

**Decatur County Board of Zoning Appeals Minutes
Decatur County Courthouse
150 Courthouse Square
Meeting Room**

The regular scheduled meeting of the Decatur County Board of Zoning Appeals was convened at 7:00 p.m. on Wednesday, September 4, 2024, at the Greensburg Community High School Auditorium. The meeting was called to order by Rick Hoeing. All 5 board members were present. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

*** BZA Petition 2024-2 - Franciso Galeano of RWE Clean Energy / Greensburg Solar LLC
Continued from the August meeting.**

Rick Hoeing opened the meeting and stated that there are Title VI anonymous survey that is available on the table in the back of the room.

Rick Hoeing: We're going to begin tonight's meeting as a continuation of our August meeting with petition 2024-2, Franciso with the REW Clean Energy / Greensburg Solar LLC. Just as with last meeting I ask that the community be respectful and courteous and civil in this matter. We have 12 individuals from the last meeting that did not get to speak, and we have additional individuals that have signed up tonight to speak as well and we will begin with those. We ask that you please show respect with everyone's time please share with new information we have shared a lot of information throughout the last months as you can see, we've got a lot of information in front of us. We ask that as we call your name to come speak, we will actually ask the next speaker to come up and be prepared to speak so that we can make this as efficient as possible. So, having said that, our first speaker will be Connie Neeinger followed by Larry Heger. So, Connie if you could please come forward. I will have a timer for 3 minutes set on my phone. If at that time we feel the information is pertinent, we may extend that time.

My name is **Connie Neeinger**, I live at CR 400 East in Monticello, IN, White County. I thank you to the board. I work as an independent consultant in renewable energy and serve as a policy advisor to a National Organization that works to provide local officials relevant information on developing balanced policies and so I am sharing my comments this evening because I was also the economic development director in White County during the development of the four phases of the wind farm. I helped write the zoning ordinance. I helped negotiate the economic development agreement, road use, ditch maintenance and decommissioning plans for the county and worked at the liaison. so, I want to share some of my experiences of what occurred there and what I see happening. With renewable energy. So, a solar project will add to your county's assessed valuation and as you know when assessed valuation increases in a county, the tax rates go down not just in the project area but everywhere in the county and I can speak from experience our average tax rate went from \$1.39 for \$100 of assessed valuation down to less than 90 cents for \$100 of assessed valuation. I also have information on Benton County that I can share if time allows. So, what does lower real estate taxes mean? It means the community is

more attractive to development of all types whether it's residential, industrial or business and if the county chooses to negotiate an economic development agreement with the developer, that also provides additional funds that are not subject to state statutory requirements as to how they are spent. Those dollars can be used to support putting laptops in the school for all students, providing internet across the county, highspeed internet. It also can be used to save Indiana Beach which is what happened in our case. We used those dollars to help support Indiana Beach, a family amusement park that was closing down. You cannot do that with tax dollars but with these projects and economic development agreements that does make it possible. Solar can benefit the whole community in here in Decatur you could help support the I74 corridor. You could develop community parks and recreation areas. You could have a shovel-ready industrial park with wastewater and water provided to it using these dollars from an economic development agreement. So, when solar supports the whole community in that manner it also adds to the agricultural character in the county by not consuming land for permanent types of development by providing financial benefits to all residents in the county through lower taxes and allowing the area to live in harmony with surrounding agricultural areas. Thank you. My time is up. I thank you and I welcome any questions you may have for me.

Larry Heger - Good evening, with the following three legal county documents we the community of Decatur County find clear guidance for a no vote on the petition 2024-2 concerning Greensburg Solar LLC. In your board of zoning appeals, you have the rules of procedure recently adopted and it's in accordance with Article 1 with the Indiana code as well as Article 2 and then you have your special exception list. We only have one item we really want to cover in the county ordinance which I'm sure you're very familiar with in Article 20 with our solar energy facilities, just two sentences. It's directly copied from our comprehensive plan, policy 10 quote "However pursuant to the Decatur county comprehensive plan, the county does not support the development of commercial alternative energy facilities that would consume agricultural land. The county discourages large scale commercial development of alternative energy sources". We move onto the comprehensive plan on page 14 quote "comprehensive plan will be used by the are planning commission and the County Commissioners as required by law": Page 15 from the comprehensive plan, part of the focus group and establishing it was the board of zoning appeal members. On page 20 we have the vision statement "agriculture remains and integral part of the Decatur County economy. Manufacturing and the entire chain of services associated with also play a large role. The county will continue to work to project viable farmland" and in the policy statements and policies number 5 and 10 "Decatur County's long recognized through its comprehensive plan the value of maintaining and projecting its ag base. Therefore, the following policy statement will serve as a guide for public policy and program decisions by the APC and the BZA and the County Commissioners in our ag dominant community". Quote from policy 5 "A reoccurring theme heard through the planning process is the County's goal to protect ag operations and limit the amount of land taken out of agricultural production. The county may permit non-ag related commercial uses by special exemption as long as they're compatible in the scale and intensity, pose no threat to public health and safety and welfare and if the use helps to preserve farmland and continue ag operations. Stripping the ground of topsoil and pounding 55 to 60,000 steel beams each 10 ft in the ground does not preserve farmland. Policy 10 we quoted it already in Article 20 from the county ordinance. I've also attached your future land use map of Decatur County which this project directly conflicts with it. I've also attached farm map as is designated by USDA, the Natural Resources

Conservation Service and the REA. I also put in your special exemption I'm sure you're quite familiar with. In the last few days 92 acres were recorded/added at the Courthouse by RWE concerning this petition. Our count requires those to be recorded prior to application.

Rick Hoeing - Thank You this is information we've heard, we've reviewed. **Larry Heger** - Not the last As I was speaking on, it was not as it just got recorded at the courthouse which is against our county policy. **Paul Stone** – Moving forward guys, we have heard the same quotes over and over, we're very familiar with what the ordinance for this says and what the comprehensive plan says please save your time and everyone else's time.

Tim Hines – My name is Tim Hines I live in Cass County I've got a Galveston address so I'm far from home too but I'm a business representative for the Central Midwest Regional Council of Carpenters and I have been for over 20 years. First of all, thank you everybody for coming out it's an important decision and it's good to see involvement in the community. So we've heard a lot of myths, things that aren't true about solar farms leaking toxins, killing birds, poisonous gases, lowering property values and even causing tornadoes which all of which we hear at every one of these that we attend. I will tell you that the skilled trades are for this solar project and the reason being it provides good jobs for local carpenters, mill rights, operators, laborers, electrician and these jobs keep local members close to home rather than driving hours on end to and from the job every day. So that's important because that time is spent closer to home. You're able to get to ball games, recitals, birthday parties, etc. As a business rep you know that's securing work for our members close to home is our ultimate goal. We want our members to have that family time. It's important. We heard last meeting these jobs are short term that's correct. Every construction job is short term. Those jobs don't last forever and you wouldn't want them to last forever. You want to get the job done and get it done right. We share the same ideals or the developer shares the same ideals as the carpenters union. We believe in a fair day's work for fair days pay. They're not going to use undocumented out of state workers. That workforce is going to come from local people and local members. I can also tell you that solar farms will utilize trained local individuals that have implemented solar installations training or we've implemented solar installation training in all of our facilities. This gives local people such as your sons, daughters, grandchildren and even you, opportunity to join apprenticeship and perhaps you know make a better career for you. So our training also goes beyond solar. We teach framing, scaffold building, concrete work, blueprint reading, layout and dozens of other skills that can be used after the solar project ends. Skills that build new schools, fire departments or data centers that the solar project will help fund. Last meeting we also heard and mentioned people saying that they didn't like the looks of projects during construction and they were unpleasant. No construction site looks pleasant when it's being built. That's for sure. Also, the contractors do have bonds in place to return that land to its original state. That means even if RWE isn't around it's still going to happen. Someone also mentioned that RWE has never remediated the land afterwards and I'm glad because RWE is a developer not a contractor. They would hire a contractor to do that so the contractor any final also. Again, you know the contractor that already hires is also going to hire local work lead that. Thank you.

P. David Corya – I live at 1272 N CR 500 West Greensburg, Indiana. I'm providing comments tonight as an individual but also on behalf of the Corya family and as the primary owner of Coray farms and which are located at 1226 North County Road 500 West Greensburg, IN. I'm a

fifth generation farmer involved in grow crop and livestock farming as well as related agro businesses in Decatur county and I'm here tonight to express our family's strong support for solar energy production in Decatur county and to encourage the BZA to act lawfully to fulfill action to evaluate and approve the recent solar farm application of RWE Greensburg solar. The RWE Greensburg Solar application has been submitted in good form, is qualifying permitted use under the current county ordinance, is qualifying without deficiencies, meets or exceeds all conditional use requirements and meets or exceeds the requirements of the associated finding facts. Decatur County has an ordinance that clearly allows for the construction of solar farms. The applicant has submitted an application in good form against the current ordinance and is within its legal rights. The associated land owners that have leased to the project are also within their legal rights the landowner group has clear private property rights set forth by federal state and local laws. The BZA's decision must be based on evidence presented in the law as is as it is written at the time of the application. The BZA's decision may not be arbitrary or capricious or based on purely emotional arguments. Participating land owners would suffer significantly if the BZA acted in excess of its statutory authority or contrary to law therefore the BZA should simply approve the application because it's a permanent use current ordinance submitted property free of any deficiencies and qualifying in all respects. Now it's important for the BZA to understand that there are a lot of yellow shirts behind me. Good People, very good people, neighbors, friends also a tiny portion of the overall Decatur county population and ultimately anti-solar activists. their views are extremely biased and in my opinion not mainstream the amount of information.

Rick; I ask that you any final comments yes please make it brief. **David;** I will if you recall during the previous hearing we had speakers going five to 10 minutes... **Rick;** yes and they were giving us pertinent information. With all due respect, David, this letter was submitted that you are reading already so this is all information. I appreciate your thoughts but in the respect of everyone's time were going to try and keep as close as we can our 3 minutes. So if you do have new information we'll be happy to listen. **David;** I would the only other thing I would like to say is that I'd really like to express is that solar is a huge generation opportunity for Decatur county and it will benefit the citizens in many ways it's complimentary to modern agriculture, consistent with land stewardship and conservation values and from our perspective is an environmental preferable way to use land for the benefit of society and thank you.

Jennifer McNealy – We've heard a lot of these same things about comp plan about the ordinances. I do want to share my interpretation and my confusion why we're still here so many months later. The comp plan talked about the energy and it listed three different things one of which was methane collection we have a methane collection facility that was approved a year and a half ago by the BZA so it's not unheard of. The solar falls under Article 20, that's what it seems like we should be going, by they should know what the requirements are they should be able to meet them and you should be judging them on Article 20 standards not Article 9 not any other articles not a conditional use special exception according to Article 20 that seems to me your charge. Something that was said at the last meeting was it's about the money and I don't think I could have said anything truer or it is but I don't see that it's this board's responsibility to pick economic winners and losers it's all about what is in article 20 because that's what the APC gave, that's what the County Commissioners approved and the last thing I have to say is there was a question asked not by any member of the board but a member of the audience that said who would want to live by one of these things, well let me tell you something, I'm a Decatur County resident have been all of my life. My husband and I would be

much happier to live next to one of those things than by the situation we have in my community. Thank you.

Micah Lohrum - My name is Micah Lohrum of Lorhum Electrical. I actually own a solar installation company here in Southeastern Indiana. However we don't do industrial scale so I've also been a farmhand for many years so I understand everybody's concerns with this but we need electrical diversity in this county in the United States. I'm going to skip through a bunch of this stuff because it's already been said. One of the things are how solar panels are unsafe and people worried about stuff leaking into the ground. Every farmer I know is has had a hydraulic hose bust on them, you know what that everyone of them does they call the EPA to come clean it up. No, they don't. Nobody cares, they till it in so we have a worse chance of oil getting into our water than we do anything with a solar panel. I've researched myself property home values from Bellevue to Ohio to Georgia and I have found so many different answers, it just depends on your buyer. Some of you are concerned the way it looks well it is the American way. If you want to keep your view, you must own your view that is the way. It is the Comprehensive Plan we can only use as a guide it's out of date it has to be updated every 5 to 6 years and in the Comprehensive Plan it also states it needs to be renewed annually, reviewed annually excuse me. On page 59 it states the discouragement of commercial solar the county supports land owners wanting to install equipment related to alternative energy sources to lower their energy costs of homes or businesses, these land owners in RWE that are installing the solar are helping keep not just their electrical cost down but mine and yours as well by doing this. The Bellevue site brings in \$30 million to their area I mean how many people here want a new pool, that would help out a lot there's also video going around with a farmer of MI that had bad experience he hired the wrong company it was an overnight company there's a Facebook story going around with a guy claiming he's literally a NASA scientist. That story's also been debunked. Some of these yellow shirts claim that solar power is being exported. It is not being exported this is electricity 101 the electricity flows to the area of resistance of where it needs to be used, I have also confirmed this with the Duke Energy lineman. I've also heard that the noise it will create. It doesn't hardly create any noise I went to our solar site over there that your energy has, and it had 78 DB had 78 DB from the interstate not the solar array. How many of you out here have visited a RWE Energy site? Anybody? I have and I will tell you I have talked with the locals, and this is over at Willowbrook in OH. I took a 2-hour drive out there last week, you're going to find this interesting. I spoke to the locals, the site workers and the mowing crews and they all had nothing but positive reviews and loved everything about it. Mr. Moore spoke last time about some kind of anchor that gets left in the ground. That anchor is actually called an expanding burst anchor and in order to use those you have to drill and a hole in the ground and those get left in the ground. There's different types of anchors to be used, the ones that RWE are using are just drive anchors RWE's project uses dry pylons with no ground locking anchor and I confirmed that with Francisco and I've got about a little bit more here to go. There was a young gentleman that spoke on fire safety last meeting with RWE and said that nothing was said about fire safety Francisco actually had this conversation with our EMA director I confirmed that with our EMA director and there was another statement in there about you can't build near Eagles. That rule is actually in 50 CFR 22.280 permits for disturbance of take Eagles you must be 660 ft from an eagle nest not where eagles land in the middle of a field and you take a picture. There are two known nests in Decatur County. One's by Cottonwood Lake and the other one's over by Santee which is 6

miles away which is the closest and I also confirmed that with our local conservation officer. But I just want to know what anybody out here would do if all these landowners have not solar just stop farming what are we going to do then? It's their land Duke Energy is seeing a lot of their assets and solar in other states because they are focusing here in the Midwest in Indiana. A utility company does not need the BZA permission or the county's permission to install solar in field they can install those panels wherever they want so at least we have a voice with RWE. Thank You.

Patty Lange Fischer - Before I begin I want to thank you BZA members for allowing us to speak and those on both sides of this controversial community matter who have stepped up to express your opinions in respectful manner concerning converting Prime farm ground into industrial solar this is how issues should be handled, respectfully. I am Patty Lang Fischer a fifth generation farmer in Salt Creek Township, Decatur County. I understand these pro solar landowners wanting to lease their Farm ground to maximize their income for their own and their family's economic benefit and on the surface industrial solar sounds like a lucrative financial option but in reality there are many unknowns with industrial solar with minimal proven historical data to back up RWE solar claims and promises. It is wise to review what true hard evidence we actually do have. Decatur County REMC provides the major percentage of electrical energy for rural Decatur County. Currently as of yesterday, 9/3/24, reported by REMC Decatur county has 6,718 memberships not members because solar has been promoted as the new energy of the future doing their due diligence to obtain local data on benefits and challenges of solar panel energy. In 2016 Decatur County REMC constructed an industrial solar pilot project of approximately 20 acres. With 8 years of local data what did REMC learn? Due to a local hail storm, solar panels have already had to be replaced one. The output of so of energy voltage has proven to be so low there is no need to account for range fluctuations of output voltage from day to night or during cloudy or inclement weather. Note, the energy provided by this project actually connected to the local grid to be available to local REMC members. RWE solar project energy will not benefit local residents. The bottom line, the cost and inefficiency of the REMC solar project did not justify return on investment and the project proved to be a failure. Furthermore, even though the REMC solar project is a failure, it is also too expensive to decommission and return those acres to production farming. Decatur County REMC has also been approached by an industrial solar company regarding the opportunity to partner as an additional energy provider. After consideration, this offer was turned down by REMC because solar energy is too inefficient and will not provide energy cost savings to me and the other 6,717 Decatur County REMC Co-op memberships. Note, Rush, Shelby county REMC has also recently declined solar partnerships. It's my understanding at this time that solar energy is not on the list with REMC as they continue to investigate other alternative energy sources. I respectfully request the BZA preserve prime Decatur County farm ground and deny the request for special exception by RWE. Thank you.

Nick Wenning - Good evening I'm currently president of Decatur County Farm Bureau incorporated. Every year we send out a policy development survey to our membership basically it's got local and state issues and we want to know the response for our grassroots policy. So this year's survey revealed that our members oppose property owners leasing their ground for commercial solar projects. It also showed that we support local landowner property rights. So with this survey we also asked our members to rank in order of what the most concern they had

and the highest concern to our members is commercial solar projects. Landowner property rights came in third. With that, that's all I have unless you want me to do a song and dance until my 3 minutes is up. Thank you.

Sam Overly – Good evening, my name is Sam Overly and I'll talk a little bit about property rights. Thank you for allowing me to speak tonight. As a field representative for the Indiana Land and Liberty Coalition, I represent a coalition of Hoosier farmers, land owners who simply want to use their land to provide for their families. It's a privilege to stand alongside them. At the heart of this debate is a core principle, the right of land owners to use their land property rights is not just legal concept it's a promise. This promise is foundational to prosperity in Indiana. I believe it's essential to respect and protect to this right ensuring that land owners have the freedom to choose how to develop their property. In my work I'm all too familiar with the crushing feeling land owners experience when they're denied the right to use their property to support their families multi-generational farmers who whose land is their heritage and pride face the heartbreaking reality of being told that they cannot maintain their properties or pass it on to their grandchildren. Solar development offers unique opportunity for land owners in Decatur County to diversify their income, preserve their land for the next generation and contribute to the community's energy needs. It allows them to utilize their property in a way that aligns with their values and supports their families. Solar development is safe for the environment and personal health it is harmonious with the farming community, ensures that surrounding agricultural activities can continue uninterrupted additionally setbacks and vegetative screening minimize shed solar development increases tax revenue to support rural infrastructure without increasing property taxes it supports local energy grid and biodiversity. I heard one whoever express it aptly as land owners we should have the ability to develop and use our land as we see fit as long as activity does not encroach upon our neighbors ability to do the same this is the essence of living in a free society we respect each other's right to use their property even when we don't like that use ultimately this is not a debate about solar energy this is a debate about who your values I believe in an Indiana where land owners are free to use their land to provide for their families. Let us honor the promise of property rights and support those who wish to use their land to build a better future for themselves and for the next generation. Thank you of your leadership in the community and thank you for your time consideration.

Mike Dora – Thank you board members for your service to our community. My name is Michael Dora. I have farmed most of my life and I live in the vicinity of the solar farm petition before you I own farmland I have rented land farm land and agricultural facilities and I now rent land and facilities to others. Over the years I've signed many contracts upholding private property rights with nothing more than a handshake. It has been my bond when securing the use of another person's private property. Among other things private property rights include the right to delegate, rent or sell any portion of the rights by exchange or gift at whatever price the owner determines provided someone is willing to pay the price. If I'm not allowed to buy some rights from you and you're not allowed to sell rights to me, private property rights are reduced. There are three basic elements of private property rights and they are: exclusivity of rights to choose the use of the resource, exclusivity of the rights to the service of the resource and rights to exchange the resource at mutually agreeable terms. If any of these three basic elements are reduced or eliminated, one or both of us have lost our private property rights. The ownership of my property is no longer my right of ownership. I believe this board has an obligation to grant

approval of the petition before them if the local ordinance allows the proposed use of the petitioners and they are following the ordinance's rules and regulations. This supports the American dream by upholding personal property rights. Please grant in favor. Some other information for you earlier this summer there was a land news study completed by the Indiana State Dept of Agriculture it stated that Indiana has lost nearly 350,000 acres of farmland between 2010 and 2022 but the primary cause of that reduction in farmland was due to residential use. As determined at the APC meeting earlier you had two there were two petitions put forth two were granted to change zoning so that two homes could be built in the county and that's great but once farmland's used to build a house, a shopping center or a manufacturing plant it will never be returned to farmland but when farmland is used for solar it can continue to produce crops, graze livestock around panels as we've heard and once the solar energy is no longer needed the panels can be easily removed and the soil will be rejuvenated as in ag land placed in CRP or set aside programs. This land can be returned to growing even more crops or raising more livestock . Thank you.

Rick Hoeing – We have 3 final speakers all of which had an opportunity to speak at the last meeting. I ask if you've got new information beyond what you brought to the board last meeting, we'll be interested in hearing that but if not for the sake of everyone's time, we please ask you to forgo that. So next up will be Baron Deck.

Baron Deck – Thank you. As a Decatur County landowner and farmer I believe strongly in conserving our ag heritage and property rights in this county, I think that it's been put to question that solar would be a threat to those ideas and I strongly disagree. I think when done properly we can work together to both strengthen our heritage, agricultural heritage as well as protect those property rights. Buying ground in this county may be difficult but it's not near difficult is keeping it for more than three generations. If you look back at the plat books over the last 50, 70, 100 years many of those families are gone. I don't think that was done by development, I think that was more problems that are in agricultural industry that we can't solve here today but I do think that we need to be open to different ways of diversifying our operations to create sustainability and other income sources for farming operations in this county so that they can be sustainable and last for generations to come. Whether or not you feel the decision that these landowners made with RWE was a good one or not, we cannot base our policies off of our opinions. We need to give farmers the right to decide on their own if this is a good idea or not. As I understand this board's responsibility is to look at this project and decide solely on this project is it lawful and is it doing its best? In my travels to other solar fields and talking with people in the solar industry it's been made clear to me that RWE's willingness to work with the community is unprecedented. The setbacks and vegetative screenings they're willing to do I think are way beyond the industry standard and because of that I ask that this board try to work with our RWE to approve this. Thank you.

Jason Kuchmay – I'm Jason Kuchmay, 4211 Club Drive, Fort Wayne. Initially I was going to try to give you're a nice summary of everything that happened last time but given to the passage of time, but I'm not going to do that. Obviously, what I am going to do is just complete what Larry was trying to say with some new information at the end there. Larry had indicated that just a few days ago 92 acres were added to the land being leased by RWE as part of this project and that the county requires that the leases be recorded prior to the filing of the application which

obviously prior to which is a prerequisite to even having this public hearing and those need to be recorded for good reason..... SOUND WENT OUT

Francisco Galeano - Good evening members of the board. Once again I thank you for your time and the opportunity to further the discussion and review of the Greensburg Solar Project. Before we start I do want to clarify that RWE did not record the 97 acres. I am not aware of having these 97 acres in the recent past and then lastly those 97 acres would not be part of the original application as presented to the county. So, I will look further into that matter but as I mentioned I need to look further into that now because I'm not aware of that particular situation. So, moving right along, the purpose of this extension is dual. So, we will review the findings of facts associated with a special exception and add information where appropriate to that and then secondly, we will also respond to some of the points that were brought to the BZA during the last hearing, so without further ado. Finding a fact number one, the approval will not endanger the public health safety, morals, comfort or general welfare of the community so we're going to break it down into two categories, fire safety which is a concern that was treated quite extensively last time and solar PV technology in general. So, the first one, fire safety, is part of the public record and it was admitted to the board. This is a letter that was provided to me by the chief of the Greensburg Fire Department, chief Nathan Stormer. I'm not going to read the whole thing, but I will go over a quick summary of it. Firstly, RWE has had consistent communication with the Greensburg Fire Department since 2022 and have been the only party to reach out to the Department regarding fire safety. Number two, the department received RWE's emergency action plan which will be customized when project moves into construction and operations. No needs have been identified and no needs are expected. Number three, the department has been introduced to a national expert Tony Berado who is prepared to collaborate on the finalization of the emergency action plan and implementing any additional training that Chief feels is necessary and by the way, an initial training will occur so that's already stipulated and then if additional training above and beyond that is required, then by all means that there is that possibility. Lastly, as area having jurisdiction the department has the final say on fire and life safety codes and issue. The board members and the public are encouraged to reach out to the department with any questions on the topic so that's once again that is letter and it's part of the public record. So, moving on to the actual technology. Much has been said about solar panels the dangers they pose Lead chain so on and so forth so, just going over very quickly what are the components of a solar panel? So you can see we have an aluminum frame we have some tempered glass, we have some plastic cover that protects the electric components and the solder from humidity throughout the life of the project and importantly because this a big point of discussion. So these are actual solar cells. They are, as you can see that they're made of silicon so basically it's a piece of glass with some electrical circuitry and obviously the compound that allows sunlight to be converted to electricity. As you can see there are no liquid components and as you can see they're pretty fragile but there's no liquid component to that one just got broken so they do not leech they're not soluble so on and so forth. As I said they're very similar to glass so any concerns about contamination frankly are a little bit unfounded. So something else that was mentioned last time was that solar energy is not really a mature technology and that there's the concern that Decatur County would be used as grounds for experimentation so I'll just go over a very quick overview of the industry. So solar panels were initially used to our satellite in the early 1950's and that particular use continues through today. Something important I think to point out is that no panels means no internet right it's the ubiquitous way in which satellites are connected amongst each

other and they can transmit information back and forth to Earth. Internet panels no internet panels 1984 the introduction of ground mounted solar farms the way we see them but obviously a much more crude example with the advent of the internet we now have 24/7, 365 remote monitoring facilities RWE has one in Austin TX and that allows it to control and monitor all of the generation across its many solar renewable energy projects across the US in the 2010's the development of the solar trackers allows panels to track the sun during the daytime. There are two important implications of this number one obviously that increases the efficiency with which panels can convert sunlight into electricity but importantly if you can see, all of the ground receive sunlight at some point during the day and this is I wanted to point this out specifically because there was a concern that the grass the nutritional value of the grass was going to suffer because of you concentrating, well we see that this is not the case in late 2010 or in the 2010's there was the introduction by facial panels what this means is they're panels that are able to capture direct sunlight and also some like that reflects electricity from the ground further increasing the efficiency of the system and then lastly and certainly not least today what are we doing today. We are furthering the use of the ground that the panel sits on through agrivoltaics Finding fact number two I'll try to go over this very quickly. The use will be designed constructed operated and maintained so as to be harmonious and appropriate in appearance and to keep the intended character so how are we going to look at this we're going to break it down into harmonious design what happens during construction and post construction and importantly the Decatur County storm water ordinance. So first just a quick review of what we saw last time I think reference was made to 80 ft being the distance between center of the road and somebody's property that could very well have been that this was referencing an older design but as we saw last time what we have in place is us 250 ft from center of the road uh to the fence we have a vegetative screen rather tight of the fence. Secondly the where the project substation would be that is directly north of the existing SOUND GONE.....and upon completion of construction there would be a permanent vegetation of permanent cup cover plate this is where the storm water conservation district and grazing system supplies amongst others would come in, provide guidance and then be an active party to this process and then lastly, the Decatur county stormwater ordinance the reason I'm bringing it up is that number one, it is an obligation that we have meet according to the ordinance but then number two, it is a legal protection that the county has and what it says is the Decatur County has the authority to conduct inspections of the working done to make sure that we're in compliance or the constructor is in compliance with all the provisions, number two Decatur County also has the authority to perform long-term post construction inspections. So in other words but at any point the county can show up and what happens if deficiencies are found during the inspection the owner of the facility will be required to take all necessary measures to correct such deficiency so that's the legal framework we've already seen that we have the condition to fix any of the tiles or any of the other drainage facilities throughout the life of department. Number three, the use will be served adequately by essential public facilities and services such as highway, streets police, fire protection, drainage refuse disposal water and sewage and schools. Okay so how do we look at that who are the parties involved during construction and operations we have Decatur County highway department through the roads use agreement we'll go into a couple of details in a couple minutes the fire department that's covered RWE and our engineering per and construction company the general contractor who's your solid raising and theater on rising cola who would be us or who will be responsible for vegetation management. The Soil and Water Conservation District is would be working hand in and with them as well as Grazing System Supply. What does all of

this mean? Well, that perfect number one, is bound by the road use agreement during the construction so we'll look at that we look into that, number two, that operations of the project will not increase local use of roads so that is we set aside number three the project will not require police on patrol. Number four, drainage structures will be maintained to protect existing regional drainage from adjacent farmlands that has been covered. We have the obligation to do that and lastly the project will not require connection to the county's public water sewer it doesn't need that and it won't need disposal or refuse so that's one I think is addressed. Finding fact number four, the use will not impede the normal excuse me and orderly development and improvement of the surrounding property we're looking into that once again, number one, by the actual project description and number two, we'll touch on property values. So the project description the Greensburg project is essentially can be viewed as an agricultural operation this is a picture of an actual sheep farm here in Decatur County with solar panels and the fence so this is an actual picture of RWE's Big Star Solar Project in TX so it's up and running already and well this is off fence right so we have a fence everybody knows the fence everybody knows sheep there is nothing new that we're implementing sheep racing has been around for multiple hundreds of years. I do want to touch on something which is just central to this conversation which is agrivoltaics and in particular rotational sheep grazing. So as we have mentioned before we would have two parties involved Hoosier Solar Grazing. Who is Hoosier Solar grazing operating and they are currently operating the bell project up in between Rush and Henry County once again this is not about to happen, it's already happening and so we're bringing them down because they have experience and they have the capability to hit the ground, right they don't have to infect anything. What are benefits additional benefits they will start collaborating with us early on during project development and design so that they have whatever they need design number two there will be strong support for local agri businesses and entities and collaboration with entities as I mentioned water district and number or lastly there are aligned interests and I'll come back to that. The Decatur grazing come up what is this it's a Decatur based agricultural business venture. What are the benefits of it if? It's up and running, two permanent local jobs. Why is it, why is that because we have two operators of the facility but we need two local people who take care of the sheep grazing itself. That also translates into additional income to the count right so now essentially the county is capturing the three main cost items of the facility in by means of taxes, property taxes, by means of rent payments to land owners and now with this by means of service or fees for service for vegetation management and control. Additionally that represents demand for local seeds and other inputs and chemicals and general support to local Ag businesses. Lastly there is definitely strong local interest in moving this forward and consequently what the come wants to do is take advantage of the opportunity that agrivoltaics is presenting and that goes well beyond Decatur and potentially well beyond Indiana. So, now property values essentially the conclusion of the study is that solar shows no impact on home values due to joining solar permit where the solar property is properly screened and buffered and I won't go into that but that is central to this on Rich Kirland with you.

Rich Kirkland – My name is Rich Kirkland with Kirkland Appraisals. I am a state certified general appraiser in Indiana, North Carolina about 12 other states. Last meeting you met my son Nick Kirkland who's here to represent our company you and that very representative from who we are we're a very small family business and we are everyone in the business except for one is directly related to me. We do regular appraisal work but we also do as a regular part of our business impact analysis. We do impact analysis on a wide range of things not just solar but for

solar we've been looking at that for about 14 years. In that time we've worked in about 28 states we've looked at over 1300 solar projects. We do what's called a paired sales analysis also called a matched pair analysis we also do what's called a sale/resale analysis both of these are accepted and approved methods for looking at this by appraisal institute and we really apply these while we're working on these we've worked with us well over a dozen almost two dozen different and in across the country compiling this information and confirming and putting together this analysis so this has gone through a lot of eyes besides just mine and B we the similar reports like this have been upheld by the North Carolina Superior Court specifically citing them on numerous occasions saying that they are evidence of significant material competent evidence that solar farms are not having a negative impact on joint property values and similarly we upheld by state level sighting such as in OH and KY looking at very similar reports very similar projects so again these have gone through rigorous review processes. I know in the meeting last week I know that there was some comments that were said looking at why is it that current appraisals all the reports come out showing no impact. Well I mean one I think constancy of the data is one and other I think that's important and I think that's a big part of it but the other part is when we see a problem with a solar project we contact the developer and say we see a problem with X Y and Z and we ask them to make changes if they make changes then great we now review the updated report that addresses the changes where we asked for those to happen. We have had instances where clients have refused to make those changes, either they couldn't or wouldn't make those changes in which case in all those instances they have asked us to stop work on that project and no report was generated. So again, the nature of being held in that direction that if we find problems and they can't change them then no report is generated but we do actively in most of our clients do work to make the changes when we point those out, but I know you've got copies of our reports. Hopefully, you had a good change to look through that we're having to answer any questions about anything in there whatever level detail you want, but it is my professional opinion that this project has proposed has sufficient setbacks and sufficient landscaping buffers to protect adjoining property values. Thank you very much.

Francisco Galeano - Thank you Rich, so before we move on I would like to have Jim Stewart say a few final words.

Jim Stewart - Good evening, thank you for time. I am Jim Stewart a landowner participating in the RWE project. The landowners presented our case at the last meeting and we stand by those facts shared. We are excited about this new opportunity sheep enterprise connected to the Decatur County farmers that will be grazing on the solar project. This dual use of both solar and agriculture expands opportunities for other farmers to expand their sheep herds without consuming agricultural land. The project provides a significant positive financial impact for Decatur County and we ask the board to approve the RWE project. Thank you.

Francisco Galeano – One point that I had mentioned before is that interests are aligned, what does that mean, there's this very great concern about what's going to happen to topsoil okay that's understood the interest are aligned in that we as a project owner operator need solid ground in order to maintain or give stabilize or excuse me maintain stability of the equipment placed on the ground. That's one, number two if there is sheep grazing you need to have pristine crop cover in place so that the sheep can graze otherwise that breaks down. That also wouldn't work for us because that vegetation management wouldn't work, also could negatively impact project

performance. So everything is moving in the same direction and then last but not least, but my by no means least the landowners have an active interest in having topsoil being preserved. It's their land, we will work with them in order to just monitor the quality of the topsoil over time. So, we move on to finding a fact number five, the use will not generate traffic on the existing street network. We've covered that but we get to the road use agreement and that is part of the solar coordinates. What the road use agreement is an agreement that has to be executed with the approval of Decatur County Highway Department. It is a must in order for us to get a construction permit in place without it there's no permit. Once again it is a legal instrument that Decatur County has and can use to make sure that it is properly, or it is sufficiently protected. What does it say amongst many other things, is that the company is responsible for damages due from entities associated with the project so in other words we break it we fix it, even before that we have to nominate a number of roads that we need to adequate for them to be able to absorb any additional loads and any additional travel. The company will provide a staging area to ensure no disruption with a staging area is the space on the side of the road so that there's normal flow of traffic you've definitely seen that on highways and lastly this is very important the company is required to provide a surety bond on a per mile of road use basis so in other words, as is the other case with is the case with other contracts. The county has the ability to call on that bond in order to make sure that any fixes get paid for. What happens during an operation well who's going to be traveling the road, two to four project managers and the operations and maintenance personnel, so that includes the electrical and mechanical operators who are part of RWE, the vegetation management personnel. So very light to no traffic. Finding fact number six, the use will not involve uses that are detrimental to person's property or the general welfare and create traffic noise, smoke, dust, fumes, glare or odor so we can look at them one by one. Number one, activities and operations what are the activities autonomous electricity generation plus rotational sheep grazing, that's not detrimental. Equipment as we have seen solar panels fracking medium voltage cable, combiner boxes, inverters and transformers. We have already seen that there is no health or safety risk associated with this equipment traffic road of rim we just covered it. Noise there is and there will be compliance with a 50 dcbL requirement and restriction that comes from the solar ordinance, so we covered that last time. Dust, there is the period of construction during which the contractor will do its best effort in order to control dust. More importantly operations right so what's going to happen during operations there's going to be a permanent crop cover in place. There is no dust associated with having grass in place. Glare, there's none so it's understood that the glare produced or generated by a solar facility is equivalent or comparable to that of a flat lake or the surface of water from a flat lake in addition to that at ground level it will be 250 foot set back from any public road or behind row crops. Last one, the approval does not interfere substantially with the comprehensive plan adopted by the Decatur County Area Planning Commission and the Decatur County Commissioners, so then in order to address these we need to answer the question well okay is the project consistent with the comprehensive plan, that's going to. We'll break it down on going over the plan, I have to note that there is a pretty considerable overlap with what has been pointed out already so let's go over those. Vision and principles, the balance preservation of agricultural land while protecting private property rights, is it consistent with this, yes. Policy number one, direct housing of away from tillable land to minimize impact on prime land and maximize (inaudible) are we achieving these by setting aside a 1000 acres for 4 years, the answer is yes. Policy number two, ensure that private property rights are not limited and therefore do not lower the value of any property in the county, yes. Policy number five, to protect agricultural operations and limit the amount of land taken out of

agricultural production and manage residential growth has the potential to consume valuable farmland and impact the overall agricultural character of the Decatur County, yes. Why, because we are as a matter of fact introducing and a commercial agricultural use which is the sheep grazing and the other one is the link to the previous one. Policy number five, that the county may permit non-agricultural related commercial uses by special exception as long as they are compatible in scale and intensity, pose no threat to public health, safety and welfare cover and if they use helps to preserve existing farmland and continue agricultural operations. Lastly, policy number 10, solar ordinance. What does the county not support? Consumption of agricultural land yes.

Mary Solada - I think it's extremely important to emphasize what he just said, this project does not consume farmland and we would ask the board to consider that position, I think well documented as it hopefully makes its vote later this evening. A couple things I'll be very brief, we introduced to the case file months and months ago, proposed conditions of approval I will not read them to you if you want me to. I've got them called up here but if you were to be considering an approval motion there are a number of conditions we've introduced. The other thing is, if you want me to, I have provided the board a very brief summary of what the decommissioning agreement that we have introduced to your case file, what it does. I know there's a lot of misunderstandings about decommissioning but the bottom line is, a security, that's third party independent security, is posted that is renewed every 5 years and that is determined by dependent engineer. There will be security in place for the entirety of the project so I think that the short version and that document, by the way, does have a very detailed agricultural soil reclamation plan. Details associated with that attached to the agreement so with those things I'm sure Francisco is happy to answer any questions that you have so thank you so much for your attention. Thank you.

Board Questions

Rick Hoeing- I think now the board has an opportunity to ask questions pertaining to this matter so I will entertain any questions from the board to RWE or to any other individual.

Scott Smith – I guess I'll start off. So, this is probably more directed towards Francisco, just wanted some clarification on how RWE would handle drainage issues involving adjoining property owners when the field tile systems are destroyed either during the process of construction and completion of those projects. **Francisco** - Ok, so there are a number of components to that. The first one has to do with the actual design because the first thing that you want to do is not break something. So, the way that is achieved is number one, the company conduct a drainage survey which is essentially a combination of gathering all the data and maps existing from or that the landowners have on file and then the other one is using just geolocation, basically to map out where the tiles are. The significance of that is that the design or the tiles are placed so that when they're driven to the ground they don't penetrate on the tile so that's number one. It's design. Then number two if something breaks, there's clay tile for instance and so the penetration and damage of clay tile is not going to be perceived initially but it will be detected and what we're going to do is work in tandem with somebody in Decatur County who also already happens to know and has worked in many of these tiles and we will work for with that person fix the problem pay for the damage does is that does that answer your question?

Scott Smith – A little bit, I guess I wanted clarification also on who's responsible and who's accountable or held accountable in these situations? You know some of it's going to be destroyed during the construction of this but some of these problems don't show up for two, three, four years down the road and so you know when a property owner comes to us and asks us hey, I've got a problem here's who's going to fix this? Who's responsible for this is that the land owners or is that are that RWE? **Andrew Stewart** - Andrew Stewart here, I'm one of the land owners there is a section in my lease I don't know if it's worded exactly like this in other leases but it's section 3-5 in my lease, which I don't know if you have a copy of the lease that's filed at the courthouse, but if you want me to I can read off the exact verbiage, talking about the drain tile issues? Is that ok? Drain tile repair replacement during the term, tenant shall be responsible at it's sole cost and expense for the repair of all drain tile located on the property and damaged by tenant, both parties acknowledge that owner has an investment in the drain tile located within the property the purpose of the drain tile is to keep the land free of standing water both parties acknowledge and agree that tenant's actions under this agreement may affect the drain tile in its current condition. Tenant agrees to repair or replace any damage to the drain tile located on the property caused by a tenant as soon as possible following discovering of the damaged drain tile. Included in the scope of restoration activities that set forth in section 6-4 of this agreement shall be the repair and when reasonably determined to be necessary the replacement of underground drain tile that was disturbed by the tenant, tenant shall hire an experienced drain tile contractor approved by owner from the local area to perform drain tile repairs or replacement as required in section 6-4 in a manner that meets industry standards and all state and local code requirements tenant shall be responsible for the cost including labor machinery and materials for the repairs or replacement of the drain tile. **Francisco** - So that is a language that is common to all the leases so that's the obligation that we have towards the land owners but that is also one of the conditions that Mary was referring to so we are setting a condition with the county that we will be responsible to repair, if broken, any of the drainage infrastructure that is in place. So again it's with the county and with the landowner. **Rick Hoeing** - so I'll add on to that question just for clarification, my understanding of that language is you would be responsible for corrective action to fix that tile. As most us know, damage to tile can cause crop response, negative crop response upstream of that as water typically flows across properties. Is there any consideration to adjacent property owners and the impact that their investments in their ground as affected by those tile damage? **Francisco** – I don't know the answer to that. **Mary Solada** - The language and the condition which is actually condition number 13, all damages, including but not limited to waterways drainage ditches, fields, tiles and any other infrastructure caused by the construction must be repaired to original or better condition so as not to impede the flow of water. So reason I say this is to me that's offsite Francisco. Damages to offsite is covered by this language in proposed condition number 13. If you would like to clarify that I think we can provide that I think that's actually our legal responsibility regardless of a condition, but we felt like it was important enough to put that condition out there so it was very clear in the record. **Rick Hoeing** – So I guess, lets further that conversation a second so specifically what I'm referring to, thank you Paul, is the damage to the crop outside of the leased acre that would be affected by that damaged tile, would the damage to that crop or potential damage to that crop would that be covered by the tenant? **Mary Solada** - Well it says all damages but Rick, do you have any problem with specifying that the record? Rick Wilson is the director for RWE and we are stipulating in the record that that would include crop damage. **Rick Hoeing** - that would be included any offsite off target damage as a result of the installation. **Mary Solada** - yes I wanted

the record Rick Wilson is the director for RWE that we are stipulating in the record that that would include crop damage that that language 13. **Rick Hoeing** - on the site as well as off of least site? **Mary Solada** - that's correct. **Rick Hoeing** - Okay, thank you. **Paul Stone** - I would like to spend just a few minutes talking about the deep conditioning process and how some of those values may change over the course or the life of the project should landfill disposal become not an option recycling does become the only option as that cost changes just talk a little bit. **Mary Solada** - Sure, so we have to remember that first of all a decommissioning bond third party security not RWE's guarantee but a third party security is posted at the time of construction that bond amount is determined by an independent engineer licensed in state of Indiana, that bond amount is updated every 5 years and this is terribly important as you suggest Mr. Stone because the reality is it's highly unlikely a project will go belly up on the first 5, 10 even 15 years because a project is typically under a power purchase agreement and there would be no economic incentive not to continue the project but more importantly the salvage value is more valuable than not, meaning it's in the company's interest to remove because that salvage has a lot of value. Over time, over a 30 year period, of course that salvage value is likely to diminish the value so that is why it's this provision that we talked about where the bond is updated every 5 years again by an independent party has to reflect current decommissioning costs not the cost in 2025 but the cost in 2035 or 2045 and so that is spelled out in the decommissioning agreement. We know that your attorney will review this document closely were you to approve this it has to be approved by the county commissioner so I'm sure the Commissioners attorney would look at it. We sign it we all of this including the bond itself has to be submitted to your file before we could ever start construction. So, there's a lot of eyes on this the document I submitted to the case file is one I worked on in a number of counties with a number of county attorney's but it definitely emphasizes the point of the bond amount going up over time as opposed to going down. Does that answer your question, sir? **Paul Stone** - I think so and forgive me I'm not an expert on this but so should that cost change dramatically, how is that insured or should we find that there is some chemical or something that in these panels that becomes very difficult to dispose of at some point, much like asbestos, we had no idea in the 50's asbestos would cause the trouble, but it does should that become a real problem, how does that funding like if that cost were to quadruple for or go how does the bond work in terms of that how does that person as part of RWE ultimately is, the way I understand it the industry looks at you unreliable you are which determines the cost of a bond what happens if that quadruples or it goes 10 fold in 5 years is there a guarantee that there is money in place to handle that? **Mary Solada** - Yes, let me start with I did not mention that the proposed contract provides for 150% of the decommissioning cost so day one its not just what the independent engineer says it is multiply that by another 50% so there's already some cushion built in. As to any concerns in the future about let's just put it out there some sort of contamination, the reality is that will have to be considered by this independent engineer, we don't think there'll be any, but we understand why you are asking a question. We also have to remember that RWE as a company has a legal obligation to report to Indiana Department of Environmental Management any evidence of any environmental suspected spill. Again I want to emphasize we don't think this will be the case it's not been documented it hasn't been an issue with any RWE projects but we have this legal duty that extends beyond frankly the authority of this BZA, right because we have to go tell the state if we find anything that looks suspicious I would think that the county would welcome the State's expertise there, but my point is, this is again something that's reexamined every 5 years and yeah, if we can't post the bond and here again let me get into the finer points we have to post that

new bond 90 days before the current bond expires so, if the county in that 90 day period is not satisfied with the renewal amount, it can make a claim right then and there on the current bond, so at least there's some funds it can attach and again these are third party these are big companies, big insurance companies typically issue these bonds so the point is there is a duty not just to the County but also by the way to the land owners as they are well aware under our lease to do this decommissioning and so I think the combination of this lead time the 150%, the every 5 year examination and our other legal duties I think all work together to provide pretty good assurances to the County. Makes sense? **Paul Stone** - I think so, I don't want to continue driving this. I have read numbers and I think you all have quoted numbers previously as some questions have been posed about the cost of disposing versus recycling and can you tell me what you anticipate that on a panel I feel like I've seen numbers like a few dollars per panel to like 15 or 18 dollars per is the difference is that somewhat accurate to what you imagine from a recycling versus disposing. **Mary Solada** - I don't know that we know. I mean Francisco can try to answer you yeah well I mean I guess as because we've been asked this question before and I guess the way I look at it as an attorney is first of all there's been talk in the State House about having a state law that regulates panel disposal whether they have to be recycled, whether they have to go to a particular landfill what are the standards. Problem we have in the industry right now is frankly is that there have been very few projects that have been decommissioned and so 15, 20, 30 years from now I'm pretty confident in the private sector being able to figure out how to best dispose of these panels in a lawful way but I also feel as if our legislature eventually is going to step in and have some uniform response around the state so that's how I would answer that. **Francisco** - Yeah of course I cannot speak to the legal portion of things I think I agree with you or I agree with you in the sense that there is ample information so for instance in regards to an actual panel as we saw if you start looking at the components which of those components is can be recycled and is valuable they're several strips absolutely, aluminum, absolutely. Glass indeed right so you can constructed the panels themselves the rest of the components you have galvanized steel racking, absolutely you have transformers, medium voltage cable that's between copper and aluminum, absolutely and so I don't know the details but what I can definitely say is that the components themselves are not new to the recycling industry and that therefore we know full well that if it's something cooper, boom we throw into a recycle thing we're not going to throw into..... **Paul Stone** - I should be more clear I'm not questioning the capability of the recycling process more so at the potential cost of deconstruction should the estimate be that all be able to be disposed of and then at that cost is based a very minimal cost today right it's very inexpensive to take a load of these because there's nothing currently as I know that prevents those from being just taken to a landfill but should something change with that and that goes to find something that we don't today know about from a chemical standpoint or something like that but all of a sudden that cost goes from \$2 to \$20 per panel. Just that I think that's where my comfort is lacking is I understand the 50% rate you know if it goes from a \$1.50 to \$2.50 that we're fine but if it goes to \$20 and again I know I'm putting very small numbers here but across 1,700 acres that becomes a concerns. **Mary Solada** - but what is your, what's within the fence line how many acres isn't it 900? **Francisco** - it's 920. **Paul Stone**; hundreds of thousands of panels times ...**Mary Solada** - I think that you know one way we can look at this is and I haven't talked to Rick about this but I have been involved in other decommissioning agreements that basically require recycling to the extent feasible to the extent required by State or Federal Government and or it's just part of the calculation actually language that pretty much stipulates recycling. So I think we can do that Rick, do you agree with

that? **Rick** – That cost to recycle is updated simultaneous with a 5 year reanalysis, so it would have to be absorbed as part of the cost (inaudible). **Mary Solada** - so I think we can stipulate in the record we would modify the decommissioning document on file to stipulate recycling would be required. **Francisco** - yes and by the way quick clarification, the 150% and the 5 year period that Mary was mentioned, that is actually part of the ordinances so that is already covered as Mary was pointing out Mary and Rick were pointing out. It would be a matter expanding upon that in order to add substance and frankly just make it more prescriptive I think that's a reasonable one thank you. **Joyce Brindley** – My question's been answered. **Rick Hoeing** – I've got a few questions. Currently either in development or how or are developed how many solar projects is RWE currently working on? **Rich** - probably have 100 under development probably 30 under construction right now. **Rick Hoeing**; about 30 under construction about 100 so you developed all those sites do you still currently own all those sites? **Francisco** – yes. **Rick Hoeing** - okay and it would be your intent to own this through the life this particular site through the life of the project? **Francisco** - yes. **Rick Hoeing** – Okay, as it pertains to the financial impact of the county, is your intent to apply for a tax abatement. **Francisco** - Yes ok **Mary Solada** - If invited right I mean we're not going to apply if the County Commissioners and the County Council committee don't say "we'd like to study this" and the only reason they want to study it is because they might want to have economic development payments. I think you heard from another speaker tonight about potential benefits of those, are we going to impose ourself on the county, no, but if we're invited by a representative group to make application to at least study, I think the answer is yes. **Rick Hoeing** - I think that's the direction for my questions. If you were, and we all assume that you would apply for an abatement, what length would you... what is your position on a type of community involvement payment or an economic development payment? **Mary Solada** – We're all for it. **Francisco** - Yeah absolutely and of course that abatement in and of itself, is a separate conversation, but definitely many conversations about what the direction is of economic development payments is, what the parties to the table are, so who receives payments who doesn't and that therefore some parties should be brought to the table in order to be part of that discussion, that is definitely a common thing that we speak about like I said before that's a conversation to be had it's had with the Council and Commissioners eventually. **Rick Hoeing** – Had some questions on fire safety, I think those were adequately answered. I think Paul covered the decommissioning conversation the questions I had. Just to be extremely clear you're not aware of any additions in the recent time to any other leases nor would any of that affect or change the current application that's we're that petition that we're voting on today? **Francisco** – No sir. **Mary Solada** - And to be even clearer about it, the only land that can have a solar project is the land submitted on legal descriptions in Krista's file. So, if somebody went off and filed something we didn't know about that land's not eligible it's not under this application and so anyway I think Krista (inaudible). **Paul Stone** – OK thank you. I'd like to say thanks to you guys for answering the questions this has been a quite process and I think you've done a nice job responding to a lot of this and also to the folks that have brought up a lot of concerns I think that overall this has been a well played out situation so that you to thank you very much once again. **Francisco** - Once again thank you board members for the time the patience and the opportunity to present this project.

Melissa Scholl: Mary, can you go through the conditions? **Rick Hoeing** - Perfect so this is still the current submitted July 8th through the 10th? **Mary** -Melis yes.

Mary – 1)Branch Board, 2)Setbacks, 3) Ground Cover, 4) Decommissioning Fund Agreement, 5) Road Use Agreement, 6)Emergency Responders, 7) PB Panels (this is importance, it should be free of cadmium, T Gen X FSS chemicals, it should not contain any materials that cause toxic poisoning due to direct contact or leaching), 8) Lighting Restrictions, 9)Well Testing, 10)Well Drilling, 11) Glare, 12) Noise, 13) Drainage Infrastructure, 14) Repair of any Damaged Tiles, 15) Conduct Job Fair.

Rick Hoeing - Melissa, does that satisfy what you are looking for? **Melissa**; yes. **Rick**; okay thank you any further questions from the board tonight? 2024-2 a second motion.

Joyce Brindley made the motion to vote on BZA 2024-2; **Janey Livingston** seconded the motion. **Rick Hoeing** – procedurally we need to do this properly, we need a motion that reads off the stipulations pertaining to the approval of the petition. I'll entertain a new motion, and Missy will read off the stipulations.

Paul Stone; I make a motion that we vote on BZA petition 2024-2, RWE Special Exception which is subject to the specific stipulations that Missy will read. Melissa; so this is my understanding that the board wants to include all the conditions for approval which have been outlined by RWE; that crop damage as previously addressed tonight will be included, the recycling requirements will be included, the decommissioning agreement that has been presented with any changes as required by the county, that it does not include any additional land that may have been recently reported as was confirmed by RWE that is not part of this application before the Board. Compliance with the Decatur County Drainage Ordinance the road use agreement, the vegetation management plan, those are all things that would be part of the motion, is my understanding Paul, that you are wanting to include those as part of your motion. **Paul Stone**; that's correct. **Janey Livingston** - I second the motion. **Rick Hoeing** - we have a motion to vote on petition subject to the conditions and a second. All 5 members present voted no. **Rick Hoeing** - Francisco on behalf of the County, we do thank you for your professionalism and your diligent work within the County. At this time your petition is denied.

* **BZA Petition 2024-7 – WAGA Energy (Maura Dougherty) for 600 Land Inc.** is requesting a “Special Exception” for construction of a facility to convert landfill gas into pipeline-quality Renewable Natural Gas. The request falls under Decatur County Ordinance Article 12. The property is currently owned by the 600 Land Inc and is located at 2872 E CR 200 S, Greensburg in **Washington Township**.

Good evening my name is **Mark Fixmer**, 600 Land Inc., also landfill, tonight we've got Jason Pennypacker with Waga Energy to tell you what we want to do.

Jason Pennybacker - Good evening BZA members and members of the Decatur community. Thank you for the opportunity to share with you tonight our request more detail for a special exception to the existing industrial zoning classification for the landfill to specifically acknowledge the operation of our complementary facility there. My name is Jason Pennybacker

I'm project development director for Waga Energy. We're based in Philadelphia, we are an upgrader of landfill gas to renewable natural gas. Our projects, what I'm about to do is introduce to you a little bit about our company. What we do, how we do it, what this project looks like so you kind of get a better understanding of our requests. So Waga Energy is started out in France, it's a French company. It's traded on the Euronet Stock Exchange. We've been in the US since 2019. We've got operations here in the US, France, Canada, Italy, Spain and the UK. We currently have 26 operating facilities throughout the globe with 11 under construction right now. All these facilities use the same technology, and they look very similar to each other. We currently went we've been in operation now for about 10 years. We're up to 250 employees globally, we're dedicated to safety, to environmental stewardship, to both our landfill partners, our communities and our employees. We created and we invented the technology that we use for part of the process, which is a very efficient way to upgrade land flow gas and make it pipeline quality, so we'll talk about kind of how that works. We're active in our communities both in our industry and our local communities whenever we're hosted. So, as I said there are 26 boxes that are operating globally. We have 11 here in construction or development in North America, the rest of those are over in Europe. So, our first project here in the US that's very similar to this project I'll show you here on this slide right here and I think you also have some hard copies in front of you as well. So this project is the first project using this configuration here in the US, it's in Bath, New York which is in the Corning area, so we classify these projects by the size of the inlet capacity, so this is a standard cubic feet per minute we say 1,000 Standard Cubic Feet/Minute (scfm) inlet capacity that's roughly how much that landfill will produce on any given moment throughout the duration of this contract so what we do, our job is to take the gasses this methane is collected from the landfill and remove all the impurities that would keep us from being able to put it into the Center Point pipeline, and so it's a continuous process. We really when you look at the process what we do is we remove H₂S, we dehydrate the gas, remove all the contaminants that some point would not allow us to put the pipeline then we remove CO₂, nitrogen and oxygen to meet that specification, and we make equivalent energy content to fossil fueled natural gas. Our facilities are pre-manufactured, prefabricated offsite and one of the benefits of our technology that we use a low pressure progenic distillation process to remove nitrogen and oxygen. That's really the innovation that we bring to the marketplace what that allows us to do is to replace the legacy technologies that use a larger footprint we're able to reduce our capital cost to where we're able to actually make projects like Decatur Hills viable, before there was too much capital required to make this project economically viable and that footprint now you'll see on this site is roughly half an acre for our facility, again it's within the existing footprint of the landfill so we're not asking to use any agricultural land to take out of production in order to meet our requirements. We're leasing property from the existing footprint of the land. So, if you look at this picture, you'll see that that's our facility it runs 24/7, we can run them manned and unmanned. We have constantly monitored by our central control rooms, but we can talk about all the details of how we operate, but that's what it looks like so that is the first facility we commissioned that facility, and it came online May of this year, so it's been in operation for about six months. So, here's the footprint of our facility again it's if you look on the left-hand side the area represented by the 160' by 120', that's the footprint of our facility and then adjacent to that is the 100' x 100' footprint for Center Point energy. So, Center Point Energy is working on studies right now to extend their local distribution to our facility, and we will be injecting our gas right there at the landfill. **Paul Stone** - how far away is that? **Jason Pennybacker** - so the point of their interconnect with Indiana it's actually old Indiana gas local

distribution line it's about 1.1 miles away about 6,500' of piping and the majority of the piping is actually going through 600 Land property. **Rick Hoeing** - so all the gas will be entered through that location? None of it would be trucked off? **Jason Pennybacker** - that's correct, so we prefer a physical interconnect whenever possible and so this is what 100% of our gas will go there. So, here's another view of the facility we're acknowledging the fact that there's 100' setback on that area. We were aware of that we're designing for that and that is the rough placement of our facility relative to the existing landfill operations. I think there's some additional maps and deeds it's part of your original application. So those are the slides that we had to just kind of give you an overview of the facility. The things that I'd like to also make sure I touch on is that from the benefits of this project. The landfill is already collecting the methane right and it's currently being flared right and so the benefit of that is now we're taking that energy that's just being burned and released into the atmosphere it's a slightly less opposing greenhouse gas into now the majority of the energy and greenhouse gases are now going into the pipeline and they're reducing the improving the local quality as well as we're also displacing the fossil fuel that otherwise would have been needed for those processes. **Rick Hoeing** - do you have an estimate on production daily? **Jason Pennybacker** - and yes so, a thousand scfm facility at full capacity will produce about 225,000 mmbtu's (One million British Thermal Units) per year. **Paul Stone** - so cfm in and cfm out about the ratio like what you bring in methane what is put out and see? **Jason Pennybacker** - So a rough rule of thumb is half so typically you know methane is a though as BTU's well 1000 BTU's per standard cubic foot and if it was just pure methane that's what you would see but when you are trying to collect that methane gas you're applying a vacuum to that gas through blowers and other equipment when you do that you're introducing air right so you're adding nitrogen and oxygen but you also are producing CO2 whenever you are decomposing the organic matter, so roughly about half of that composition is methane and half of it is a composition of nitrogen CO2 and oxygen. **Rick Hoeing** - as you remove those components where do they go what do they do? **Jason Pennybacker** - With our process we have we don't send anything to the atmosphere right, we have, and we'll talk about how we're regulated, but we have two devices on site that we permit through the Indiana Department of Environmental Management, so we have a thermal oxidizer, and we have a flare. Whenever we are running the thermal oxidizer is taking all of our waste gases and destroying them right so all the voc's and we capture H2S and immediate that doesn't release that but all the vocs are destroyed in the high temperature thermal oxidizer and then all the nitrogen and oxygen that we pull out of that gas is also mixing with that. Now we also have a thermal flare so we refer to that as our startup shut down and off spec flare, so that's permitted for just about 500 hours a year and we use that to prove out the gas so as we're producing our product before we can convince Center Point that we've achieved the quality that they need, we to have to improve that out with the instrumentation that we have on site of the instrumentation, so that gas is not vented it's flared, it's burned so we use that for when we're starting up whenever we shut down and depress our site so depressurize our facility so if we need to maintain it or we have something else that we need to work on and then anytime that we go off spent or if Center Point closes their valves and not allow us to go in they close their valves we open our valves to the flare and we burn that gas. We try to avoid that, our goal is to be on, so our commitment is 95% of time. 95% of that time that gas is going into the Indiana gas pipeline so we will have on-site staff, again I said we measure and we monitor remotely, as well as we have compliance obligations to them so we'll have a Title V air permit that we are responsible to follow the requirements of that and then we also have ultimately Center Point is the one that

decides whether or not our gas quality meets their specifications and allows us to put that gas into their pipeline. I would also like to say that we build, own and operate these facilities we are not a developer that is just going to build it and walk away. We have so a single project that we've built so far these are our people we'll be hiring people locally to operate this facility. The one at Steuben County, we just had the New York DDC there to tour the facility and our operator there explained to them how he came back home because he had a job to come back home to, so that's we'll be part of the community for a long time and if this project's approved. I think, I learned today, that they think it's similar to the methane collection system facility that you've already approved, so I think there's a precedent that you have here. I mentioned that the land is already zoned industrial we just want to clarify that this is an acceptable use within that classification. As an electrical consumer we do consume electricity, so we're working with the electric co-op and we're about a one megawatt connected load, so those folks that have helped us figure out what our electrical requirements will be, but we are using, we're connected about a megawatt using about 700-800 KW of power whenever we're operating. I think one of the questions that we wanted to make sure you understood as we were talked we don't store gas and I mentioned that we have that flare to depressurize our gas right so we're not putting in we have vessels in there that have media, that are buffer tanks while we're operating but we don't store gas so that's not what we do, we process it and get it into the pipeline. So, I think that's the majority of the highlights.

Janie Livingston - how do you pick Indiana? I just look at this map and think wow pretty lucky to have you I guess but what do you do to this area?

Jason Pennybacker - So one of the was that we get our information out there as we go to conferences and the operators of the Best Way also attend those conferences and we met there they also have a background in upgrading landfill gas for transportation fuels and whatnot other facilities so they're where of the technology and they've been interested in a long time but and they've been approached multiple times but what our niche is being able to go after these smaller landfills that previously weren't able to be supported economically and what's really nice about it is that you have the quantities of energy that are available from these smaller landfills tend to pair really well with local distribution as so as a company what our value is that we want to be part of the circular economy so we want to take gas that's produced from this landfill from trash from the area upgrade that gas put it back in the Indiana gas pipeline and send that gas over to so those molecules are going back to Indiana customer you know. So, but the way we first met was through a conference and we've been in this relationship now for about 2 and a half years and we signed an agreement back in January to move this project forward. Our goal is to be online by the end of next year, so we think that's very possible

Joyce Brinley - as a person who was the president of Solid Waste Management and married to a man who worked for IDEM, I am really excited about not having to burn off I don't see the point and wasting in that fuel I think that if there's a way that we can recycle that into things for our county and not for anyone outside of our county of course you outside too but in order for us to get rid of our trash we accepted the landfill here we should be able to accept maybe you know you have to prove it to us but that we can we're good stewards of trying to recycle this methane gas because methane is not for it I hes' been through all gases and things and we know what they all can do so it would be awesome if we could figure out a way to do all that

Jason Pennybacker - so we agree, and you know the landfill is voluntarily collecting that absolutely burning it off so why are we wasting yes and there's some accounts that say mean is 84 times more polluting than CO₂ over its life cycle so it's to be able to take that and use it for (inaudible). **Paul**; how close is the nearest home and are there public road and are there measurable noises at those spots? **Jason**; so we are currently designing 100 feet from the county road 200 the last project in New York that we did, so they're governed by New York part 360 solid waste code, their obligation for a rural landfill was 47 DB at the property line at night 55 during the day we achieve that through the noise study that we did we're confident that we can do that well. So our facilities, when the DEC was on site last week their first comment was the sure is quiet, these containers are enclosed the only fans that are outside are the fans on the air conditioning units so we don't use big air gas fans that tend to make a lot of noise all of our valves and things that change state are inside our containers for a lot of reasons and noise is one of the so we're confident that, I'm not aware of the specific code there that I've seen so far, but we are working with environmental engineer to make sure that we meet all the of requirements.

Paul; how far Mark to the nearest home? **Mark Fixmer** - About 800 to 1,00 feet away.


Missy Scholl - Inaudible question. **Jason Pennybacker** - So we build on and operate these with the intent to own and operate that long term so we have a 20 year initial agreement with the ability to extend that and then we design, our design expectancy is over 20 years so except for the inlet (inaudible) that is the first component the p out of ground up to our facility everything else is 100% stainless Steel, so it's very pretty unique for the industry we don't use carbon steel so it's very high end it's very high end design. **Janie Livingston** - Are these components trucked in you said they're already build so it's like a prefab? **Jason Pennybacker** - That's correct. So we have four main processing containers and then we also have an electrical room and so then we also have those vessels now the vessels are shipped loose and installed on the concrete pad and then we have to make mechanical connections to them but those four containers can go back take you that too if you look at that facility right (referencing overhead projection) there all of those containers they are pre-built, prewired and that's yes roughly those are roughly 4 containers **Janie Livingston** - so is the flare so A is the flare? (referencing the overhead projection). **Jason Pennybacker** - yes and B is the thermal oxidizer. So, A runs intermittently and B runs 95% of the year. So, when the facility is running you can stand right here (referencing the overhead projection) and this is our compressor container so it has the loudest piece of equipment is the memory compressor so it's over 90 DB inside of that container but when those doors are closed you can stand right here and have a conversation. **Rick Hoeing** - So if I'm looking right there's a current currently using that area for storage and there's a vegetative buffer separating road from that? **Mark**; yes. **Jason Pennybacker** - what I probably should label this so this area right here (referencing the overhead projection) this would be similar to the Center Point energy interconnect so once we go into that side of the fence the custody of that gas now belongs to the interconnecting gas utility, so they're regulated once know through their own regulation to get the gas offsite. **Paul Stone** - (inaudible) is that scrub out in (inaudible) form or what the removal of that is that something has to be trucked off? Or explain to me the process. **Jason Pennybacker** - Be glad to so the Decatur Hills they have very low H₂S relative to this site here so this site was designed for about five or six times more higher levels of H₂S than we're seeing that but the two vessels that are mark number one back there (referencing the overhead projection) have an activated carbon in them right and so that activated carbon is a scavenger it's a sacrificial medium right so the H₂S as it's passing the gas is passing through there has an

affinity for that H₂S, that H₂S will itself in that media and then it won't go anywhere right and then we have to periodically remove that media and haul that media off so. It's typically a nonhazardous media so sometimes we're able to put it in the landfill sometimes we take it elsewhere just it depends but roughly every 6 months, we could change on a vessel. Again, as I was saying (referencing the overhead projection) this little black sump right here that's the only plastic we have on site everything else is stainless steel. **Paul Stone** - is there any water involved in this process and therefore any runoff from it to any water disposed from? **Jason Pennybacker** - So the landfill gas is saturated with moisture so we do have to remove that moisture in order to protect our equipment and also meet the pipeline specifications, so we have dehydration equipment there, we have chiller primarily through chilling process that we drop the dew point down and that water they call that condensate and that condensate is then part of the leaching collection system so it's diluted with then leachate and disposed or through the leachate program. **Paul Stone** - and is that monitored by IDEM? **Mark**; yes. **Jason Pennybacker** - so yeah, we don't use any water for our process, but we do remove water. **Rick Hoeing** - questions from the board? Further information or anyone from the public?

Joyce Brindley - I make a motion that we vote on Petition 2024-7; Scott Smith seconded the motion with all 5 members present voting yes. **Rick Hoeing** - Motion approved. Stay in contact with the ladies in the office as you complete your construction process.

Joyce Brindley made a motion to adjourn the meeting, Janie Livingston seconded; meeting was adjourned at 9:17 p.m.

ATTEST


Secretary, Janie Livingston

PAUL STONE


President, Rick Hoeing

You-tube video recording available at:

https://www.youtube.com/watch?v=t_e06A2oCYY&t=9682s