

278.708 Site assessment report -- Consultant -- Mitigation measures.

- (1) Any person proposing to construct a merchant electric generating facility shall file a site assessment report with the board as required under KRS 278.706(2)(1).
- (2) A site assessment report shall be prepared by the applicant or its designee.
- (3) A completed site assessment report shall include:
 - (a) A description of the proposed facility that shall include a proposed site development plan that describes:
 1. Surrounding land uses for residential, commercial, agricultural, and recreational purposes;
 2. The legal boundaries of the proposed site;
 3. Proposed access control to the site;
 4. The location of facility buildings, transmission lines, and other structures;
 5. Location and use of access ways, internal roads, and railways;
 6. Existing or proposed utilities to service the facility;
 7. Compliance with applicable setback requirements as provided under KRS 278.704(2), (3), (4), or (5); and
 8. Evaluation of the noise levels expected to be produced by the facility;
 - (b) An evaluation of the compatibility of the facility with scenic surroundings;
 - (c) The potential changes in property values and land use resulting from the siting, construction, and operation of the proposed facility for property owners adjacent to the facility;
 - (d) Evaluation of anticipated peak and average noise levels associated with the facility's construction and operation at the property boundary; and
 - (e) The impact of the facility's operation on road and rail traffic to and within the facility, including anticipated levels of fugitive dust created by the traffic and any anticipated degradation of roads and lands in the vicinity of the facility.
- (4) The site assessment report shall also suggest any mitigating measures to be implemented by the applicant to minimize or avoid adverse effects identified in the site assessment report.
- (5) The board shall have the authority to hire a consultant to review the site assessment report and provide recommendations concerning the adequacy of the report and proposed mitigation measures. The board may direct the consultant to prepare a separate site assessment report. Any expenses or fees incurred by the board's hiring of a consultant shall be borne by the applicant.
- (6) The applicant shall be given the opportunity to present evidence to the board regarding any mitigation measures. As a condition of approval for an application to obtain a construction certificate, the board may require the implementation of any mitigation measures that the board deems appropriate. Ongoing compliance with any mitigation measures that were conditions of construction certificate application approval shall be enforced by the Energy and Environment Cabinet pursuant to KRS 278.710(9).

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 140, sec. 4, effective June 29, 2023. -- Amended 2014 Ky. Acts ch. 88, sec. 4, effective April 10, 2014. -- Created 2002 Ky. Acts ch. 365, sec. 5, effective April 24, 2002.