnaissance Summary

Field observations, as noted in the table below, are included on [Figure 2](#). Photographs taken during the reconnaissance are provided in the appendices ([Photographic Documentation](#)).

OBSERVATION	YES	NO
Hazardous Substances and/or Petroleum Products in Connection with Property Use	✓	☐
Hazardous Substances and/or Petroleum Products not in Connection with Property Use	☐	✓

OBSERVATION	YES	NO
Aboveground Storage Tanks (ASTs)	✓	☐
Underground Storage Tanks (USTs), vent pipes, fill pipes, or access ways indicating USTs may be present	☐	✓
Unidentified Substance Containers	☐	✓
Strong, Pungent, or Noxious Odors	☐	✓
Drains, Sumps, Clarifiers, or Pools of Liquid	☐	✓
Electrical or Hydraulic Equipment Likely to Contain Fluids	☐	✓
Stained Soil or Pavement	✓	☐
Pits, Ponds, Ditches, Streams, or Lagoons	☐	✓
Stained or Stressed Vegetation	✓	☐
Solid Waste Disposal	☐	✓
Evidence of Fill Materials or Dumping of Debris	☐	✓
Wastewater or Storm Water Discharges	☐	✓
Wells	✓	☐
Septic Systems	☐	✓
Other	☐	✓

9.2 Observed Hazardous Substances and/or Petroleum Products

9.2.1 In Connection with Property Use

As previously discussed in [Section 7.2](#), 13 oil/gas wells (up to nine current and four abandoned/plugged) and associated buried gathering line exist within the limits of the Subject Property. Staining or stressed vegetation observed on-site is described in [Section 9.7](#).

9.3 Aboveground Storage Tanks

At the time of the inspection, one (1) 2,000-gallon poly AST was observed alongside an on-site oil/gas well (KGS #138712). The tank appeared to be empty with unknown former contents; however, significant oil staining and stressed vegetation was observed on the ground surface surrounding the base of the AST. Refer to [Section 9.1](#) for additional information.

9.4 Underground Storage Tanks

No evidence of USTs was observed on the Subject Property during the site reconnaissance; however, an Exxon Mobil gas station with several UST was observed approximately 0.28 miles west of the Subject property along New Route 3. Given the proximity in relation to the Subject Property, the gas station is not considered a REC.