DRAFT CONDITIONS AND REQUIREMENTS

An approval of this proposal would be finalized in the form of an Order from the County Commission. This document is Exhibit “A” which would be attached to that Order.

The entire purpose of this document is to spell out all of the various conditions and requirements the County Commission would be attaching to an approval of this project.

Everything listed is intended to address and protect the interests and concerns of the citizens of Christian County.

EXHIBIT "A"

The information contained herein is intended to provide adequate detail as to the Christian County Commission's expectations which must be met as condition of it's grant of approval to establish the Battery Energy Storage System (BESS) located on Old Prospect Rd. near Ozark, Missouri, more specifically identified as parcel No. 18-0.1-02-000-000-005

I. Submittals and Requirements

1. Site Plan

Prior to the issuance of any Building permits the Planning and Development Department shall assure that the project conforms to applicable Development and Environmental Regulations. The developer shall present a final site plan for the project to the Planning and Development Administrator which incorporates any changes or requirements identified during the review and approval process. The plan must include at a minimum:

a. Property lines and physical features, including roads and service drives providing access for the project site.

b. Landscaping - Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

1.) The perimeter of the developed site shall be surrounded by a vegetative buffer consisting of two rows of coniferous trees (Eastern Red Cedar or Common Juniper) a minimum of 6-foot-tall at planting, being planted 15 feet apart on centers. The spacing of trees shall be offset in the two rows in order to provide a visual barrier to the project development area.

2.) The plan should incorporate recommendations included in the Wetland Delineation and Threatened & Endangered Species Habitat Report dated 4/20/2023 in preserving vegetative and wetland habitat.

c. Measurements and calculations required to determine compliance with buffering/setback requirements and areas which are to be impervious.

d. Plans and locations for signage and required fire suppression locations and access points for water.

e. Lighting – locations of all exterior lighting

1.) All exterior lighting shall be directed downward and inward to the site.

f. Location and dimensions of all perimeter security fencing to be placed on site.

If the plan presented generally conforms to the preliminary plan approved, including any required modifications, the Administrator may recommend issuance of construction permits. If any substantial modifications to the approved plan are made, the Administrator may refer back to the County Commission for an additional review.

2. Stormwater Management Plan

The developer must also provide a stormwater management plan as required by the Christian County Stormwater and Erosion Control Regulations. The County Engineer will review the calculations and any associated management plans. If any improvements or detention structures are required, the work must either

be completed prior to the issuance of construction permits or have it's completion guaranteed by an appropriate form of financial security.

3. Stormwater Pollution Prevention Plan

   Because this project will entail the disturbance of more than one acre of land, erosion control permits through both the State and the County will be required prior to the issuance of construction permits. The developer's engineer must provide a Stormwater Pollution Prevention Plan (SWPPP) prepared to Christian County and Missouri Department of Natural Resources standards detailing the plan for erosion control.

4. Commissioning Plan

   Prior to issuance of the building permit, a Commissioning plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the applicable construction codes adopted by Christian County. Where commissioning is required by said codes, Battery energy storage system commissioning shall be conducted by a Missouri Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the relevant adopted code shall be provided to the Chief Code Official prior to final inspection and approval and maintained at an approved on-site location.

5. Fire Safety Compliance Plan

   Prior to issuance of the building permit, such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the local Fire Code including the requirements of UL 9540A as specified in NFPA 855, UL 9540 and the International Fire Code (IFC). In the discretion of the responding fire district, prior to issuance of a building permit, funding sufficient to provide training from an industry-recognized trainer or firm specializing in first response to battery energy storage system emergencies and other events requiring response by fire district, police, and/or other first responders, as may be determined by the County, shall be provided in a form acceptable to the County.

6. System and Property Operations and Maintenance Manual

   Prior to issuance of the building permit, such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the applicable construction codes adopted by Christian County.

7. Emergency Operation Plan

   A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

   The emergency operations plan shall include the following information:

   a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, controlling and extinguishing the fire and containing contaminated water used to control the fire.

e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other procedures as determined necessary by the County EMA Director to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

8. Decommissioning/Removal Plan

Prior to the issuance of the building permit a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the installation must be provided. Prior to removal of the Battery Energy Storage System, a permit for removal activities shall be obtained from the Building Inspections Department. The Decommissioning Plan shall include the following provisions:

a. A narrative description of the activities to be accomplished, including who and/or what entity will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the battery energy storage system;

d. The estimated decommissioning costs and how said estimate was determined;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning, and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

i. Provisions for stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning and Zoning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

j. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the Battery Energy Storage System shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning and Zoning Commission. If the owner or operator of the Battery Energy Storage System fails to remove the installation in accordance with the requirements of this section within one hundred fifty (150) days of Abandonment or the proposed date of decommissioning, the County may enter the property and physically remove the installation.

k. Upon the decommissioning of the project and removal of all equipment, the soils at the site shall be restored to the condition and classification that existed prior to the construction of the project, and be compliant with County Soil Erosion Control Standards and the County's Illicit Discharge Ordinance.

l. As part of the decommissioning plan, the owner or operator of a Battery Energy Storage System shall provide the County with an irrevocable standby letter of credit or other form of security reasonably acceptable to the County Counselor, which shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the letter of credit or other security shall be in the amount of one hundred percent (100%) of the cost of removal of the Battery Energy Storage System and restoration of the property, which shall be renewed every five (5) years. Delivery of the letter of credit or other security to the County shall occur prior to the commencement of operations.

m. The surety for implementing the decommissioning plan shall not be released until the County Engineer has confirmed that the approved decommissioning plan has been fully implemented.

n. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the letter of credit or other security shall be forfeited to the County, which shall be entitled to maintain an action thereon. The letter of credit or other security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

o. In the event of default or abandonment of the Battery Energy Storage System, the system shall be decommissioned as set forth in this subsection (g).

p. Costs of Decommissioning/Removal. The operator of the battery storage system installation and the owner of the real property on which such installation is located shall be jointly and severally liable for all costs and expenses of the County incurred during and relating to the removal of the installation under Section I.(8)(1)(e). Notwithstanding the foregoing, the County shall first attempt to secure payment for such costs and expenses from the operator of the installation; however, in the event the County is not made whole following reasonable attempts to collect such costs and expenses from the operator of the installation, the County reserves all rights under State and Federal law to pursue payment for such costs and expenses from the owner of the real property on which the installation in question is located.

II. Limitations of Land Use Approval Timeframes and Abandonment

1. The approval granted by the County Commission for this battery storage system land use shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced within that timeframe. In the event construction is not completed in accordance with the final site plan, as may

have been amended and approved, County Commission, within 24 months after approval, the Commission may extend the time to complete construction, in its discretion. If the owner and/or operator fails to commence construction and receive a building permit after 48 months, this approval shall expire. If the owner fails to perform, the County may notify the owner to implement the decommissioning plan. In such an instance, the decommissioning plan must be completed within 150 days of notification by the County.

2. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. A report of system operational characteristics for the prior calendar year must be provided to the Building Inspector within 30 days of the end of each calendar year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the County may, at its discretion, enter the property and utilize the available bond and/or security for the removal of the Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

III. Ownership Changes

If the owner of the battery energy storage system changes or the owner of the property changes, the land use permitted under this order shall remain in effect, provided that the successor owner or operator assumes, in writing, all of the obligations contained herein. A new owner or operator of the battery energy storage system shall notify the Chief Code Official of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Building Inspections Department in writing. The permit allowing this land use and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Building Inspections Department in the required timeframe. Reinstatement of this land use permit, if voided, will be subject to the same review and approval processes originally required.