EXHIBIT 7

4. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the CSES, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time agreed upon by the Kosciusko County Surveyor.

O. USE OF ROADS - An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting CSES or Substation parts and/or equipment for construction, operation, or maintenance of the CSES(s) or Substation(s), shall prior to construction:

Identify all such public roads and services

1. Roads

a. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Kosciusko County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.

b. Any road damage caused by the construction of the CSES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Kosciusko County Highway Superintendent. The Superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.

c. Newly constructed CSES access roads may not impede the flow of water.

d. All repairs must be completed in the time period agreed upon by the Kosciusko County Highway Superintendent.

e. Throughout the life of the project as repairs to CSES are made, road repairs will be completed each time the company's equipment traverses Kosciusko County roads if the Kosciusko County Highway Superintendent deems repairs be necessary, at the solar developer's expense.

f. The location of all CSES access roads must be approved by the Kosciusko County Plan Director and may not be located closer than 2,000 feet from any residence as measured from the center of the access road to the corner of the residence.

EXHIBIT 8

EXHIBIT 8(A)

August 26, 2019

Madison County Board of Zoning Appeals
Madison County Government Center
16 East Ninth Street
Anderson, Indiana 46016

RE: Solar Farm Decommissioning and Implications for Madison County

Dear Board Members:

As a professor with over 60 years' experience in the energy field, including experience in electric power plant operations (with VEPCO - now Dominion Power), electric utility boiler design, and solar research and design, I am submitting this report to you to outline some concerns re: the decommissioning process as you consider the application by the Lone Oak solar developers to build a large-scale solar power plant in Madison County. In 1987, I founded the NC Solar Center to promote solar energy in all its forms across the United States. I am now retired, and am Professor Emeritus of Mechanical & Aerospace Engineering.

Decommissioning

At the outset, I would like to make a few introductory comments about how the Developer may see the Decommissioning process.

1. The solar developer will try to ignore and/or downplay the decommissioning issue. In reality, this is a very important issue for the Madison County Community. It has to be dealt with NOW, so that you all are not stuck with fields full of solar panels just sitting there 20 or 30 years from now.

2. The solar developer **will try to claim** that the net salvage value of the Solar Complex will exceed the cost of decommissioning. In reality, **no one knows what the salvage value of the equipment will be in 20 or 30 years.**

3. Solar developers usually sell their interest in their Solar Complex after 2 – 3 years of operation. This means that they will be long-gone by the time that decommissioning comes around. In fact, ownership of these solar complexes turns over many times during the life of a system. Ask yourself the question, **"What kind of commitment will the last owner have to a decommissioning agreement made by original developer 20 to 30 years ago?"**

4. **Most solar developers/operators are LLCs.** They can walk away from the Solar Complex whenever they want to. Perhaps that is why they lease the land rather than buying the land.

5. These solar developers and investors are not in the business to generate power; they are in the business of tax credits.

Timing, Purpose, Scope and Bond aspects of Decommissioning

Timing – When does Decommissioning occur?

- Decommissioning occurs when the Facility is no longer economic to operate and maintain.
- When it is being abandoned.

Purpose of the Decommissioning Plan

- To specify what has to happen when the Facility is no longer operating.

Scope of the Decommissioning Plan

- To restore the site to its original state.
- To remove all equipment, including all underground equipment, wiring and cabling.
- To properly dispose of all equipment – preferably either sold or recycled.
- Costs should include all work onsite - transportation and recycling costs, site remediation and restoration costs.
- County requires solar panels to be recycled, not landfilled.

Main Purpose for a Substantial Bond (VERY IMPORTANT)

- To protect the **Taxpayers**
- The Bond must adequately cover all the costs.
- If it doesn't, the LLC owner will simply walk away.
- If the LLC owner is leasing the land, then the landowner becomes responsible for the costs.
- If the landowner can't cover the costs and turns the site over to the County, **then the County becomes responsible.**
- Therefore, the County has no incentive to lowball the Bond amount.

Estimating the Cost of Decommissioning

The engineer who does this estimating must be carefully selected.

- The cost estimate must be certified by an independent qualified engineer. This means that all quantities are correctly specified and the costs verified.

- The solar developer will want to keep the costs as low as possible, **so the solar developer should not be doing the cost estimate.**

- The cost estimate should not include scrap values, **since no one knows the value of scrap 20 to 30 years hence.**

- The **County needs a 15% contingency** to be included in the cost estimate to protect itself.

The Costs of Decommissioning an Industrial Solar Complex

1. Weight of Solar Panels

The Lone Oak Solar Complex (120 Megawatts) proposed for Madison County will contain approximately

- 440,000 panels at 58.4 pounds per panel (as per Cleanlites Recycling).
- **Weighing 25,696,000 pounds.**

If the facility were to be approved, the citizens in the community want to make sure that the panels are recycled when the facility is decommissioned and not sent to a local landfill.

NOTE: *Cleanlites Recycling Centers assist the Solar Industry in providing safe, trustworthy recycling services for solar panels.*

2. Preferred Recycling Partners

The Solar Energy Industry Association (SEIA) has listed **"USA Sales" as the Preferred Recycling Partner.** There have been many questions raised about the recycling costs of solar panels. USA Sales is presently accepting solar panels for recycling and is charging $0.48/lb.

- At this charge, the recycling cost for the 120 MW Lone Oak Industrial Solar Complex is **$12,334,000.**
- The total decommissioning cost, including equipment removal and land refurbishment may well double the recycling cost.

NOTE: *SEIA is the national trade association for the US Solar Industry. They embody the innovation and entrepreneurship that defines solar energy.*

3. Market Value of Used Panels

There is **no evidence that there is (or will be) any market value for used PV panels.** In 20 - 30 years, their value may well be negligible.

Types of Surety Needed, Purpose of a Decommissioning Bond, and EPRI Decommissioning Studies

1. Types of Surety Needed

The landowner(s)/solar developer shall provide the County with a **surety equivalent to the total cost of removal** of the Lone Oak Industrial Solar Complex prior to issuance of a site plan permit. Surety must be provided either by a **cash bond** deposited with the County or an **irrevocable letter of credit** provided for the County's benefit. Cash bond shall be in the form of a **cashier's check** or **certified check** deposited with the county which has cleared all issuing institutions. Any interest accruing on such funds shall be added to the total amount and retained by the County for decommissioning. This deposit shall be accompanied by a letter agreement, acceptable to, and issued by, the Zoning Administrator, confirming that the cash deposit is to be held by the County to guarantee the performance of the decommissioning work required herein and should the facility be abandoned, or should the decommissioning work not be diligently undertaken or performed according to the requirements herein, all as determined by the County, the County may expend the deposited funds to undertake the decommissioning work required herein without more after providing written notice to the person identified as owner of the property in the land records of Madison County as of the date of the notice.

Within six (6) months of the completion of the decommissioning work required by the person or entity other than the County or a contractor engaged by the County, as conformed by the Zoning Administrator, the cash bond and accrued interest, less any amounts expended as allowed for herein, shall be released to the person identified as owner of the Property in the land records of Madison County as of the date of the completed decommissioning or as otherwise directed by that owner of the Property.

2. Purpose of a Decommissioning Bond

The purpose of the decommissioning bond is **to protect the County if/when the site is abandoned**. Decommissioning will occur when it is no longer economic to operate and maintain the facility – for whatever reason. It is common in the Solar Farm Industry for the ownership of a facility to change hands numerous times during its life. This means that the original developer (typically an LLC) is making promises that future owners (also LLCs) are supposed to abide by. The company that owns the aging facility as it approaches its end of life, may not be able to find an interested buyer, and therefore decides to just walk away. LLC structures allow for streamlined corporate decision making in this instance. **The site then becomes the county's problem and expense.**

3. EPRI Decommissioning Studies

Additional decommissioning studies were conducted by the Electric Power Research Institute (EPRI) in 2018. Their key finding showed that the **"negative" net salvage value** of a solar farm was **$83/kw**.

- This equates to $ 9,960,000 for the proposed Lone Oak Industrial Solar Complex.

NOTE: *EPRI is an American independent, nonprofit organization that conducts research and development related to the generation, delivery, and use of electricity to help address challenges in electricity, including reliability, efficiency, affordability, health, safety, and the environment.*

Related Information on Decommissioning and the Difference between Promised and Actual Performance

- Additional Informational resources for Madison County Board of Zoning Appeals to consider are provided here for your consideration:

1. **Forbes: Innovation is making solar panels harder to recycle:**

https://www.forbes.com/sites/jeffmcmahon/2018/09/04/innovation-is-making-solar-panels-harder-to-recycle/#4f7c0ee4c0aa

2. **From Solar Power World Online: (Kelly Pickerel)**

https://www.solarpowerworldonline.com/2018/04/its-time-to-plan-for-solar-panel-recycling-in-the-united-states/

There's just not a large amount of money-making salvageable parts on any type of solar panel. That's why regulations have made such a difference in Europe.

Cara Libby is senior technical leader of solar energy at EPRI. She says, "I've heard that it will have to be mandated because recycling won't ever be economical."

3. **From Forbes, "If Solar Panels are so Clean, why do they produce so much Toxic Waste?"**

https://www.forbes.com/sites/michaelshellenberger/2018/05/23/if-solar-panels-are-so-clean-why-do-they-produce-so-much-toxic-waste/#72d6a3a121cc

Since 2016, Sungevity, Beamreach, Verengo Solar, SunEdison, Yingli Green Energy, Solar World, Suniva **have gone bankrupt**. The result of such bankruptcies is that the cost of managing or recycling PV waste **will be borne by the public.** "In the event of company bankruptcies, PV module producers would no longer contribute to the recycling of their products," notes Milliman, "leaving government to decide how to deal with cleanup," Milliman is an insurance actuary that has studied the PV module waste stream.

4. The Ivanpuh Debacle

https://www.manufacturing.net/news/2016/03/near-default-federally-backed-22-billion-solar-facility-granted-extra-time

This is a different solar technology and contract arrangement (directly with the utility) but still an indicator of what can happen when a utility level solar facility does not deliver as contracted. "On the cusp of defaulting on its deal with PG&E, last week the Ivanpah Solar Electric Generating was granted one year to increase electricity production. **If it fails to deliver, the plant will be forced to shut down**. The 377 megawatt facility – built by Bechtel and owned by BrightSource Energy, NRG Energy and Google – opened in 2014. Built with the help of **$1.6 billion in loan guarantees from the US Department of Energy**, the 3,500 acre facility is the largest solar thermal plant in the world, according to Bechtel. In 2014, Ivanpuh delivered only 45% of its contractually obligated electricity."

Recently reported on Oct. 7, 2019 in the Las Vegas Review Journal, the Crescent Dunes Solar Energy Project near Tonopah, NV is also facing bankruptcy. There are numerous other lawsuits involved against Solar facilities in our nation due to lack of performance thereby resulting in breach of utility contracts.

Sincerely,

Herbert M. Eckerlin, Ph.D.
Emeritus Professor
Mechanical & Aerospace Engineering

EXHIBIT 8(B)

Figure 5. This scenic vista would be impacted by a solar facility proposed for the far knoll. Photo courtesy Berkley Group.

Concentration of Uses

A concentration of solar facilities is another primary concern. The large scale of this land use, particularly when solar facilities are concentrated, also significantly exacerbates adverse impacts to the community in terms of land consumption, use pattern disruptions, and environmental impacts (e.g., stormwater, erosion, habitat). Any large-scale homogenous land use should be carefully examined—whether it is rooftops, impervious surface, or solar panels. Such concentrated land uses change the character of the area and alter the natural and historic development pattern of a community.

The attraction of solar facilities to areas near population centers is a response to the same forces that attract other uses—the infrastructure is already there (electrical grid, water and sewer, and roads). One solar facility in a given geographic area may be an acceptable use of the land, but when multiple facilities are attracted to the same geography for the same reasons, this tips the land-use balance toward too much of a single use. The willingness of landowners to cooperate with energy companies is understandable, but that does not automatically translate into good planning for the community. The short- and medium-term gains for individual landowners can have a lasting negative impact on the larger community.

Visual Impacts

The visual impact of utility-scale solar facilities can be significantly minimized with effective screening and buffering, but this is more challenging in historic or scenic landscapes. Solar facilities adjacent to scenic byways or historic corridors may negatively impact the rural aesthetic along these transportation routes. Buffering or screening may also be appropriate along main arterials or any public right-of-way, regardless of special scenic or historic designation.

The location of large solar facilities also needs to account for views from public rights-of-way (Figure 5). Scenic or historic areas should be avoided, while other sites should be effectively screened from view with substantial vegetative or other types of buffers. Berms, for example, can provide a very effective screen, particularly if combined with appropriate vegetation.

Decommissioning

The proper decommissioning and removal of equipment and other improvements when the facility is no longer operational presents significant challenges to localities.

Decommissioning can cost millions in today's dollars. The industry strongly asserts that there is a significant salvage value to the solar arrays, but there may or may not be a market to salvage the equipment when removed. Further, the feasibility of realizing salvage value may depend on who removes the equipment—the operator, the tenant, or the landowner (who may not be the same parties as during construction)—as well as when it is removed.

Providing for adequate security to ensure that financial resources are available to remove the equipment is a significant challenge. Cash escrow is the most reliable security for a locality but is the most expensive for the industry and potentially a financial deal breaker. Insurance bonds or letters of credit seem to be the most acceptable forms of security but can be difficult to enforce as a practical matter. The impact of inflation over decades is difficult to calculate; therefore, the posted financial security to ensure a proper decommissioning should be reeval-

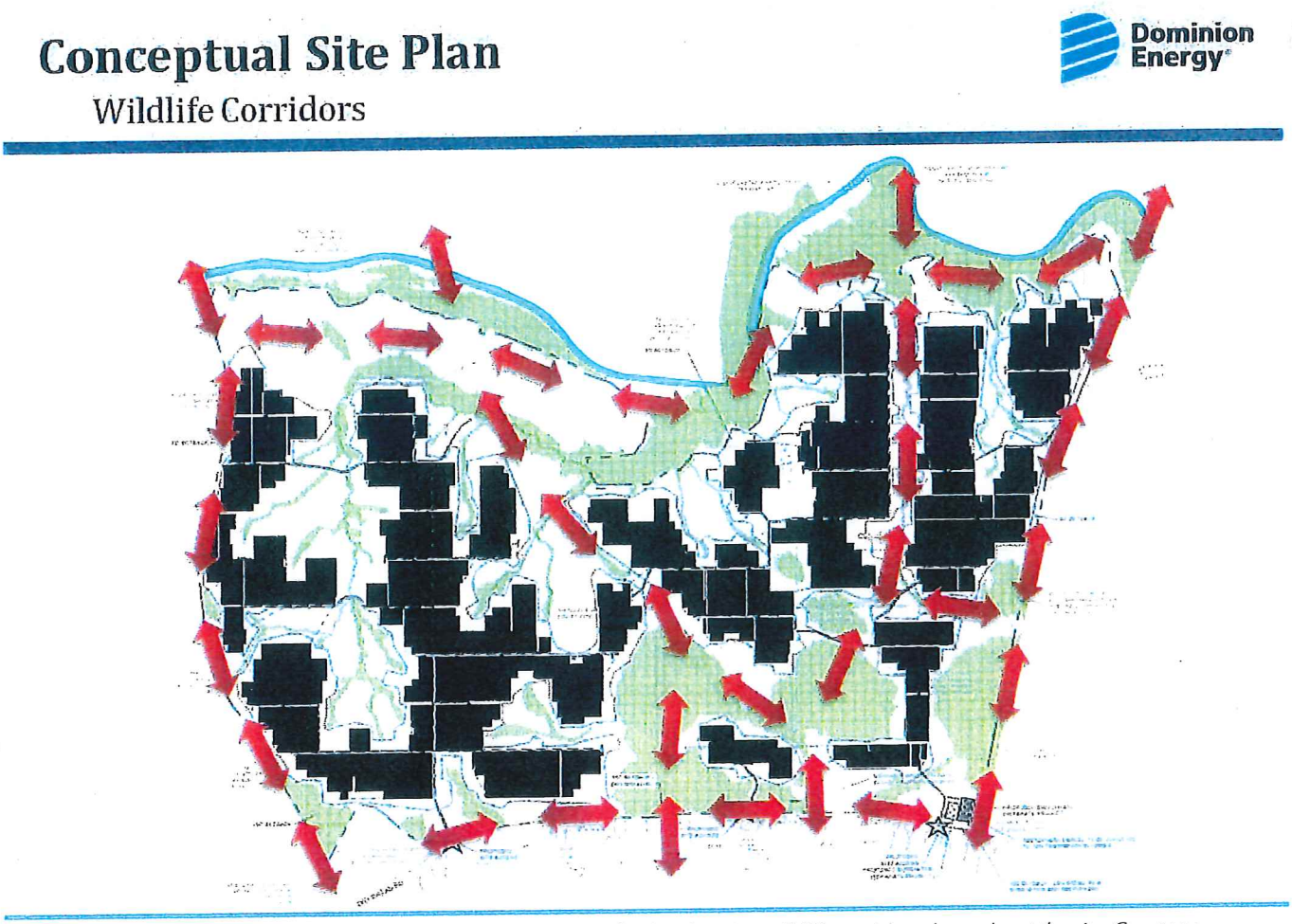

Figure 6. A conceptual site plan for a 1,491-acre utility-scale solar facility showing wildlife corridors throughout the site. Courtesy Dominion Energy.

uated periodically—usually every five years or so. The worst possible outcome for a community (and a farmer or landowner) would be an abandoned utility-scale solar facility with no resources available to pay for its removal.

Additional Solar Facility Impacts

In addition to the land-use impacts previously discussed, there are a number of significant environmental and economic impacts associated with utility-scale solar facilities that should be addressed as part of the land-use application process.

Environmental Impacts

While solar energy is a renewable, green resource, its generation is not without environmental impacts. Though utility-scale solar facilities do not generate the air or water pollution typical of other large-scale fossil-fuel power production facilities, impacts on wildlife habitat and stormwater management can be significant due to the large scale of these uses and the resulting extent of land disturbance. The location of sites, the arrangement of panels within the site, and the ongoing management of the site are important in the mitigation of such impacts.

Wildlife Corridors. In addition to mitigating the visual impact of utility-scale solar facilities, substantial buffers can act as wildlife corridors along project perimeters. The arrangement of panels within a project site is also important to maintain areas conducive to wildlife travel through the site. Existing trees, wetlands, or other vegetation that link open areas should be preserved as wildlife cover. Such sensitivity to the land's environmental features also breaks up the panel bay groups and will make the eventual restoration of the land to its previous state that much easier and more effective. A perimeter fence is a barrier to wildlife movement, while fencing around but not in between solar panel bays creates open areas through which animals can continue to travel (Figure 6).

Stormwater, Erosion, and Sediment Control. The site disturbance required for utility-scale solar facilities is significant due to the size of the facilities and the infrastructure needed to operate them. These projects require the submission of both stormwater (SWP) and erosion/sediment control (ESC) plans to comply with federal and state environmental regulations.

Depending on the site orientation and the panels to be used, significant grading may be required for panel placement, roads, and other support infrastructure. The plan review and submis-

EXHIBIT 8(C)

Permit by the Executive Director.

c) Physical Modifications

(1) In general, any physical modification to any SES that alters the mechanical load, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Executive Director and Board of Zoning Appeals to determine whether the physical modification requires re-certification.

d) Declaration of Public Nuisance

(1) Any SES thereof declared to be unsafe by the Franklin County Executive Director by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

e) Shadows

(1) No solar apparatus shall cast an appreciable shadow on surrounding properties solar production facilities.

f) Change in Ownership - It is the responsibility of the owner or operator listed in the application to inform the Executive Director of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

g) Easements

(1) Solar easements are not controlled or arbitrated by Franklin County

3) **Decommissioning Plan**

a) Prior to receiving approval under this Ordinance, the Board of Zoning Appeals and the applicant, County Commissioners, and owner and/or operator shall formulate a decommissioning plan approved and signed by the County Commissioners and the applicant, outlining the anticipated means and cost of removing a SES at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the SES is properly decommissioned.

b) Surety Bond-Commercial SES

(1) Applicant for a commercial SES shall provide a bond,

or other proof of financial responsibility that is of an amount determined by the County Commission to be sufficient to satisfy the decommissioning agreement requirements.

(2) Other proof of financial responsibility may be:

(a) Cash advance to county to be released upon completion of decommissioning plan.

(b) An arrangement whereby the county would have access to the funds in an escrow account or other type of account held by a bank, until the completion of the decommissioning plan.

(3) Bond shall be released upon receipt of a certificate of inspection by the office of the Area Planning Executive Director indicating that the decommissioning plan is complete with no unresolved issues related to the plan.

c) A decommissioning plan shall include, at a minimum, language to the following:

(1) Assurance: Written assurance that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.

(2) Cost estimates: The applicant shall provide a contractor cost estimate for demolition and removal of the SES facility which cost estimate shall include any offsetting effects of salvage value. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning SES.

(3) Cost adjustments: Terminology shall be included in the plan that provides cost estimate adjustments derived from the US Bureau of Labor Statistics Consumer Price Indexes (CPI) to protect against inflation.

d) Discontinuation and Abandonment

(1) Discontinuation: All SES shall be considered a discontinued use after six (6) months without energy production, unless a plan is developed and submitted to the Executive Director outlining the steps and schedule for returning the SES to service.

(2) Abandonment by the owner or operator: In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Executive Director representing that all easements for solar collection shall

contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.

e) Removal

(1) An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of six (6) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, (unless otherwise agreed to by the property owner) or by Franklin County at the owner's expense.

f) Written Notices

(1) Prior to implementation of the existing procedures for the resolution of such default(s), the Executive Director shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

g) Costs Incurred by the County

(1) If the County removes a solar plant and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grants a license to Franklin County to enter the property to remove the solar plant pursuant to the terms of an approved decommissioning plan.

4) **Application Procedures**

a) Permits and conditional uses shall be applied for and reviewed under the procedures established by this Ordinance.

b) The Area Planning Executive Director shall retain the services of a professional engineer, licensed in Indiana, with expertise in SES to perform a technical review of the development plan prior to submittal to the APC. The costs of services shall be included in the application fee.

c) In addition to the application requirements listed, applications for all SES shall also include the following

EXHIBIT 8(D)

prescribed under section 4.12 of this ordinance.

6. A decommissioning plan approved by the Kosciusko County Technical Committee providing for the method and payment of the anticipated cost of removing a (CSES) at the end of its serviceable life or upon it's becoming a discontinued or abandoned use to ensure that the (CSES) is properly decommissioned.

1. Decommissioning shall include but not be limited to;
   a. The Physical removal of all solar energy systems, structures and equipment from the site.
   b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
   c. Stabilization or revegetation of the site as necessary to minimize erosion. The Kosciusko County Area Plan Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. A decommissioning plan at a minimum, shall also include the following:

   a. Written statement detailing the time line for decommissioning, not exceeding 150 days after the date of documented discontinued operations. The owner shall notify the Kosciusko County Area Plan Commission upon the discontinuation of the operations.

   b. Assurance - Written assurance that the (CSES) will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.

   c. Cost estimates for all (CSES) an estimate of the costs of decommissioning and removing the (CSES) upon the expiration of its useful life, or in the event of its discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of CSES, and shall be updated every five (5) years for approval by the Kosciusko County Area Plan Commission.

   d. Financial assurance the cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the CSES and to restore the site, the following steps shall be followed:

      1). For each CSES, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost.

2). The Planning Commission shall require independent verification of the adequacy of this amount.

3). This money shall be secured in the form of a surety equal to 150% of the quote, such as surety bond, letter of credit, or other financial promise , and shall be determined by the Kosciusko County Area Plan Commission. In the instance the developer defaults on the proper decommissioning the County or its agent retains the right, after an appropriate court order, to enter the property and remove any abandoned, hazardous, or decommissioned solar energy system with funds from the surety on file.

e. Abandonment Verification under penalties for perjury, that all easements and/or leases for the CSES contain terms that provide financial assurances to the property owners to ensure that the CSES are properly decommissioned within one (1) year of the expiration of its serviceable life or in the event of its discontinuance or abandonment.

K. Waste Management - All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, cleaning materials, or such shall be handled in a manner consistent with all local, state and federal rules and regulations and shall not be allowed to seep into the ground.

L. Utility Interconnection
The CSES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to CSES.

M. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.

N. Drainage, Flood, and Erosion Control

1. A detailed drainage plan compliant with the requirements of the Kosciusko County Stormwater Control Ordinance shall be submitted and approved of.

2. In instances where the project is required to comply with IDEM, erosion control regulations proper approvals shall be submitted indicating the plans have been approved. In instances where the project does not require IDEM approval an erosion control plan

EXHIBIT 9

showing how any disturbance will be controlled on site as required under the Kosciusko County Stormwater and Erosion Control Ordinance shall be submitted.

3. Any project within a special flood hazard area shall comply with all standards required under the Kosciusko County Flood Control Ordinance.

4. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the CSES, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time agreed upon by the Kosciusko County Surveyor.

O. USE OF ROADS - An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting CSES or Substation parts and/or equipment for construction, operation, or maintenance of the CSES(s) or Substation(s), shall prior to construction:

Identify all such public roads and services

1. Roads

a. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Kosciusko County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.

b. Any road damage caused by the construction of the CSES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Kosciusko County Highway Superintendent. The Superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.

c. Newly constructed CSES access roads may not impede the flow of water.

d. All repairs must be completed in the time period agreed upon by the Kosciusko County Highway Superintendent.

e. Throughout the life of the project as repairs to CSES are made, road repairs will be completed each time the company's equipment traverses

Kosciusko County roads if the Kosciusko County Highway Superintendent deems repairs be necessary, at the solar developer's expense.

f. The location of all CSES access roads must be approved by the Kosciusko County Plan Director and may not be located closer than 2,000 feet from any residence as measured from the center of the access road to the corner of the residence.

P. Dust Control - Reasonable dust control measures will be required by the County during construction of the CSES.

Q. Sewer and Water

1. Any facility shall comply with existing septic and well regulation as required by the Kosciusko County Health Department and the State of Indiana Department of Public Health.

2. Wells within one mile of each site shall be inspected by a licensed certified Indiana well installed prior to and following construction. All expenses associated with the inspections shall be at the expense of the developer. Any damage/pollution caused by the operations of CSES or their construction shall be repaired at the expense of the developer and construction companies and these companies are required to provide commercial water tanks and water to affected homes until an investigation is complete and problems, if caused by CSES construction or operation, are mitigated.

R. Fire Prevention and Emergency Response Plan and Requirements.

1. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.

2. Designation of the specific agencies that would respond to potential fire or other emergencies.

3. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training

S. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.

T. Glare - At no time shall a (CSES) create glare on any non-participating landowner's property. For the purpose of this section a non-participating

EXHIBIT 10

EXHIBIT 10(A)

and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Building Inspector with the exact measurements thereon shown. The Building Inspector, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.

3. It is the responsibility of the owner or operator listed in the application to inform the Administrator of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

7.13 Regulations on Accessory-Use SES

A. Rules Applicable from Elswhere in this Ordinance

1. See Section 7.2, "General Regulations," for rules applying to all SES, as well as Section 2.3.R., "Applications for Solar Energy Systems (SES)." Additionally, any regulation pertaining to SES in this chapter not explicitly noted as pertaining solely to CSES also pertains to Accessory Use SES.

2. Setbacks, building separation distances, and lot-coverage limitations established in Section 3 of this Ordinance, "Zoning Districts," apply to Accessory Use SES developed in any zoning district, as appropriate. Additionally, ground-mounted and pole-mounted SES shall not extend beyond the side-yard or rear-yard setback when oriented at minimum tilt design.

B. Site-specific Regulations

1. As appropriate to the site of the proposed installation, its zoning district, and its neighboring uses and distances therefrom, visual buffering in the form of evergreen landscaping and/or an earthen berm shall be installed, unless the neighboring resident/property owner waive this requirement, or the administrator waive any or all of these requirements based on the district and neighboring uses. Security measures to limit risks to health and welfare, including but not limited to fencing, shall be installed around the accessory-use SES to the administrator's satisfaction.

2. The panel surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built unless the panel or mounting system has been engineered to extend beyond the edge safely and setback requirements are not violated.

3. SES shall be located in such a manner as reasonably to minimize view blockage and shading for surrounding properties while still providing adequate solar access for panels.

7.14 Safety, Design, and Installation Standards for SES

A. Flood Plains

1. Rules and requirements pertaining to building or not building in a flood plain apply to the construction of an SES.

B. Equipment Type and Industry Standards

1. Panels: All SES shall be constructed of commercially available equipment with a UL listing or approved equivalent.

2. Experimental, or Proto-type Equipment: Experimental or proto-type equipment still in testing which does not fully comply with industry standards may be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

3. All SES shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that the CSES manufacturer(s) has/have obtained from an accredited registrar/safety certification company/testing laboratory.

4. The manufacturer specifications for the key components of the SES shall be submitted with the application

5. All SES shall be installed by a qualified solar installer.

6. Preference is given to American-manufactured components for all CSES, but not required. MSDS for all equipment with evidence of the suitability of all proposed equipment with respect to environmental and public-safety concerns and comparability to similar American products must be provided prior to the issuance of required local permits so as to show that all components meet appropriate government standards and requirements.

C. Perimeter buffer

1. All ground-mounted electrical and control equipment for CSES shall be surrounded by a fence no shorter than six (6) feet to prevent unauthorized access. Such fencing shall not include barbed wire but shall be permeable for wildlife passage and within guidelines of state and federal wildlife agencies. Alternative fencing can be used if the site is incorporating agrivoltaics and an agreement is made between the neighboring property owner(s) and the site developer and recorded at the Pulaski County Courthouse.

2. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.

3. The planting of evergreens, construction of an earthen berm, or both along the perimeter of the CSES shall be required on the outside of the perimeter fencing along road frontage and facing all occupied residential structures on non-participating properties within a half (1/2) mile of a CSES. Such planting of foliage screening, a property placed berm, or combination of both shall be of a sufficient height, density, and layout to screen the solar site immediately; i.e., planting trees young enough that the objectives of this ordinance cannot be met by the time the project is operational is not acceptable.

   a. Along property lines, this shall be left to the negotiation process between the developer and the indvidual neighboring land owner.

      1) All property owners subject to the benefits of 7.14.C.3 retain the right to waive the planting requirements; such waiver shall be recorded at the Pulaski County Courthouse.

   b. While evergreen trees are understood to be the default form of screening, topographical concerns, homeowner preference, developers' willingness to acced to requests made by homeowners or to County preferences, and the plan administrator's preference or approval may lead to alternative forms of visual screening, such as deciduous trees.

      1) If an individual homeowner would prefer the use of deciduous trees, then the developer/owner would not be responsible for the presence of the solar site in the homeowner's viewshed during period of time in which said trees have shed their leaves.

      2) This alternative does not relieve the developer/owner of the obligation to replace any deciduous or evergreen trees that may lose their ability to grow as the result of disease, damage, or other harm for the life of the project.

D. Lighting

1. All lighting shall adhere to but not exceed any legal requirements established elsewhere and shall be limited to that required for safety, inspection/repair/maintenance, and operational purposes. Lighting may require shielding so that no glare extends substantially beyond any SES structure.

E. Warnings and Safety

1. "No Trespassing" signs shall be attached to any perimeter fence.

2. "Danger" and "High Voltage" signs shall be posted at the height of five (5) feet on [on/near arrays] and on accessory structures

3. At the locked entrance to the facility, the following shall be provided:

   a. a sign showing the names and phone numbers of the electric utility provider, the site operator, and an emergency contact, as well as the facility's 911 address and GPS coordinates;

   b. a lock box with keys.

EXHIBIT 10(B)

June 24, 2021
9:40 AM EDT
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Business

U.S. bans imports of solar panel material from

By Michael Martina, Karen Freifeld and David Shepardson

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June 23 (Reuters) - The Biden administration on Wednesday ordered a ban on U.S. imports of a key solar panel material from Chinese-based Hoshine Silicon Industry Co (603260.SS) over forced labor allegations, two sources briefed on the matter said.

The U.S. Commerce Department separately restricted exports to Hoshine, three other Chinese companies and the paramilitary Xinjiang Production and Construction Corps (XPCC), saying they were involved with the forced labor of Uyghurs and other Muslim minority groups in Xinjiang.

Reacting on Thursday, China's foreign ministry spokesman Zhao Lijian said China will take "all necessary measures" to protect its companies' rights and interests. Beijing has dismissed accusations of genocide and forced labor in Xinjiang as lies.

The three other companies added to the U.S. economic blacklist include Xinjiang Daqo New Energy Co, a unit of Daqo New Energy Corp (DQ.N); Xinjiang East Hope Nonferrous Metals Co, a subsidiary of Shanghai-based manufacturing giant East Hope Group; and Xinjiang GCL New Energy Material Co, part of GCL New Energy Holdings Ltd (0451.HK).

The Commerce Department said the companies and a paramilitary force, XPCC, "have been implicated in human rights violations and abuses in the implementation of China's campaign of repression, mass arbitrary detention, forced labor and high-technology surveillance against Uyghurs, Kazakhs, and other members of Muslim minority groups in" Xinjiang.

At least some of the companies listed by the Commerce Department are major manufacturers of monocrystalline silicon and polysilicon that are used in solar panel production.

Hoshine Silicon Industry said on an interactive investor platform that it backed the Chinese foreign ministry's reaction, adding that the firm does not export industrial silicon to the United States directly and the impact on its business would be limited.

Xinjiang Daqo New Energy Co responded Reuters' request for comment with an email saying the company has "zero tolerance"

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towards forced labour, and that it does not sell directly to U.S. companies, or purchase from the United States and there would not be "a significant impact on the company's business."

The other companies or their parent firms did not immediately respond to requests for comment, or could not immediately be reached. XPCC could not immediately be reached for comment.

The "Withhold Release Order" by U.S. Customs and Border Protection only blocks imports of the material from Hoshine. A source familiar with the order said it does not impact the majority of U.S. imports of polysilicon and other silica-based products.

Dennis Ip, Regional Head of Power, Utilities, Renewables & Environment (PURE) Research at Daiwa said in a note to clients the immediate effect of the restrictions would be limited as the companies named do not have "vast contracts" with U.S. based wafer companies, but foresaw more action to come.

"However, we see possibility for the ban to gradually extend to include restrictions on all solar modules which contain Xinjiang-produced polysilicon," he said.

Chinese module producers could still use

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polysilicon from Inner Mongolia and Yunnan for their U.S.-bound module shipments, he added.

About 45% of all polysilicon used in solar module production is produced in Xinjiang, with 35% produced in other parts of China. The

remainder comes from outside China.

The global solar energy supply chain has been squeezed by record high costs for polysilicon, labour and freight. **read more**

A second source said the move does not conflict with President Joe Biden's climate goals and support for the domestic solar industry.

The sources said the United States is continuing to investigate allegations of forced labor by Chinese companies who supply polysilicon.

The two sources familiar with the policy said the White House sees the actions as a "natural continuation" of the G7 agreement earlier this month to eliminate forced labor from supply chains.

The U.S. Treasury Department last year sanctioned XPCC for "serious rights abuses against ethnic minorities."

The paramilitary organization remains powerful in Xinjiang's energy and agriculture sectors, operating almost like a parallel state, having been sent to the region in the 1950s to build farms and settlements. **read more**

Foreign governments and human rights activists say it has been a force in the crackdown and surveillance of Uyghurs in the region, running some detention camps.

EXHIBIT 11

EXHIBIT 11(A)

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

C. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the CSES shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. All hazardous materials or waste related to the construction, operation and maintenance of the CSES shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

D. An ongoing log of maintenance activities performed on all CSES shall be submitted to Kosciusko County Plan Director on an annual basis.

3.30.5.5 LIABILITY INSURANCE

The Owner or Operator of the CSES(s) shall maintain a current general liability policy covering bodily injury and property damage and name Kosciusko County as an additional insured with limits of at least $2 million per occurrence property and $5 million in the aggregate with a deductible of no more than $5 thousand.

3.30.6 All SES must strictly comply and be installed to meet all other local, state, and federal regulations.

3.30.7 All SES must strictly comply with section 3.26 of the Kosciusko County Zoning Ordinance regarding performance standards.

3.30.8 Abandonment and Decommissioning Requirements

a. Any micro, small, medium, large scale, and Commercial ground mounted SES which has reached the end of its useful life or has been abandoned shall be removed by the owner. The owner shall physically remove the installation no more then 150 days after the date of documented discontinued operations. The owner shall notify the Kosciusko County Area Plan Commission upon the discontinuation of the operations.

Decommissioning shall consist of;

- Physical removal of all solar energy systems, structures and equipment from the site.
- Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- Stabilization or revegetation of the site as necessary to minimize erosion. The Kosciusko County Area Plan Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

EXHIBIT 11(B)

Isolated Wetland Permits from IDEM.

k) Sewer and Water

(1) All SES facilities shall comply with the existing septic and well regulations as required by the Franklin County Health Department and/or the State of Indiana Department of Public Health.

l) Noise and Vibration

(1) The noise level of all SES shall be no greater than fifty (50) decibels measured from the nearest property line. This level may only be exceeded during short-term events such as utility outages and/or severe windstorms. All other noise and vibration levels shall follow all county, state, and federal regulations.

m) Sine Wave Deviations

(1) Waveform deviations from a SES that occur within the electrical environment of a non-participating residence, must conform to acceptable parameters within the Information Technology Industry Council (ITIC) curve at the point of common coupling at the residence.

n) Utility Interconnection

(1) The SES, if primary voltage is interconnected to a utility system, it shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, Federal and state regulations, amended from time to time.

2) **Operation and Maintenance**

a) Operator

(1) Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the Solar Energy System.

b) Liability Insurance-Commercial SES

(1) The owner or operator of any commercial SES shall maintain a current general liability policy covering bodily injury and property damage and shall be required to name Franklin County as an additional insured with dollar amount limits per occurrence in the amount of two million dollars ($2,000,000) minimum for all SES and an aggregate of five million dollars ($5,000,000) Proof of liability insurance shall be sent to the Executive Director annually; failure to maintain said insurance shall result in cancellation of the Improvement Location