

August 13, 2024

Gavin Robb, Esquire
Ashley Puchalski, Esquire
Tucker Arensberg PC
One PPG Place, Suite 1500
Pittsburgh, PA 15222

Dear Gavin and Ashley:

I write on behalf of my client, REV Renewables (“REV”), regarding the Solar Ordinance Zoning Amendment (“Solar Amendment”) being discussed in Jefferson Township (“Township”). For informational purposes, REV intends to appear and present on its proposed solar project at the meeting of the Township’s Planning Commission scheduled for August 14, 2024, and welcomes the opportunity to discuss the project with the Planning Commission and the community at-large in the context of the Solar Amendment process.

REV provides the following general comments on concepts that Township addressed in the previously circulated draft Solar Amendment. These comments are intended to supplemental REV’s presentation.

- **Glare:** REV appreciates the Township’s desire to protect against adverse glare. REV suggests adding clarifying language to include objective standard related to “adverse impact.” Specifically, there is an industry recognized Solar Glare Hazard Analysis Tool (“SGHAT”) developed by Sandia National Laboratories which models glare in green, yellow, and red spectrums with the red spectrum being deemed adverse.
- **Noise:** REV appreciates the Township’s desire to keep noise levels low. Solar facilities produce little noise beyond the facility’s fence line during normal operations. Further, REV supports implementation of a standard so long as it takes into account pre-construction ambient background noise levels and provides for a testing program based on normal operations and implemented by a company qualified to perform acoustical testing. However, the standard set by the Township is significantly below standards that appear in other portions of its zoning code. Specifically, REV understand oil and gas operations are permitted through-out the Township and the Township suggested in that proposed ordinance governing oil and gas use a “default ambient noise level of fifty-five DBA.” At a minimum, solar use should be treated no differently than other uses in the Township.
- **Land Use Restrictions:** REV opposes the Solar Amendment limiting facility development only on reclaimed mines. Solar facilities is lawful and legal use and the

Commonwealth has stated policy goals in furtherance of construction and operation of solar electric generation facilities. The Township consists of approximately 15,589 acres. According to current data from the Pennsylvania Department of Environmental Protection, former surface mines make up approximately 2,571 acres, of which 1,384 acres are greater than 15% slope. Such slopes are incompatible with solar development. Therefore, this restriction only allows less than 8% of township land to be utilized for solar energy facility development, which severely limits landowners in the township from potentially participating in a solar energy production and revenues. REV bases this information on public data available at (<https://www.pasda.psu.edu/uci/DataSummary.aspx?dataset=371>) and from USDA NRCS SSURGO soils data.

Equally important, REV is not aware nor does the Amendment suggests any justification to conclude that solar development, like other mineral development, is incompatible with agricultural use. In fact, for reasons REV will discuss in its presentation, REV believes solar use is compatible and that the Township should not foreclose the opportunity present to its residents to develop their existing property rights.

- **Soils Testing:** REV request that this requirement be removed. The project does not include component that would result in hazardous chemicals being introduced to the soil. EPA testing of solar panels is a requirement of the ordinance. The former mine area was permitted by the PA Bureau of Mines and reclaimed according to those standards to ensure all environmental standards have been met; this was confirmed by PA DEP. The mining permits were final released with stormwater discharges that were acceptable to the PA DEP's mine drainage parameters.
- **Stormwater Management:** REV requests that this requirement be removed. Stormwater management and erosion sediment controls will be addressed and approved through third-party regulatory agencies with expertise in this permitting and enforcement.
- **Decommissioning cash escrow:** The cash escrow account requirement should be removed for the following reasons: Cash escrow account is overly restrictive, non-standard and arbitrary for ensuring financial security. Performance bonds and letters of credit from creditworthy financial institutions are commonly used by municipalities particularly under the MPC.
- **Impact Fees:** An impact fee based on contract revenue directed against a single industry that does not generate traffic impacts is not authorized under the MPC. This requirement should be stricken.
- **Restriction to use Pennsylvania Contractors:** The Township effort to impose restrictions on the selection of REV's workforce has no support under either the MPC or its general police powers. REV asks that these provisions be stricken.

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- **Miscellaneous:**
 - REV supports the requirement to recycle panels as part of the decommissioning program. However, it should not be a requirement for solar panel manufacturers to participate in the US Solar Industry Association recycling program, as participation in this program is not a requirement for panels to be able to be recycled.
 - REV supports requirements to implement a reasonable vegetative screening requirement to shield views from public roads and non-participating residences, however, a “will not be visible” standard is unreasonable and should be modified such that the requirement is to “reduce visual impact”.

REV understands that the Township intends to process input and revise the Amendment. REV looks forward to working with the Township to a mutually acceptable Amendment that permits reasoned, solar development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff G. Wilhelm".

Jeffrey G. Wilhelm

JGW:cab