

INFORMATION REQUIRED TO PROCESS A SOLAR AND BATTERY ENERGY STORAGE FACILITY PERMIT

ST. CLAIR COUNTY HEALTH DEPARTMENT REGULATION 25-01

Health Department Authorization Required

No Energy Facility shall be constructed prior to obtaining an Authorization from the Health Department pursuant to this Regulation. All Energy Facilities must be maintained and operated consistent with all applicable laws, ordinances and regulations and with at least the minimum standards required in this Regulation.

Request for Authorization

Prior to commencing construction of an Energy Facility, the owner, operator, and/or developer of an Energy Facility shall submit an Authorization Request to the Health Department. The Authorization Request shall contain at least the following:

- ___ (a) The complete name, address, email address, and telephone number of the applicant.
- ___ (b) The planned date for the start of construction and the expected duration of construction.
- ___ (c) A description of the Energy Facility, including a detailed site plan, which depicts, at a minimum: (i) the layout of all proposed and existing structures; (ii) property boundaries dimensions; (iii) existing and proposed landscaping and fencing; (iv) the location and of all existing and proposed utilities; (v) all existing and proposed drainage systems; (vi) the topography of the property; (vii) all existing and proposed roads and means of access; (viii) all existing and proposed easements; (ix) a scale and legend; and (x) distances to the nearest structures located on all adjacent properties.
- ___ (d) A description of the expected use of the Energy Facility.
- ___ (e) The expected direct impacts of the proposed Energy Facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- ___ (f) Information on the effects of the proposed Energy Facility on public health and safety.
- ___ (g) A description of the portion of the community where the proposed Energy Facility will be located.
- ___ (h) A statement and reasonable evidence that the proposed Energy Facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the natural resources and environmental protection act, 1994 PA 451, MCL §324.101 to §324.90106.

___ (i) A summary of the community outreach and education efforts undertaken regarding the proposed Energy Facility, including a summary of any public meetings held.

___ (j) Evidence of consultation, if any, with the Department of Environment, Great Lakes, and Energy (EGLE) and other relevant state and federal agencies.

___ (k) A soil and economic survey report under section 60303 of the natural resources and environmental protection act, 1994 PA 451, MCL §324.60303.

___ (l) If the proposed site of the Energy Facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why such sites were not selected.

___ (m) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the owner of the owner or operator. The applicant shall make reasonable efforts to consult with the County Drain Commissioner before submitting the application and shall include evidence of those efforts in its application.

___ (n) A fire response plan and an emergency response plan.

___ (o) A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to their useful natural condition similar to that which existed before construction, including removal of all above-surface and below-surface facilities and infrastructure. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a surety bond or an irrevocable standby letter of credit, in the amount of at least \$100,000 per megawatt nameplate capacity of the Energy Facility, as adjusted annually for inflation based upon the CPI-U from the date of this Regulation. To be acceptable, a surety bond must be posted and maintained by a surety authorized to do business in Michigan and which is rated A+ or better by A.M. Best. To be acceptable, an irrevocable standby letter of credit must be issued and maintained by a bank authorized to do business in Michigan with a 1 rating pursuant to the CAMELS rating system. St. Clair County shall be identified as named beneficiary on such surety bond or irrevocable letter of credit.

___ (p) Itemization of all approvals or requests for approvals for the proposed Energy Facility requested or granted by the State of Michigan and any local unit of government, including, a statement whether a certificate has been requested pursuant to PA 233.

___ (q) A summary of all materials to be utilized in the construction of the Energy Facility.

___ (r) Other information reasonably required by the Health Department.

___ (s) All agreements with the owner(s) of the premises where the Energy Facility is proposed to be located.

___ (t) Authorization for the Health Department, or its agents, to inspect the premises where the proposed Energy Facility will be located and to conduct tests, including sound measurements and soil samples, signed by the applicant and the owner(s) of the premises.

___ (u) A nonrefundable fee of \$25,000.00 payable to St. Clair County, which is designed to cover the costs incurred by the Health Department in reviewing the Request for Authorization, including, sound engineering, plan reviews and compliance monitoring.

Public Health Minimum Standards Applicable to Energy Facilities:

To be eligible to receive authorization, Energy Facilities must meet or exceed the following Minimum Standards. Regardless of whether Authorization was received, all Energy Facilities are required to operate and be maintained in such manner which meets or exceeds the below Minimum Standards.

- (a) **Noise Mitigation** An Energy Facility shall be designed, operated and maintained such that when operating at full power output, as measured at any point at or beyond a non-participating property line of parcel with an existing residential dwelling, it does not produce measurable Tonal Noise, and the broadband noise level from the Energy Facility does not exceed 45 decibels A-weighted averaged over a 10 minute period (dB(A) Leq).
- (b) **Visual Pollution Mitigation** An Energy Facility shall be designed, operated and maintained such that it is obscured from view from adjacent roadways and from all points on adjacent non-participating properties including from all occupied stories of included buildings, including through use of opaque gating or fencing at points of vehicular access, perimeter berms, or a buffer of at least 25' in ground depth consisting of sufficiently thereof, which is sufficient to obscure the Energy Facility from view.
- (c) **Decommissioning** An Energy Facility shall enter into a decommissioning agreement that ensures the return of all participating properties to their useful natural condition similar to that which existed before construction, including removal of all above-surface and below-surface facilities and infrastructure. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a surety bond or an irrevocable standby letter of credit, in the amount of at least \$100,000 per megawatt nameplate capacity of the Energy Facility, as adjusted annually for inflation based upon the CPI-U from the date of this Regulation. To be acceptable, a surety bond must be posted and maintained by a surety authorized to do business in Michigan and which is rated A+ or better by A.M. Best. To be acceptable, an irrevocable standby letter of credit must be issued and maintained by a bank authorized to do business in Michigan with a 1 rating pursuant to the CAMELS rating system. St. Clair County shall be identified as named beneficiary on such surety bond or irrevocable letter of credit.

In addition, St. Clair County Health Department also requires a Soil Erosion and Sedimentation Control permit prior to construction.



Environmental Health Division
220 Fort Street Port Huron MI 48060
Office: (810) 987-5306 / Fax: (810) 985-5533
environmentalhealth@stclaircounty.org

OFFICE USE ONLY

Date:

Amount:

Receipt #:

Permit #:

PERMIT APPLICATION
For St. Clair County Health Department Regulation 25-01
SOLAR AND BATTERY ENERGY STORAGE FACILITY

1. APPLICANT

Name	Landowner	Designated Agent		
Address	City	State	Zip Code	
Email	Phone Number			

2. LOCATION

Township	City / Village	County
Property Tax ID Number	Street Address	St. Clair
Subdivision	Section	Town Range

3. BRIEF NARRATIVE OF PROPOSED VISUAL POLLUTION MITIGATION

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4. BRIEF NARRATIVE OF PROPOSED SOUND MITIGATION

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5. PERFORMANCE DEPOSIT

Amount Required \$ _____	<input type="checkbox"/> Cash	<input type="checkbox"/> Certified Check	<input type="checkbox"/> Irrevocable Letter of Credit	<input type="checkbox"/> Surety Bond
Name of Surety Company _____				
Address, City, State, Zip Code _____				
Area Code / Telephone No. _____				

Responsible Party Signature	Print Name	Date
Designated Agent Signature*	Print Name	Date



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DESIGNATED AGENT FORM

As landowner of property indicated below, please accept this signed authorization as written permission for my "Designated Agent" to sign application and secure a Permit in my name

Property Address _____

City / Township _____

Owner Name _____

Address _____

City, State, Zip _____

Owner Signature _____ **Date** _____