

# PUBLIC ACT 233 / SETTLEMENT PROPOSAL

## **A. Solar Panel Height**

- Act 233 – Solar panel components may not exceed a maximum height of 25' above ground when the arrays are at full tilt.
- Settlement Proposal – Solar panel components will not exceed a maximum height of 15' above ground when the arrays are at full tilt.

## **B. Sound**

- Act 233 – The solar energy facility may not generate a maximum sound in excess of 55 average hourly decibels at the nearest outer wall of the nearest dwelling located on the adjacent nonparticipating property.
- Settlement proposal -
  - The facility may not generate a maximum sound in excess of 45 decibel maximum sound limit.
  - Portside will escrow \$50,000 for use by the Township for professional fees related to sound monitoring including acoustical studies and legal expenses.
  - In the event an inverter exceeds 45 decibels at the property line of the adjoining nonparticipating lot, Portside may be required to construct permanent sound walls around the inverter.

## **C. Water Testing Plan**

- Act 233 – None
- Settlement proposal – Portside will implement a water-testing plan which will include an initial analysis of water run-off from panels with the first test to be provided within six (6) months after completion of construction with subsequent tests every two (2) years until decommissioning.

**D. Use of Cadmium Telluride**

- Act 233 – None
- Settlement proposal – Portside shall only use solar panels that are not manufactured with cadmium telluride as a panel component.

**E. Recycling and Disposal of Panels**

- Act 233 – None
- Settlement proposal – Portside will dispose of panels at a recycling center or landfill located outside of St. Clair County.

**F. Fire Department Training**

- Act 233 – None
- Settlement proposal – Portside will provide training to Fire Department personnel prior to the commencement of operation of the solar facility at Portside's sole cost and expense.

**G. Road Repair**

- Act 233 – None
- Settlement proposal – Portside shall commission a roadway survey of the transportation routes used during construction and provide a copy of the survey to the Township and the St. Clair County Road Commission. Following completion of construction, Portside will restore the roads to a substantially similar condition as reflected in the survey at its sole cost and expense.

**H. Landscape Screening**

- Act 233 – None
- Settlement proposal – Portside shall provide landscape screening including installation of a vegetative mix of native species which will be continuously maintained during the life of the facility. Portside shall replace all dead material with the same or similar species upon receiving written notice from the Township.

**I. Decommissioning Agreement**

- Act 233 – A decommissioning plan is required which must include financial assurance in the form of a bond, guarantee or irrevocable Letter of Credit in an amount not less than the estimated cost of decommissioning the energy facility. 25% of the financial guarantee must be posted at the commencement of operation, 50% at the start of the fifth year with 100% of the financial obligation due in year ten.
- Settlement proposal – Portside will sign a Decommissioning Agreement which requires an irrevocable bank Letter of Credit approved by the Township for 100% of the decommissioning of the project in year one. The Letter of Credit will be adjusted every 5 years. Portside shall pay the expense for the Township to retain a third party with expertise in decommissioning to evaluate the estimated cost of decommissioning.

**J. Host Community Agreement**

- Act 233 – The energy facility owner must pay the local unit of government \$2,000 per megawatt of nameplate capacity to be used for police, fire, public safety or other infrastructure as agreed to by the local unit and applicant.
- Settlement proposal – Portside will be required to sign a Host Community Agreement on the date of entry of the Consent Judgment which will provide the Township with \$2,000 per megawatt of nameplate capacity consistent with the requirements of Act 233.