

CHAPTER 153: RENEWABLE ENERGY ORDINANCE

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§ 153.01 PURPOSE.

The purpose of this chapter is to facilitate the construction, installation, and operation of renewable energy sources in the County in a manner that promotes economic development and ensures the protection of health, safety, welfare, and property rights while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands to protect the County's ecologic environment. It is the intent of this chapter to encourage the development of renewable energy sources that reduce reliance on foreign and out-of-state energy resources in support of Illinois' statutory goal of increasing renewal energy sources, bolstering local economic development and job creation. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

§ 153.02 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABOVE GROUND CABLES. Electrical power lines installed above grade to be utilized for the conveyance of power from the facility to the facility's substation.

ACCESSORY. As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

AGRICULTURAL IMPACT MITIGATION AGREEMENT (AIMA). The Agreement between the Facility Owner and the Illinois Department of Agriculture (IDOA) described herein.

AGRICULTURAL LAND. Land used for cropland, hay land, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located and land in government set-aside programs used for purposes as set forth above.

AUTHORIZED FACTORY REPRESENTATIVE. An individual with technical training who has received factory installation instructions and is certified in writing by the manufacturer.

BEST EFFORTS. Diligent, good faith and commercially reasonable efforts to achieve a given objective or obligation.

COMMERCIAL OPERATION DATE. The calendar date on which the Commercial Facility produces or begins to store power for commercial sale, not including test power. Within ten (10) calendar days of the Commercial Operation Date, the Commercial Facility Owner shall notify the County of the Commercial Operation date in writing.

COMMERCIAL SOLAR ENERGY FACILITY (FACILITY). "Any device or assembly of devices that (i) is ground installed and (ii) uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.", as defined in Section 10-720 of the Property Tax Code. "Commercial Solar Energy Facility" does not mean a utility-scale solar energy Facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

WIND ENERGY CONVERSION SYSTEM (WECS). A wind energy conversion Facility equal or greater than 500 kilowatts (.5 MW) in total nameplate generating capacity.

CONSTRUCTION. The installation, preparation for installation and/or repair of a Facility.

COUNTY. The County where the Facility is located.

CROPLAND. Land used for growing row crops, small grains, or hay; includes land, which was formerly used as cropland, but is currently in a government set-aside program and pastureland comprised of Prime Farmland.

DECONSTRUCTION/DECOMMISSIONING. The removal of a Facility from the property of a landowner and the restoration of that property as provided in the AIMA, Chapter 8 of the NFPA 885 and this ordinance. The term "deconstruction" and "decommissioning" have the same meaning and therefore, may be interchanged with each other.

DECONSTRUCTION/DECOMMISSIONING PLAN. A plan prepared by a State of Illinois Professional Engineer, at the Facility owner's expense that includes an estimated deconstruction cost, in current dollars at the time of filing a building permit.

ENERGY STORAGE SYSTEM (ESS). A Facility with an aggregate energy capacity that is greater than 1,000 kilowatts (1MW) and that is capable of absorbing energy and storing it for use at a later time, including, but not limited to, electrochemical and electromechanical technologies. "Energy storage system" does not include technologies that require combustion. "Energy storage system" also does not include energy storage systems associated with commercial solar energy facilities or commercial wind energy facilities as defined in Section 5-12020.

EXCUSED SERVICE INTERRUPTION. Any period during which an energy storage system does not store or discharge electricity and that is planned or reasonably foreseeable for standard commercial operation, including any unavailability caused by a buyer; storage capacity tests; system emergencies; curtailments, including curtailment orders; transmission system outages; compliance with any operating restriction; serial defects; and planned outages.

FACILITY. The term "Facility" means and may be used to refer to any wind energy system, solar energy system, or energy storage system, whether individually or collectively, as applicable.

FACILITY ABANDONMENT. When no electricity is generated or stored by the Facility for a period of twelve (12) consecutive months and the Facility owner is not making reasonable efforts to repair or decommission the Facility.

FACILITY OWNER (OWNER):(i) A person with a direct ownership interest in an wind/solar/energy storage system(s), regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the Facility; or (ii) A person who, at the time the Facility is being developed, is acting as a developer of the Facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the Facility, regardless of whether the person will own or operate the Facility.

FINANCIAL ASSURANCE. A reclamation bond or other commercially available financial assurance that is acceptable to the County, with the County as primary beneficiary and the landowners as secondary beneficiaries.

FORCE MAJEURE. Any event or circumstance that delays or prevents an energy facility from timely performing all or a portion of its commercial operations if the act or event, despite the exercise of commercially reasonable efforts, cannot be avoided by and is beyond the reasonable control, whether direct or indirect, of, and without the fault or negligence of, a Facility Owner or operator or any of its assignees. "Force majeure" includes, but is not limited to: (1) fire, flood, tornado, or other natural disasters or acts of God; (2) war, civil strife, terrorist attack, or other similar acts of violence; (3) unavailability of materials, equipment, services, or labor, including unavailability due to global supply chain shortages; (4) utility or energy shortages or acts or omissions of public utility providers; (5) any delay resulting from a pandemic, epidemic, or other public health emergency or related restrictions; and (6) litigation or a regulatory proceeding regarding a Facility.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

ICC. Illinois Commerce Commission

IDO. The Illinois Department of Agriculture.

ISO. Independent System Operator.

NEC. National Electrical Code.

NESC. National Electrical Safety Code.

NFPA. The National Fire Protection Association.

NON PARTICIPATING PROPERTY. Real property that is not a participating property in the project.

NON PARTICIPATING RESIDENCE. A residence that is located on nonparticipating property and that exists and are occupied on the date that an application for Special Use is filed with the county.

OCCUPIED COMMUNITY BUILDING. Any one or more of the following buildings that exist and are occupied on the date that the application for Special Use filed with the county: a school, place of worship, day care facility, public library, or community center.

PARTICIPATING PROPERTY. Real property, subject of a written agreement between a Facility Owner and the owner of the real property that provides the Facility Owner with an easement, option, lease, or license to use the real property for the purpose of constructing a commercial energy Facility or supporting facilities.

PARTICIPATING RESIDENCE. A residence that is located on participating property and that is existing and occupied on the date that an application for a Special Use filed with the county.

PRIME FARMLAND. Agricultural land comprised of soils that are defined by the USDA Natural Resources Conservation Services (NRCS) as being “prime” soils (generally considered the most productive soils with the least input of nutrients and management).

PROFESSIONAL ENGINEER. An engineer licensed to practice engineering in the State of Illinois, and who is determined to be qualified to perform the work described herein by mutual agreement of the County and the Facility Owner.

PROTECTED LANDS. Real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

SOIL AND WATER CONSERVATION DISTRICT (SWCD). A local unit of government that provides technical and financial assistance to eligible landowners for the conservation of soil and water resources.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to solar photovoltaic systems, solar thermal systems and solar hot water systems.

SOLAR THERMAL SYSTEMS. Solar thermal systems that directly heat water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

SUPPORTING FACILITIES. The transmission lines, substations, switchyard, access roads, meteorological towers, storage containers, and equipment associated with the generation, storage, and dispatch of electricity by any facility.

TENANT. Any person lawfully residing in or leasing/renting land that is subject to an underlying agreement.

TOWER HEIGHT - The height measured from the top of a wind tower's foundation to the tip of the blade at its highest point.

UNDERLYING AGREEMENT. The written agreement with a landowner(s) includes, but not limited to, an easement, option, lease, or license under the terms of which another person had constructed, constructs or intends to construct a Facility on the property of the landowner.

UNDERGROUND CABLE. Electrical power lines installed below grade to be utilized for conveyance of power from the a facility to the substation.

USEFUL LIFE. A Facility will be presumed to have no remaining “useful life” if: no electricity is generated or stored for a period of twelve (12) months and the facility owner is not undertaking reasonable efforts to repair or decommission the Facility or the Facility Owner fails, for a period of six (6) consecutive months, to pay the landowner amounts owed in accordance with the underlying agreement.

WIND TOWER. The wind turbine, tower, nacelle, and blades.

§ 153.03 PUBLIC PARTICIPATION

Nothing in this Ordinance is meant to augment or diminish existing opportunities for public participation.

The County shall hold at minimum one public hearing, allowing the public the opportunity to present evidence and cross examine the petitioner. Said hearing shall take place no more than 60 days following the filing of the application for Special Use and decision shall be rendered in not more than 30 days following the conclusion of the public hearing.

§153.04 SPECIAL USE REQUIREMENTS

- A. **Special Use Classification.** All Wind, Solar or Energy Storage System Facility shall be considered a Class A Special Use and fulfill all general application requirements, in the manner specified for a Class A Special Use.
- B. **Zoning Districts.** Wind, Solar and Energy Storage System Facilities are permitted only in the A-1, A-2, CONS, I-1 and I-2 zoning districts and upon approval of a Special Use by the Tazewell County Board.
- C. **Application Documents.** The following documents must be filed along with the requirements specified in §157.437 of the Tazewell County Zoning Code.
 1. **AIMA.** State approved Agricultural Impact Mitigation Agreement (AIMA) required by 55 ILCS 5/5-12020(c) for all Wind and Solar Facilities. The Facility Owner's compliance with the AIMA shall be a condition of the Special Use.
 2. **Interconnection.** The Facility Owner must provide proof of application to the ISO for interconnection or provide approved application for interconnection.
 3. **EcoCAT.** The Facility Owner shall provide the results and adhere to recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT). Should the EcoCAT report expire prior to obtaining the building permit, the Facility Owner shall provide an updated report prior to obtaining a permit for construction.
 4. **Protected Lands.** The Facility Owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
 5. **Illinois State Historic Preservation Office.** Provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
 6. **Compliance with Federal Aviation Administration (FAA).** For wind energy system facilities, it shall be the responsibility of the Facility Owner to complete the proper FAA applications and obtain the proper permits or a determination of no significant impact to air navigation from the FAA.
 7. A request for Special Use for a Facility or modification of an approved Special Use, shall be approved if the request is in compliance with the standards and conditions imposed in Public Act 104-0458 and conditions imposed under any other State and/or federal statutes and regulations in addition to those specified herein, including consideration of the substantive due process requirements of the Illinois Constitution, sometimes referred to as the *LaSalle/Sinclair* factors, as follows:

- (1) The existing uses and zoning of nearby property;
- (2) The extent to which property values are diminished by the particular zoning restrictions;
- (3) The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public;
- (4) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the zoned purpose;
- (6) The length of time the property has been vacant as zoned considered in the context of the land development in the area in the vicinity of the subject property;
- (7) Whether a comprehensive zoning plan for land use and development existing, and whether the ordinance is in harmony with it; and
- (8) Whether the community needs the proposed use.

D. Filing Fee.

Energy Storage System	\$5,000 per MW of nameplate capacity (DC), not to exceed \$50,000.
Commercial Solar Facility	\$5,000 per MW of nameplate capacity (DC), not to exceed \$125,000.
Commercial Wind Facility	\$5,000 per MW of nameplate capacity (DC), not to exceed \$125,000.

An application for Special Use is considered filed for public hearing upon meeting all of the requirements of §157.437 and those specified herein and upon receipt of the applicable filing fee. If the application is not complete upon filing, the Department will notify the facility owner of deficiencies of the submittal within forty-eight hours. The application is not considered complete and scheduled for public hearing until the required application and supporting documents are submitted

A request for Special Use for wind, solar or energy storage system Facility or modification of an approved Special Use, shall be approved if the request is in compliance with PA 104-0458, this ordinance (adopted consistent with the Act) and conditions imposed under State and Federal Statutes and regulations. The Facility Owner will have a period of five years for wind and solar facilities and three years for energy storage facilities, to obtain the building permit from the date of Special Use approval. A Facility Owner shall be granted an extension of the time to obtain the building permit or to commence construction upon a showing of good cause.

§ 153.05 DESIGN AND INSTALLATION

The design and installation section is intended to provide clear and concise expectations for initial planning, design, and requirements to obtain permits for construction and requirements while the Facility is under construction.

A. GENERAL. The general provisions apply to all commercial wind energy, solar energy and energy storage system facilities. The wind energy, solar energy and energy storage system sections that follow provide additional information specific to the design and installation requirements for each separate type of facility.

1. **Code Compliance.** All facilities must be designed in accordance with the International Codes, National Electrical Code enforced by Tazewell County at the time the permit application is accepted, in addition to any to requirement of other State and Federal regulatory agencies.
2. **Temporary Site Posting.** Before construction begins and while under construction, all sites must have a posting which include but may not be limited to; the approved facility's name, the name of the Engineering, Procurement and Construction (EPC) firm developing the site, contact information for the EPC representative managing site development and the assigned 911 address. The temporary sign shall not be less than fifteen (15) square feet and must be clearly visible from the public roadway.
3. **Lighting.** All outdoor lighting shall be designed and installed compliant with section §157.056 of the Tazewell County Zoning Code for Outdoor Lighting and any other required regulatory authority in an effort to minimize the visual impact of the structures.

4. **Parcel Identification Number.** The Facility shall be separated from a larger tract and a new site specific parcel identification number assigned. The Facility Owner shall, at his or her own expense, utilize an Illinois registered land surveyor to prepare a metes and bounds survey description of the land upon which the facility is installed, including access routes, over which the Facility Owner has exclusive control and must deliver a copy of the survey to the Chief County Assessment Officer (CCAO) and to the owner of the land upon which the Facility is constructed. The new tract will not be considered to have new parcel boundary lines for setback purposes. The separate parcel number is issued so that the tax bill can be sent to the facility owner when the system is situated on leased ground.
5. **Roads.** When proposing to use any county, municipal or township road(s), for the purpose of transporting of components of the Facility or those accessory to the Facility, shall enter into a Road Use Agreement (RUA), approved by the Authority Having Jurisdiction (AHJ), agreements with the County will require approval of the County Board prior to obtaining a permit for construction. Any road work required must be specifically and uniquely attributable to the construction of the facility. A copy of the approved RUA shall be submitted to Community Development along with Exhibit A – Affidavit of Acknowledgement/Road Use Agreement. The RUA may include, but need not be limited to, the following provisions:
- a. A Haul Route Map for review and approval by the respective Road District Commissioner and the County Engineer prior to the granting of the Building Permit. Traffic for construction purposes shall be limited to these roads.
 - b. A pre-construction road surface scan shall be conducted to determine existing road conditions for assessing potential future damage. This study is to be conducted by an outside civil engineering firm agreed upon by both the road districts and the Facility Owner or their respective designee.
 - c. Required roadway improvements; pre-construction, road upgrades needed prior to commencement of the construction of the facility to ensure the existing roads are capable of withstanding the proposed traffic and loading, and post construction.
 - d. The applicant shall obtain a weight or size permit from all appropriate government agencies, to include; IDOT, the County, townships and municipalities prior to construction.
 - e. Any road damage caused by the transport of the facility's equipment, the installation, maintenance or removal must be completely repaired to the satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and the County Engineer may choose to either require remediation of the road repair upon completion of the facility or are authorized to collect fees for necessary remediation.
 - f. Financial assurance in the amount agreed upon by the Road District Commissioner and County Engineer to ensure future repairs are completed to their satisfaction shall be provided.
- All repairs and improvements to public roads and roadway appurtenances shall be subject to the prior approval of the AHJ before being made and shall also be subject to inspection and acceptance by the County after such repairs and improvements are completed. The County's Road Agreement, and any further agreements contemplated therein, regarding the maintenance and repair of public roads and highways, must be approved by the Tazewell County Board, to include the form of financial assurance desired by the AHJ prior to the approval of any Building Permit.
6. **Noise Levels.** Noise levels shall be regulated by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910. The facility owner shall, prior to the first anniversary of commercial operation, provide an octave band sound pressure level measurement(s) conducted by a third party acoustic consultant or engineer, from a reasonable number of sampled locations at the perimeter of the facility to demonstrate compliance with this Section.

- a. In accordance with Section 25 of the Environmental Protection Act, a participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties or residences may waive enforcement of the rules adopted by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910 by written waiver that complies with the applicable directive established in Section 25 of the Environmental Protection Act and is recorded in the Office of the Recorder of the county in which the participating property, participating residence, nonparticipating property, or nonparticipating residence is located. Once recorded, such a waiver shall be binding on current and future owners, residents, lessees, invitees, and users of the participating property, participating residence, nonparticipating property, or nonparticipating residence for enforcement purposes.
- b. An owner of any participating residence or nonparticipating residence shall disclose the existence of such a waiver to any lessee before entering any new lease for the residence.
- c. A seller or transferor of a participating property, participating residence, nonparticipating property, nonparticipating residence, or any combination of those properties or residences shall disclose the existence of such a waiver to any buyer or transferee before any sale or transfer of the property. If disclosure of the waiver occurs after the buyer has made an offer to purchase the property, the seller shall disclose the existence of the waiver before accepting the buyer's offer and shall (1) allow the buyer an opportunity to review the disclosure and (2) inform the buyer that the buyer has the right to amend the buyer's offer.

7. **Farmland Drainage Plan and Tile Repair.**

A final drainage plan shall be created independently by the Facility Owner and shall include the location of any potentially impacted drainage district facilities to the extent the information is publicly available from the county or the drainage district and plans to repair any subsurface drainage procedures outlined in the decommissioning plan. The plan shall be filed with the County and any impacted drainage district prior to obtaining a permit for construction.

Notwithstanding any other provision of law, a Facility Owner with approval to construct a wind or solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the Facility Owner shall repair or pay for the repair of any damage to the drainage system, in a manner that assures the tile line's proper operation at the point of repair, caused by the Facility Owner within a reasonable time following completion of such activity.

a. **Tile location.**

- i. The Facility Owner or their designee(s) will work with the Landowner to identify the tile lines traversing the property included within the underlying agreement which will be crossed or disturbed by the construction of the Facility. All tile lines identified in this manner will be shown on the Construction and Decommissioning Plans and staked or flagged in the locations where expected crossing or disturbance is anticipated prior to construction or decommissioning to alert construction and decommissioning crews to the possible need for tile line repairs.

b. **Repair.**

- i. All repairs should be made as soon as reasonably practicable. Temporary repairs shall be made by the Facility Owner, their designee or the property owner until such time any of the aforementioned parties can make permanent repairs.
- ii. Tile lines that are damaged, cut, or removed shall be staked or flags placed in such a manner will remain visible until the permanent repairs are completed. In addition, the location of damaged drain tile lines will be recorded using Global Positioning Systems (GPS) technology.
- iii. During construction, if the tile lines are dry and water is not flowing, temporary repairs are not required if the permanent repairs can be made by any of those parties previously mentioned within 14 days (weather and soil conditions permitting) of the time damage occurred; however, the exposed tile lines will be

screened or otherwise protected to prevent the entry of foreign materials or animals into the tile lines. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner.

- iv. Where tile lines are severed by an excavation trench, repairs shall be made using the IDOA Drain Tile Repairs.

If there is any dispute between the Landowner and the Facility Owner on the method of permanent tile line repair, the appropriate Soil and Water Conservation District's opinion shall be considered by the Facility Owner and the Landowner.

- v. To the extent practicable, there will be a minimum of one foot of separation between the tile line and the Underground Cable whether the underground cable passes over or under the tile line. If the tile line was damaged as part of the excavation for installation of the underground cable, the underground cable will be installed with a minimum one foot clearance under or over the tile line to be repaired or otherwise to the extent practicable.

The original tile alignment and gradient shall be maintained. A laser transit shall be used to ensure the proper gradient is maintained. A laser operated tiling machine shall be used to install or replace tiling segments of one-hundred linear feet or more.

- vi. Following completion of the work, the Facility Owner will be responsible for correcting or paying for the correction of all tile line repairs that fail due to construction, maintenance and/or decommissioning, provided any such failure was identified by the Landowner after construction or decommissioning. The Facility Owner will not be responsible for tile line repairs that the Facility Owner pays the Landowner to perform.

c. **Compensation.**

- i. A Facility Owner shall compensate Landowners for losses or other damage resulting from damage to a drainage system caused by the Facility. The Facility Owner shall repair or pay for the repair of all damage to the subsurface drainage system caused by the construction of the Facility. The Facility Owner shall repair or pay for the repair and restoration of surface drainage caused by the Facility as soon as reasonably practicable.

- 8. **Waste.** All solid waste, whether generated from supplies, equipment parts, packaging, from construction, operation or maintenance of the facility, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the facility including, but not limited to, lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

- 9. **Waiver of Requirements.** For the purpose of this Section, "waivable requirements" include (1) any setbacks, imposed in this Section, from nonparticipating properties or nonparticipating residences, and (2) limits on shadow flicker from wind energy facilities on nonparticipating residences. Any waivable requirements may be waived with the written consent of the owner of the affected nonparticipating party.

B. SOLAR ENERGY FACILITY.

1. **Setbacks.**

- a. Occupied Community Buildings and Nonparticipating Dwellings, 150 feet from the nearest point on the outside wall of the structure.
- b. Public Road Rights-of-Way, 50 feet from the nearest edge.
- c. Boundary lines of Nonparticipating Property, 50 feet to the nearest point on the property line of the nonparticipating property.

The measurement listed is from the nearest edge of any above-ground component of the Facility, excluding fencing.

2. **Height.** A commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the arrays are at full tilt.
3. **Fence.** The Facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet.
4. **Screening.** Vegetative screening between the SES Facility and nonparticipating residences may be required as a condition of the Special Use, taking into account (1) the size and location of the Facility, (2) the Facility's visibility from nonparticipating residences, (3) compatibility of native plant species, (4) Screening must be at least four to five feet at planting, (5) recommended to be differing species to prevent potential diseases between like species (4) cost and feasibility of installation and maintenance, and (5) industry standards and best practices from SES Facilities. Any screening requirement must be commercially reasonable, and any vegetation required must be limited in height at full maturity so as to avoid interfering with the energy output of the facility.
5. **Vegetation Maintenance Plan (VMP).** The owner shall provide a VMP that is consistent with the goals and objectives of the Pollinator-Friendly Solar Site Act and the AIMA. The ground cover should be selected specific to the site soils of each location to lessen stormwater runoff, erosion and improve topsoil. The plan should also include the method of regular maintenance of the site including the interior of the Facility and the perimeter surrounding the Facility fence.

C. WIND ENERGY FACILITY.

1. **Setbacks.**
 - a. Participating Residences, All WECS shall be set back not less than one and one-tenth times the tower height to the nearest point on the outside wall of the structure.
 - b. Occupied Community Building, All WECS shall be set back not less than two and one-tenth times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure.
 - c. Communication/Electric Overhead Transmission lines, All WECS shall be set back a distance of not less than one and one-tenth times the tower height, measured to the nearest edge of the easement containing the overhead line, from overhead communication and electrical transmission lines (not including overhead utility service lines to individual houses or outbuildings).
 - d. Public Road Right-of-Way, All WECS shall be set back at a distance of not less than one and one-tenth times the WECS tower height from the center of the rights-of-way.
 - e. Nonparticipating properties, All WECS shall be set back a distance of not less than one and one-tenth times the WECS tower height to the nearest point on the property line of the nonparticipating property.
 - f. Nonparticipating Residence, All WECS shall be setback a distance of not less than two and one-tenth times the WECS tower height to the nearest point on the outside wall of the structure.
 - g. Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands. All WECS shall be set back a distance not less than two and one tenth times the WECS tower height to the nearest point on the property line of the fish and wildlife area or protected land.
2. **Height.**
The tower height must comply with all FAA regulations and may not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.
3. **Color.**
All towers and blades must be of a non-reflective, unobtrusive color such as gray or white and no visible advertisements shall be permitted on the blades or tower which will assist in mitigating the visual impact of the structure.

4. **Lighting.**
To the extent that FAA regulations require lighting of the project, the applicant shall seek FAA approval for Aircraft Detection Lighting Systems ("ADLS") or other similar technology to reduce light pollution and visual impacts caused by WECS Towers. If available and approved, the applicant shall install ADLS or similar technology. Otherwise, the Applicant shall utilize the minimum available lighting that is compliant with the applicable FAA regulations.
5. **Installation Certification.** Each stage of construction shall be inspected and approved by a professional engineer or authorized personnel as assigned by the Facility Owner that construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards. The submission of written approval upon final inspection shall initiate the Certificate of Occupancy and/or Use if all other permit requirements have been verified by the Department.
6. **Compliance with additional regulations.**
It shall be the responsibility of the Facility Owner to contact the FCC and FAA regarding additional permits necessary or any other applicable federal or state regulations for the installation of a WECS project prior to permit issuance.

D. ENERGY STORAGE SYSTEM FACILITY

1. **Setbacks.**

Occupied Community Buildings and Nonparticipating Dwellings, 150 feet from the nearest point on the outside wall of the structure.

Public Road Rights-of-Way, 50 feet from the nearest edge.

Boundary lines of Nonparticipating Property and Occupied Community Buildings, 50 feet to the nearest point on the property line of the nonparticipating property.

Setbacks are measured from the nearest edge of the nearest battery or other electrochemical or electromechanical enclosure.
2. **Fence.** A commercial ESS Facility shall be enclosed with a perimeter fence at least 7 feet and no more than 25 feet and consistent with the setback requirement of § 157.049.
3. **Design Standards.** The Facility shall be designed and certified in accordance with NFPA 885 "Standard for the Installation of Stationary Energy Storage Systems". All batteries integrated within an ESS shall be listed in accordance with the UL 1973 and UL 9540 standard.
4. **Reports.** Prior to commercial operation the Facility Owner shall submit to the County a commission report, certifying the requirements of NFPA 855 Sections 4.2.4, 6.1.3 and 6.1.5.5, as published in the 2023 or the applicable section in the most recent version and also a hazard mitigation analysis per NFPA 885 Section 4.4.
5. **Vegetative Screening.** Although not required, it is recommended that the Facility Owner provide vegetative screening similar to that of the solar requirement to lessen the visual impact of the Facility to nonparticipating landowners and the general public.
6. **Noise.** The Facility Owner shall, at their expense and prior to the first anniversary of commercial operation, provide an octave band sound pressure level measurement(s) from a reasonable number of sampled locations at the perimeter of the facility to demonstrate compliance with the requirements of the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

§ 153.06 OPERATION AND MAINTENANCE.

The operation and maintenance section applies to the continued operations and maintenance of the Facility following construction.

A. GENERAL.

1. **Facility Owner.** Sixty (60) days prior to any transfer of ownership of the Facility, the Facility Owner shall provide notice to the County of the transfer of ownership. Notice shall include primary contact information for the new Facility Owner. Notice shall also include the updated Operations and Maintenance contact information. This contact information shall be replaced on site immediately and no more than one week following the transfer.

Failure to notify the County and provide the aforementioned information prior to the transfer of property will result in a violation and possible revocation of the Special Use Approval and potential decommissioning of the Facility.

2. **Permanent Address Posting.** The new tract of land shall also be assigned a separate 911 address by the Community Development Department, and upon final inspection and prior to commercial operation the address shall be posted in accordance with Chapter 154.150-154.999, Address Display Ordinance. If there are multiple entrances to the Facility, each access point shall be assigned an individual and unique address, identifying the main entrance as the primary address and point of interconnection.
3. **Operation and Maintenance Contact.** The Facility shall have a local contact for Operations and Maintenance, and it is the responsibility of the Facility Owner to ensure the County, at all times, has proper contact information on file. The Facility Owner shall update the County on an annual basis on or before the anniversary of commercial operation. Should the contract for the O&M change during the life of the Facility the Facility Owner must notify Community Development in advance and update both the County and the site posting not more than seven days following the change.
4. **Annual Report.** On an annual basis, following the commencement of commercial operation, the Facility Owner or their designee shall submit to Community Development an annual report. The annual report shall include the annual energy production and/or energy consumption and water usage if applicable. The annual report shall also include complaints received by the Facility Owner and the remedy of said complaint, including timeline for remediation.

B. WIND ENERGY CONVERSION SYSTEMS.

1. **Shadow Flicker.** Shadow flicker shall not affect any nonparticipating residence or occupied community building in excess of 30 hours per year.
2. **Interference.**
If an authorized representative, or a study prepared by a reputable independent third party, determines that the WECS Facility is causing interference with microwave transmissions, residential television reception, radio reception, or agricultural technologies such as GPS, the Facility Owner shall take measures to mitigate or correct the interference.

C. SOLAR ENERGY SYSTEMS.

D. ENERGY STORAGE SYSTEMS.

§ 153.07 NONCONFORMING USE AND STRUCTURES.

It is understood and anticipated that the circumstances beyond the control of the Facility Owner may cause the Facility to become noncompliant with the provisions of this Ordinance. Recognizing both the legitimate interest of those who lawfully establish such a nonconformity and the need to protect public health, safety, comfort and general welfare, the provisions of this section are intended to provide for the regulation of nonconforming uses, lots and structures within the following:

A. Nonconforming Uses

1. It is the intent of this section to permit nonconforming uses to continue until they are removed or until they become a risk to public safety and/health;
2. Nonconforming structures shall not be enlarged upon, expanded or extended, unless they are brought into compliance with the current regulations, subject to reasonable exceptions listed below;

B. Nonconforming Structure

1. No nonconforming structures shall be:

- a. Added to or enlarged in any manner that increases the nonconformity, except as allowed under the exceptions below;
- b. Moved or relocated, in whole or in part, increases the nonconformity, except as allowed under the exceptions below; or
- c. Renewed if abandoned for a period of twelve (12) continuous months. The term "abandoned" does not apply to any structure that is not in use or operation due to on-going construction, maintenance, repair or replacement work.

Exceptions: Structures which are intended to continue to be used for the intended use, as permitted, are subject to the provisions of this subsection;

i. Restoration or Reconstruction;

A nonconforming structure may be: Restored or reconstructed to its original size, height and dimensions, if damaged or destroyed, subject to compliance with applicable then current state or federal laws governing the construction and operation of Facility. Said restoration or reconstruction shall be upon (a) the original foundation, if feasible, or (b) the location of the original foundation, or (c) a new location that does not increase the nonconformity;

A Facility may be restored or reconstructed at its original location where it existed prior to construction of any primary structure following the initial approval and construction of the original tower, participant or non-participant.

ii. Alterations or Repairs;

No nonconforming structure shall be structurally altered or enlarged in such a manner that would further increase the nonconformity, except that structural alterations or operations components related with normal maintenance, repairs and replacements may be permitted where there is no increase in the existing encroachments;

Provided that the result is to change the status of a structure or use from nonconforming to conforming, such structure or use may be: Structurally altered, added to or enlarged, moved or relocated, in whole or part, expanded or extended, changed or, restored or reconstructed.

§ 153.08 COMPLAINTS.

All complaints shall be made directly to the Owner or their designee. Contact information for the Facility should be publicly accessible via a Facility website and at the point of access to each Facility site.

The Facility Owner or their designee shall make the County aware of the any complaint and remedies of the complaint in writing as soon as it is feasible to do so but no more than seventy-two (72) hours following receipt of the complaint. Both the Owner and the County shall keep a log of all complaints related to the project.

Should a complaint be validated that violates any of the criteria of approval, the Facility shall not be made operational until the violation has been resolved. Should it be necessary and safe to do so, the Facility may be made operational for the purpose of determining compliance.

The cost of investigation into any non-compliance of the Approved Special Use or the permitted equipment throughout the life of the project shall be on the burden of the Facility Owner and all costs of said investigation shall be incurred by the Facility Owner. Operations of the Facility shall cease and remain nonoperational until said investigations have been completed and compliance requirements have been satisfied.

If the complaint is found to be valid and cannot be mitigated, the Landowner may seek a variance for the deviation of compliance to allow the continued operation of the Facility identified to be non-compliant. If the variance is not approved, the Facility shall remain nonoperational until which time a feasible and agreeable solution can be determined.

§ 153.09 LIABILITY INSURANCE.

Prior to issuance of any permit, the Facility Owner shall furnish Tazewell County with Certificate of Insurance and endorsements evidencing that Tazewell County, its officers, agents and employees are named as Additional Insureds on a primary non-contributory basis on the Commercial General Liability policy, with limits not less than those specified herein. The Facility Owner is encouraged to extend coverage to adjacent landowners in the event debris or containments extend beyond the property boundary of the Facility. Such coverage shall apply to claims arising out of the Facility Owners' operations, whether performed by the Facility Owner, subcontractor or any directly employed person. Coverage shall be maintained from permitting, throughout commercial operation, and not less than three (3) years following decommissioning. Proof of Certificate of Insurance (COI) is required to be submitted to the County for each policy renewal. The County shall be notified not less than sixty (60) days in advance of policy cancellation and shall be provided proof of current coverage, in the manner specified herein, not less than thirty (30) days prior to the expiration of the canceled policy.

Coverage and limits must be maintained as follows:

Commercial General Liability	\$2,000,000 per occurrence / \$4,000,000 aggregate
Umbrella Liability	\$10,000,000 per occurrence / \$10,000,000 aggregate
Worker's Compensation	Statutory minimum plus \$1,000,000 Employers Liability Coverage
Professional Liability	\$2,000,000 minimum
Automobile Liability	\$1,000,000 minimum
Commercial Pollution Liability	< 5MW DC Capacity \$10,000,000 per claim / \$25,000,000 aggregate
	5MW – 50MW \$15,000,000 per claim / \$30,000,000 aggregate
	* For facilities exceeding 50 MW capacity, the CPL limit shall increase by \$5 million per claim and \$5 million in the aggregate for each additional 50 MW, or portion thereof, of DC nameplate capacity above 50 MW.

The Facility Owner shall defend, indemnify, and hold harmless Tazewell County, its Board members, officers, employees, and agents from and against any and all claims, actions, damages, liability, costs, and expenses, including attorney's fees, arising out of or connected with the facility's operations, except to the extent caused by the County's sole negligence or willful misconduct.

Following the tenth anniversary of commercial operation, and every five years thereafter, the County may have the ability to re-evaluate insurance coverage and may request coverage that is commercially reasonable for the Facility at that time. 31

§ 153.10 DECOMMISSIONING PLAN.

Prior to issuance of the County building permit, the facility owner shall have approval of the Decommissioning Plan, including the end of life cost estimate of decommissioning. For both Wind and Solar Energy Facilities, the plan shall be in accordance with The Illinois Department of Natural Resources, Agricultural Impact Mitigation Agreement. The Energy Storage System Facilities shall be in accordance with the NFPA 855 standards. The associated cost estimate shall be increased at the inflation rate of the higher of either 2.5% or the average inflation rate of CPI-U of the three prior calendar years, at the time of approval. The base estimate should not be more than 12 months old at the time of consideration and based on the equipment selected for construction. The cost estimate shall be phased over the life of the project as follows;

Commercial Wind Energy and Solar Energy Facilities

- A. 10% before the first anniversary of the Commercial Operation Date;
- B. 50% on or before the sixth anniversary of the Commercial Operation Date; and
- C. 100% on or before the eleventh anniversary of the Commercial Operation Date.

Commercial Energy Storage Systems

- A. 25% before commercial operation;
- B. 50% before the start of 5th year of commercial operation; and
- C. 100% before the start of the tenth year of commercial operation.

Financial assurance shall be made in the form of a surety or like bond. Following tenth anniversary, and every five years thereafter, the County may re-evaluate the Plan and associated cost estimate. All bond issuers must maintain an A+ rating by AM Best for viability and consideration of the County Board. Said revaluation must be certified by an independent third party Professional Engineer licensed in the State of Illinois and provided for review by the County.

Should the County find reason to disagree with the revaluation, the County shall retain the services of an additional State of Illinois Licensed Professional Engineer, at the cost of the Facility Owner. After all available decommissioning funds have been utilized the property owner of record is responsible for any remaining cost to complete the decommissioning plan.

Any areas of decommissioning not specifically addressed herein or conflicting with the Department of Agriculture's Agricultural Impact Mitigation Agreement shall adhere to the "Agreement" filed with the State of Illinois for all Wind and Solar Facilities and the plan approved by the County prior to issuance of the building permit. All Energy Storage System Facilities shall adhere to the decommissioning plan, created in compliance with NFPA 855, Section 8.1.4 or subsequent sections addressing decommissioning, approved by the County prior to issuance of the building permit. Appendix C includes a current summary of standards for each Facility.

The financial assurance shall not release the surety from liability until the financial assurance is replaced. The salvage value of the Facility may only be used to reduce the estimated costs of decommissioning in the Plan if the County agrees that all interests in the salvage value are subordinate or have been subordinated to that of the County if abandonment occurs.

Upon abandonment, a period of twelve (12) months following the facility's end of life usefulness, the County may take all appropriate actions for decommissioning, including, drawing upon the financial assurance.

§ 153.11 EMERGENCY RESPONSE PLAN (ERP)

The Facility Owner shall contact the appropriate first responders in the district where the Facility is located to provide for review or to develop in conjunctions with those having authority an Emergency Response Plan to be approved and a copy provided to the Community Development Department, prior to the issuance of a building permit, in addition to the Affidavit of Acknowledgement, Emergency Response Plan, Appendix B. Should the project be modified in any respect, an updated plan should be provided for further review and updates, if necessary, prior to commercial operation. The plan may include but need not be limited to the following criteria.

A. First Responders.

First responder shall include but are not limited to local Emergency Management Agency, local Fire Department, Emergency Medical Services, local Law Enforcement.

B. Plan Review and Approval

The Facility Owner shall meet with all First Responders prior to the issuance of the building permit. The approved ERP shall be provided to the Community Development Administrator along with the ERP Affidavit (Exhibit B) Emergency Response Plan must be approved prior to the issuance of the building permit.

C. Training

The ERP Affidavit shall be acknowledged by the fire responders having jurisdiction. The affidavit shall include whether the first responder desires training prior to commercial operation and also those who have declined training.

Upon request for final inspection of the facility inspection, the Community Development Department shall notify those individuals listed on the affidavit to notify the appropriate parties contact information for the individual requesting the final inspection. The training shall take place not more than two weeks following the request and Community Development shall be notified of the date of the scheduled training. Training may include;

- Operation and System Layout
- Emergency Shutdown and isolation Procedures
- Electrical hazards and safe response zones.
- Fire suppression consideration and tactics.
- Procedures for hazardous materials or battery fires.

D. Procedures. The ERP may include the following types of incidents and related procedures and protocols

1. General Procedures.

- The ERP shall include emergency action procedures.
- All emergencies must be reported immediately to 911 and the designated 24/7 facility emergency contact posted.
- Follow approved shutdown, isolation, and lockout/tagout (LOTO) procedures.

- a. Fire Response Procedures
 - Locate Potential Fire Source
 - Electrical faults (inverters, junction boxes, panels, hub, etc.)
 - Vegetation or debris ignition
 - Battery storage system malfunction.
 - b. Response Protocol
 - Activate 911 and notify site management
 - De-energize affected area using emergency shutdown procedures.
 - Establish safety perimeter
 - Fire Department assumes incident command upon arrival.
 - Provide responders with:
 - o Site Layout map and electrical isolation map
 - o Electrical Shutoff locations.
 - o Material Safety Data Sheets (MSDS) for hazardous materials if applicable.
2. Hazardous Materials Incidents. Applicable Scenarios: Leaking or damaged batteries (if energy storage is used), Transformer oil or chemical spills, Contaminated water runoff post-fire or storm event
 - a. Response Protocol:
 - Isolate and secure the area; prevent exposure or spread.
 - Fire Department and EMA immediately.
 - Use appropriate PPE; avoid direct contact.
 - Implement containment measures (absorbents, barriers).
 - Engage licensed hazardous materials disposal contractor for cleanup.
 - Document and report all incidents per environmental regulations.
3. Natural Disasters. Tornadoes, high winds, hail, flooding, lightning, snow/ice storms, earthquakes.
 - a. Response Protocol:
 - Ensure personnel safety first evacuate or shelter per company policy
 - Community safety-evacuation/shelter in place as per local responder Incident Commander guidance.
 - b.. Follow an event:
 - Conduct site inspection within 24 hours
 - Assess structural integrity of panels, racking, and electrical systems
 - Inspect perimeter fencing and security systems
 - c. Report findings to:
 - Fire Department
 - Local EMA
 - Community Development
 - Secure damaged areas to prevent hazards or unauthorized access.
 - Initiate repair, cleanup, and debris removal plan per regulations.
4. Human-Caused Incidents. Examples: Vandalism or theft, unauthorized site access, vehicle collisions, intentional damage or sabotage.
 - a. Response Protocol:
 - Contact local law enforcement and the 24/7 project emergency contact.
 - Secure the site and preserve evidence.
 - Assess any safety or electrical hazards before re-entry.
 - Notify: EMA (if public safety risk exists) and Planning & Zoning (if physical damage occurred)
 - b. Document and report:
 - Nature and extent of incident
 - Site security measures implemented
 - Follow-up mitigation or repairs

- c. **Post-Damage Reporting and Assessment**
 - Upon discovering any damage:
 - Notify: Local Planning & Zoning, EMA, Local Fire Department
 - Include in report:
 - o Scope and nature of damage
 - o Potential public safety or environmental risks
 - o Containment and mitigation actions
 - o Site security measures
 - o Preliminary repair/restoration plan
 - 5. **Site Security Measures.** If fencing or access control is breached:
 - Deploy on-site security immediately
 - Install temporary fencing within 48 hours
 - Preventing entry by unauthorized people or wildlife
 - 6. **Clean-Up and Disposal Plan.** For damaged array components or contaminated materials:
 - Safely remove and transport debris
 - Dispose per local, state, and federal regulations
 - Conduct environmental assessment for contaminants
 - Remediate as required
 - 7. **Communication with Surrounding Landowners**
 If debris or damage extends beyond project boundaries:
 - Notify affected landowners promptly
 - Provide: Description of the incident
 - Potential impacts
 - Contact name and number for assistance or debris reporting
 - Commit to full remediation of off-site impacts
- E **Updates.** Should changes occur at a site, the ERP should be appropriately amended provided for review by the first responders having jurisdiction.

§ 153.12 BUILDING PERMIT.

Permit Processing.

The County shall process the building permit application within 60 days upon receipt of the complete application to include all required documents. The County shall keep record of document filings and notify the facility owner when the application is complete and satisfactory for review.

Permit Fees.

The fees for processing the building permit applications for a wind, solar or energy storage facility shall be collected by the Community Development Administrator who shall be accountable to the County for such fees.

Energy Storage Facility	\$5,000 per MW of nameplate capacity (DC), not to exceed \$50,000.
Commercial Solar Facility	\$5,000 per MW of nameplate capacity (DC), not to exceed \$75,000.
Commercial Wind Facility	\$5,000 per MW of nameplate capacity (DC), not to exceed \$75,000.

A single permit and fee are required for all Facilities and include all supporting facilities incidental to the primary use.



APPENDIX A.

AFFIDAVIT OF ACKNOWLEDGMENT ROAD USE AGREEMENT

STATE OF _____

COUNTY OF _____

I, _____, being duly sworn, hereby depose and state under oath the following:

1. **Identity & Capacity:** I am of sound mind, over the age of eighteen (18) years, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein.
2. **Community/District Representing:** _____
3. **Position Held:** _____
4. **Renewable Energy Facility Name:** _____
5. **Facility Owner/Representative:** _____
6. **Acknowledgment of Fact/Receipt:** I hereby acknowledge, confirm, and verify that:

A. Road Use Agreement (Please check the following that applies)

- ☐ I acknowledge the activities as discussed with a representative of the proposed and *do not* wish to enter into a formal RUA.
- ☐ I approve of the Route Haul Map provided and the Facility as described and *do not* wish to enter into a formal RUA.
- ☐ I have entered into a Road Use Agreement with the Facility Owner, and a copy has been filed with the County.

Additional Notes/Request (Please include any additional details not included in the RUA)

- ☐ _____
- ☐ _____
- ☐ _____

7. **Voluntary Execution:** I execute this affidavit and sign this statement of my own free will, without any coercion, duress, or undue influence from any party.
8. **Truthfulness:** I solemnly affirm that the statements made in this affidavit are true, accurate, and correct to the best of my knowledge and belief. I understand that making a false statement under oath carries the pains and penalties of perjury under applicable state laws. _____

Signed this _____ day of _____, 20____

APPENDIX B.



**AFFIDAVIT OF ACKNOWLEDGMENT
EMERGENCY RESPONSE PLAN**

STATE OF _____

COUNTY OF _____

I, _____, being duly sworn, hereby depose and state under oath the following:
Print Name

9. **Identity & Capacity:** I am of sound mind, over the age of eighteen (18) years, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein.

10. **Community/District Representing:** _____

11. **Position Held:** _____

12. **Renewable Energy Facility Name:** _____

Name of the Commercial Renewable Energy Facility

13. **Facility Owner/Representative:** _____

Name of the individual representing the Facility

14. **Acknowledgment of Fact/Receipt:** I hereby acknowledge, confirm, and verify that:

A. Emergency Response Plan Review (Please check the following that applies)

- ☐ I *do not* **approve** or **deny** the Emergency Response Plan provided but have accepted the ERP to be kept on file for our department.
- ☐ I have been presented, reviewed and **APPROVE** of the Emergency Response Plan provided.
- ☐ I have **APPROVE** the ERP with **amendments** and/or **provision** acceptable to our department.

B. Training (Please check the following that applies)

- ☐ I have declined training.
- ☐ I have requested training for our District prior to commercial operation of the facility.
- ☐ I have requested annual training.

C. Additional Notes/Request (Please include any additional details not included in the ERP)

- ☐ _____
- ☐ _____
- ☐ _____

15. **Voluntary Execution:** I execute this affidavit and sign this statement of my own free will, without any coercion, duress, or undue influence from any party.

16. **Truthfulness:** I solemnly affirm that the statements made in this affidavit are true, accurate, and correct to the best of my knowledge and belief. I understand that making a false statement under oath carries the pains and penalties of perjury under applicable state laws. _____

Signed this _____ day of _____, 20____

APPENDIX C.

STANDARDS FOR DECOMMISSIONING

Solar Energy System Facility (IDOA – Agricultural Impact Mitigation Agreement)

A plan prepared by a Professional Engineer, at the Facility's expense, that includes:

- (1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things:
 - i. the number of solar panels, racking, and related facilities involved;
 - ii. the original Construction costs of the Facility,
 - iii. the size and capacity, in megawatts of the Facility,
 - iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs),
 - v. the Construction method and techniques for the Facility and for other similar facilities, and
- (2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.

Wind Energy Conversion System Facility (IDOA – Agricultural Impact Mitigation Agreement)

A plan prepared by a Professional Engineer, at the Commercial Wind Energy Facility Owner expense, that includes:

- (1) the estimated Deconstruction cost per turbine, in current dollars at the time of filing, for the Commercial Wind Energy Facility, taking into account, among other things:
 - i. the number of Wind Turbines and related Commercial Wind Energy Facilities involved,
 - ii. the original Construction costs of the Commercial Wind Energy Facilities,
 - iii. the size and capacity of the Wind Turbines,
 - iv. the salvage value of the Commercial Wind Energy Facilities,
 - v. the Construction method and techniques for the Wind Turbines and other Commercial Wind Energy Facilities, and
- (2) a comprehensive detailed description of how the Commercial Wind Energy Facility Owner plans to pay for the Deconstruction of the Commercial Wind Energy Facility.

Energy Storage System Facility (NFPA 885, Standard for the Installation of Stationary Energy Storage Systems)

The decommissioning plan shall be provided to the County and include the following information:

- (1) An overview of the decommissioning process developed specifically for the ESS that is to be decommissioned,
- (2) Roles and responsibilities for all those involved in the decommissioning of the ESS and their removal from the site,
- (3) The version of the decommissioning plan submitted during the permitting process,
- (4) Plans and specifications necessary to understand the ESS and all associated operational controls and safety systems, as built, operated, and maintained,
- (5) A detailed description of each activity to be conducted during the decommissioning process and who will perform that activity and at what point in time
- (6) Procedures to be used in documenting the ESS and all associated operational controls and safety systems that have been decommissioned,

- (7) Guidelines and format for a decommissioning checklist and relevant operational testing forms and necessary decommissioning logs and progress reports; and
- (8) A description of how any changes to the surrounding area and other systems adjacent to the ESS, including but not limited to structural elements building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.