

Notice of Public Hearings by Conference Call or by Video Conferencing Sussex County Board of Supervisors

In accordance with Continuity of Government Ordinance passed by the Sussex County Board of Supervisors on March 27, 2020 to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster, and in accordance with Virginia Code § 15.2-1413, notice is hereby given that the following meeting of the Sussex County Board of Supervisors will take place (including the below public hearings) on June 18, 2020 at 6:00 pm via Conference Call or Video conference, where the Board of Supervisors may or may not take action on the following:

Public Hearings:

1. Conditional Use Permit Application #2019-03: Pursuant to Section 34-217, Subsection 28, of the Zoning Ordinance, the applicant, Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America, seeks a conditional use permit to operate a sand and gravel operation on tax map numbers 38-(1)-5 (27.45 acres) and 38-(A)-15 (271.48 acres). The parcels in question, totaling approximately 298.93 acres, are zoned A-1, General Agricultural, District which allows the proposed use with a conditional use permit. The site in question is located on the south side of Route 35 (Jerusalem Plank Road) and the east side of Route 626 (Courthouse Road) at the intersection of Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).

2. Conditional Use Permit Application #2019-04: Pursuant to Section 34-217, Subsection 18.b, of the Zoning Ordinance, the applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC), seeks a conditional permit to construct and operate a battery energy storage facility on tax map numbers 64-(A)-21 (11.48 acres) and 64-(A)-23 (20.8 acres). The site in question (totaling approximately 32.28 acres), is located on the north side of Route 40 (Sussex Drive adjacent to an existing Dominion Energy Substation).

A copy of the Conditional Use Permit Applications along with supporting documentation may be obtained by contacting the Community Development Office during regular business hours Monday thru Friday from 8:00 a.m. to 4:30 p.m. at 434-246-1043.

All interested persons are invited to join the Conference Call meeting. Information may be obtained for call in information by calling the Sussex County Administration office at 1-434-246-1000 the day of the scheduled meeting or by visiting the Sussex County website. Anyone needing assistance or accommodation under the provisions of the American Disabilities Act should call the County Administrator's Office at 434-246-1000 at least 24 hours in advance of the hearings. Other questions may be addressed to the Community Development Office at the number above.

Authorized by:
Larry Hughes
Interim County Administrator
6/3/2020 & 6/10/2020

County of Sussex, Virginia

Board of Supervisors Meeting

Supporting documentation for Public Hearing Items

Thursday, June 18, 2020
6 p.m.

Board of Supervisor Members

Susan B. Seward, Chair
Wayne O. Jones, Vice Chairman
Eric Fly, Sr., Supervisor
Marian D. Johnson, Supervisor
Debbie P. Jones, Supervisor
Rufus E. Tyler, Supervisor
Steve White, Tie breaker

General District Courtroom
Sussex County Judicial Center
15098 Courthouse Road
Sussex, Virginia 23884

AGENDA

June 18, 2020

DEPARTMENT OF COMMUNITY DEVELOPMENT

André Greene, Director of Community Development

Phone (434) 246-1043

Fax (434) 246-2175



COUNTY OF SUSSEX, VIRGINIA
P. O. BOX 1397 ~ 20135 PRINCETON ROAD
SUSSEX, VIRGINIA 23884-0397
www.sussexcountyva.gov

Sussex County Board of Supervisors Public Hearings
Thursday, June 18, 2020, beginning at 6:00 p.m.

AGENDA

4. Public Hearings

- 4.01 Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates LLC.
Public Comment
Board Comment
- 4.02 Conditional Use Permit #2019-04, East Point Energy LLC
Public Comment
Board Comment
- 4.03 Return to Open Session
- 4.04 Action on Public Hearing Items

CONDITIONAL USE PERMIT #2019-03

SUPPLEMENTAL MEMORANDUM

To: Board of Supervisors

Through: Larry Hughes, Interim County Administrator

From: Bart S. Nuckols, Interim Planning Director

Subject: CUP application #2019-03, Titan Mid-Atlantic Aggregates, LLC.

Background: The request has been before Sussex county since the fall of 2019 and has gone through the initial public hearing review with the Planning Commission with subsequent recommendation. Due to a weather-related delay in February and the Covid emergency the request has been delayed for public hearing before the board.

Staff Review: During the intervening period, staff has conducted additional review of the application in response to concerns raised in regards to the archeological significance of the site. Other concerns raised include transportation concerns for heavy truck traffic movements both at the site and intersections for Routes 40 and 35.

ARCHAEOLOGICAL: Staff contacted Roger Kirchen with the Department of Historic Resources, DHR concerning the site. His comments touched on the “many archaeological resources within 500’ of the property, most being native American”. Several of these sites have been determined as eligible for listing in the National Register of Historic Places while others have not simply been evaluated. There records indicate that the proposed mining site has not been “comprehensively surveyed for archeological resources” but stated in his “professional opinion that the subject property has the potential to contain additional undocumented sites”. He also stated that DHR did not perform Phase 1 Archaeological study/surveys but uses outside contractors for those studies.

Staff contacted the applicant on this item and the applicant subsequently sought out bids from contractors from a list provided by DHR. Attached is a copy of the bids for the study ranging in price from \$26,962 to \$84,600. At this time the applicant does not plan to proceed with a phase 1 study but stated they will be glad to discuss with the board this issue.

TRAFFIC CONCERNS: In reviewing the application and related documents, the Department of Transportation, DOT, stated that the request did not warrant additional traffic studies. It is my understanding that a DOT representative was at the Planning Commission public hearing and did not raise concerns specifically on this issue. As a general practice, if such a Traffic Impact Analysis, TIA, is done, it is typically performed by a transportation engineer. Cost of such a study can range from \$3,500 to \$5,000 per intersection, with prices up to \$12,000 for multi-phase development.

The applicant is aware of this concern over traffic and would like to discuss further with the board on this item.

Board Actions

The Board of Supervisors may exercise one of the following options:

1. Continue the public hearing to next month's regularly scheduled meeting. This would allow time for additional information and for the applicant to address the above items and provide the board with additional time to review the request as well as any other items raised during the public hearing.
2. Close the public hearing and defer action until further research/information can be provided on the application.
3. Deny the request.
4. Approve the request per the recommendations provided by the Planning Commission at their November, 4 2019 meeting.
5. Approve the request with the Planning Commission recommendations and additional requirements regarding a Phase 1 Archaeological Study and Transportation Impact Analysis.

From: Darby O'Donnell
To: CBocchicchio@titanamerica.com
Subject: Titan Mid-Atlantic Aggregates LLC-Sussex County Virginia location
Date: Tuesday, February 4, 2020 1:17:51 PM

Hey Cliff,

I wanted to check back in with you on the status of this project. Let me know if you need anything else in regards to the archaeological survey.

Best,
Darby

On Mon, Dec 23, 2019 at 3:55 PM Darby O'Donnell <darby@darbyodonnell.com> wrote:

Hey Cliff,

There are two ways to approach the Phase I archaeological survey of this tract. Of the 124 acres of testable non-wetland, I counted approximately 18 acres of wooded land, and 106 acres of fallow/timbered field. The Phase I survey would cost \$12,900.00 and take 4 weeks if the 106 acres of fallow/timbered field are brush-hogged and plowed. That way I can perform a systematic surface inspection of the plowed soils instead of shovel testing. If the fields are not plowed and I need to shovel test all 124 acres, the cost would be \$36,900.00 and take 9 weeks.

Also, VDHR requires that any structures within the project area that are over 50 years in age be surveyed by an architectural historian. I noticed one structure in the aerial photograph you sent, but didn't know how old it was. The Sussex County GIS system also didn't show a date. If the structure requires architectural review because of its age, there would be an additional cost of approximately \$2,000.00.

It is also possible that VDHR might request archaeological deep testing of the parcel due to its proximity to the Nottoway River, and there would be an additional cost of approximately \$3,500.00. At this point, I would be sure that Roger Kirchen at VDHR has reviewed the project and commented on what he would require as part of the Phase I survey (i.e. architectural review and deep testing). Once we know exactly what DHR expects, I can put the formal proposal together.

Feel free to give me a call at 804-564-2077 or email me if you have any questions.

-Darby

On Fri, Dec 20, 2019 at 4:37 PM Bocchicchio Cliff <CBocchicchio@titanamerica.com> wrote:

Darby,

Thank you for responding so quickly and for our discussion. The Sussex County Board of Supervisors is requesting that an Archeological study be done. Not sure, they even know what that is as they thought the State Department of Archeology would do. Anyway, I will hopefully provide you what you need in order to provide a proposal. In the proposal, please provide a cost and timeframe to complete as well. I am attaching the

Sussex County e-mail request from Lorenzo Turner of the Planning Department received on 11-27-19.

Good morning Cliff:

Per our conversation on yesterday with Mr. Greene, regarding the CUP for the proposed Sand & Gravel Pit it was relayed to staff that the Board of Supervisor passed a resolution not to consider your CUP application until they are in receipt of the following:

1. A Traffic Study from V-DOT
2. A Report or Study from the Department of Mines, Minerals and Energy (DMME)
3. An Archeological Study from the State Department of Archeology

If you have any questions or concerns, let us know.

Lorenzo Turner

Assistant to the Director of Community Development

Program Administrator-ESPA0124

Community Development Office

434-246-1043

434-246-2175 (Fax)

lturner@sussexcountyva.gov

The proposed site is located on the south side of Route 35 (Jerusalem Plank Road) and the east side of Route 626 (Courthouse Road) at the intersection of Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road) in Waverly, Virginia. There are two parcels of property as indicated on the attached survey recently completed. The attached Sussex County property information shows both parcels formerly owned by Michael Spain but now owned by Titan Mid-Atlantic Aggregates LLC. Titan Mid-Atlantic Aggregates LLC is calling the site the Sussex Sand Mine.

I have attached a proposed site plan with setbacks which shows our entrance to the site coming off Courthouse Road. VDOT has approved the entrance design (attached) that we submitted via a land use permit application but is holding the permit pending the outcome with Sussex County and the traffic study. I have also attached the wetland delineation. The total property area is 298.93 based on the recent survey which the wetland consultant didn't have the benefit of and went off the County's information which was inaccurate. Approximately 183 acres is wetlands. The Planning Commission has already approved our application for a Conditional use permit but the Board of Supervisors is requiring the archeological study as well as the traffic study. The issue with DMME has been resolved.

I hope this provides you enough information. If not, please let me know what else you might need. Thanks.

Cliff Bocchicchio

Environmental Manager

Titan America LLC

5700 Lake Wright Drive, Suite 300

Norfolk, VA 23502

E-mail cbocchicchio@titanamerica.com

phone: 757-858-6537 (office)

phone: 757-287-6672 (cell)

Confidentiality Notice: This message including files attached to it, may contain confidential information that is intended only for use of the Addressee(s) names above. If you are not an intended recipient any dissemination or copying of the information contained in this message or the taking of any action in reliance upon the information is strictly prohibited. If you have received this message in error, please notify the sender immediately by return Email or by phone and delete the original transmission and any attachments without reading or saving in any manner. Thank you.

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Darby O'Donnell, LLC
804.564.2077

www.darbyodonnell.com

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21 April 2020

Cliff Bocchicchio
Titan America LLC
5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502
cbocchicchio@titanamerica.com
phone: 757-858-6537 (office)
phone: 757-287-6672 (cell)

Regarding: Phase 1 Archaeological Assessment of 115 acres of non-wetland at the Spain Property, Waverly, Virginia

Dear Mr. Bocchicchio:

Thank you for the opportunity to bid on this project and to present the following proposal for the necessary professional cultural resources services for the referenced property (per attached map).

Scope of Work

TASK 1 - PHASE I ARCHAEOLOGICAL SURVEY - following the *Guidelines for Conducting Cultural Resource Survey in Virginia* by the Virginia Department of Historic Resources (VDHR), excavate shovel tests at 49.2 foot (15 meter) intervals on undisturbed, well drained landforms (not exceeding 15 percent slope with more than 50 percent ground visibility). Shovel tests will be oriented to a grid laid out using a GPS unit. Shovel tests will be excavated a minimum of 15 x 15 inches (.38 x .38 meters) in diameter and excavated into subsoil or at least 4 inches (10 centimeters) into archaeologically sterile sediments. If significant artifacts or features are found, additional shovel tests will be excavated at 25 feet intervals in each cardinal direction. All soils will be passed through ¼ inch mesh hardware cloth. Representative soil profiles and/or photographs of shovel test pits, including Munsell descriptions, will also be completed. Any ground surfaces that are flooded, waterlogged, or extensively disturbed will be photo documented and depicted on the maps and report. If sites are identified, VDHR archaeological site forms will be completed and submitted. Artifacts collected during the investigation will be bagged by provenience, washed, analyzed, and readied for curation per the Guidelines.

TASK 2 – REPORT PREPARATION following the *Guidelines for Conducting Cultural Resource Survey in Virginia* by the VDHR.

Experience

Bluestone Research is made up of an outstanding team of licenced professionals that specialize in providing archeological services to mining companies, engineering firms, developers as well as State and Federal agencies. Our staff has worked directly with the agencies responsible for cultural resource compliance and has over 60 years of cumulative experience ensuring trouble-free archaeological solutions.

We work with clients to enable development by creating the most effective strategy for archaeological compliance. This long experience ensures the timely and straightforward completion of archaeological projects. Our solid relationship with the Virginia Department of Historic Resources ensures your project is completed first time, every time. Our staff of cultural resource specialists includes Registered Professional Archaeologists who have worked on a wide variety of prehistoric and historic projects. We have completed hundreds of projects at all levels of investigation.

Capabilities

- Solid record of **on-time, on-budget** archaeological projects
- Bluestone principals **Blue Chip credentials** include PhD from Cambridge University, MAs from Simon Fraser University and The College of William and Mary as well as University of California, Berkeley.
- **Demonstrated responsiveness.** No matter how busy we are, our first priority is to respond to your queries immediately and satisfy your requirements.
- Demonstrated ability to complete projects both small and **extremely large**. We have successfully completed projects exceeding \$500,000.
- Our **facilities** includes office, laboratory, administrative staff, graphic specialists, and professional field technicians. Bluestone's state of the art equipment include high-end GPS units, Total Stations, and the latest in GIS and graphical software. Field equipment includes heavy duty trucks for equipment and crew transport and a power boat for lake-based projects.
- We pledge that we will **never be too busy** to accept and complete your project

Insurance

Bluestone Research maintains all necessary insurance coverage as required by government entities. A copy of a certificate of insurance containing all of the required coverage can be provided upon request.

Health and Safety

At Bluestone, health and safety is taken very seriously. For that reason, we maintain a health and safety policy and program in accordance with OSHA. Bluestone established a health and safety representative as part of our Joint Health and Safety Committee to ensure that:

- Each employee has read and maintains copies of all health and safety documents
- Workplace inspection and hazard control protocols are established
- Emergency plans for injured or ill workers are created and adhered to
- An incident and accident reporting and investigation procedure is maintained, and
- Ongoing training and education is provided relevant to the project area

Quality Assurance / Quality Control

The Bluestone team is divided into two separate streams: Fieldwork and Administration. At Bluestone; we have years of corporate experience that has resulted in a well-defined process for achieving and improving quality.

Fieldwork

Fieldwork is headed by David Rotenizer M.A., R.P.A., a professional archaeologist with 30 years experience.

- His in-field presence ensures excavations meet the **highest standards** according to the VDHR.
- Bluestone uses a **spreadsheet-based system for QA/QC accounting** to ensure that each VDHR excavation requirement is completed. The process ensures each step is best practice.
- David's experience in **managing people** ensures that our fieldwork is top notch: completed accurately and quickly. His long-time association with First Nations ensures satisfactory compliance.
- Bluestone uses a **quality manual** for fieldwork that outlines the quality focus and objectives in the organization.

Administration

Report writing, artifact processing, compliance documents, and office procedures are headed by Allan Morton M.A., Ph.D., R.P.A. He is a licenced professional archaeologist with 28 years experience. His work in senior management and associate partner of a large corporation means competent application of QA/QC methods.

- His in-office presence ensures that administrative work such as report writing, research, artifact analysis and curation exceeds the **highest standards** according to the VDHR.
- Bluestone uses a **spreadsheet-based system for QA/QC accounting** to ensure that each VDHR requirement for reports, research and artifacts is completed (quality control). The process ensures that each step made is the best possible (quality assurance). The process also allows us to review post-project to **increase quality** for future work.

- Allan’s experience in **managing people** as Associate Partner and Director of Archaeology for an engineering firm near Washington DC, and for the US Army in Virginia and Texas ensures that administrative tasks are exemplary; completed meticulously and **on-time**.
- Bluestone uses a **quality manual** for administration that outlines the quality focus and objectives in the organization.

Personnel

Bluestone Research is in compliance with guidelines established by the Virginia Department of Historic Resources as well as the U.S. Department of Interior for archaeological consultants. We are qualified to conduct historic and prehistoric archaeological surveys, historic architectural surveys, and testing and mitigation of historic and prehistoric archaeological sites. Our acquaintance with many skilled archaeological field technicians enables us to assemble top quality personnel for large or small projects. We have completed Phase I and II surveys for projects as small as one acre and as large as one thousand acres. We have also completed Phase III mitigation of historic and prehistoric archaeological sites.

Bluestone Research is committed to maintaining our reputation as competent and reliable professional archaeologists by continuing to produce high quality work in a timely fashion at a reasonable cost.

Organizational Chart

Personnel	Position	Duties
David Rotenizer, MA RPA	Project Manager	Client contact, report editing, field work, Background research, report writing
Allan Morton, Ph.D., RPA	Principal Investigator	Archaeological work plan development
Marie B. Morton, RPA	Principal Investigator	Historic Structure analysis, Background research, report writing

Deliverables

The Phase I Archaeological Assessment report will be written and submitted to the Virginia Department of Historic Resources for review and acceptance. This report will provide the results of the background study and field investigation and will provide the details of any archaeological resources identified on the property including an evaluation of cultural heritage value or interest. The report will be concluded with a recommendation on whether an additional Phase 2 archaeological assessment is required.

Budget and Schedule

Phase I Archaeological Assessment at the Spain Property

\$52,500.00
plus applicable
taxes.

The Phase I Archaeological Assessment and Metal Detector Survey may begin upon receipt of signed authorization to proceed and once work and field conditions are acceptable to Virginia Department of Historic Resources standards for survey to commence. It is estimated that the field work will take eight archaeologists two weeks to complete. A draft report detailing the results of the archaeological assessment will be provided for review within six weeks of the fieldwork being completed.

If you are in agreement with the Scope of Work and estimated fees described above, please sign the Work Authorization. A signed PDF of the work authorization and a deposit of 25% will suffice to authorize Bluestone staff to proceed with the work program.

Please do not hesitate to contact Allan Morton at 804 723 8972 if you have any questions. We thank you very much for thinking of us for this project. The Bluestone archaeological team looks forward to assisting you.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan Morton", with a long horizontal flourish extending to the right.

Dr. Allan Morton RPA
Principal Investigator
Bluestone Research
804 723 8972
allan@bluestoneresearch.org
162 Point Anne Drive
Hartfield Virginia
23071

Work Authorization

DATE:	21 April 2020	PROJECT:	Phase 1 Archaeological Assessment at the Spain Property
CLIENT:	Titan America LLC		
ADDRESS:	5700 Lake Wright Drive, Suite 300 Norfolk, VA 23502	LOCATION:	TR 1 327.8A GAYLE EST PT 846A, Waverly VA

AUTHORIZATION:

The client authorizes Bluestone Research (162 Point Anne Drive, Hartfield, Virginia, 23071) to begin, carry out and complete the work specified in the accompanying scope of work (SOW) in accordance with the terms and conditions of this Work Authorization.

SCOPE OF WORK:

Regarding to proposal dated 21 April 2020

COMPENSATION:

The client agrees to pay Bluestone Research for the SOW as described in the accompanying Cost Proposal.

PAYMENT:

Bluestone Research will invoice the client monthly for archaeological efforts performed and the client agrees that each invoice will be paid within 30 days. Interest will be charged on all overdue amounts at the maximum rate allowed by law, if lower. Archaeological efforts by Bluestone Research may be curtailed if 5 days pass after giving the client written notice.

TERMINATION:

This Agreement may be terminated by either party on 30 days' written notice or if either party fails substantially to perform through no fault of the other and does not begin it's correction within 5 days of written notice and complete the correction expediently. Bluestone Research will be paid for all work authorized and performed up to the date of termination plus reasonable expenses relating to said termination.

LEGAL LIABILITY AND PROFESSIONAL RESPONSIBILITY:

- Professional Liability Insurance. Bluestone Research will maintain throughout the term of this project Professional Liability Insurance. Upon written request, Bluestone Research will provide the client with proof of such insurance.
- Limitation of Liability. Bluestone Research's aggregate liability to the client for claims arising out of this Work Authorization and accompanying Cost Proposal and SOW, or in any way relating to the SOW, will be limited to the cost for the project as described in the Cost Proposal. Bluestone Research will not be liable for indirect damages or consequential damages. This includes limitation loss of use or loss of profits. No claim may be brought against Bluestone Research more than 1 year after the date of this work authorization.
- Standard of Care. The highest standard of care will be employed with every aspect of the SOW.

AGREEMENT IN ENTIRETY:

This Work Authorization contains the entire agreement of the client and Bluestone Research. It supersedes all previous emails, correspondence, telephone calls and negotiations relating to the SOW.

Bluestone Research
Allan Morton

BY:

BY:



LEGEND:
 --- IRON PIN SET
 --- BACK ON LINE
 --- TOTAL
 --- DEED BOOK
 --- PAGE
 --- TAX PARCEL
 --- CONCRETE
 --- MONUMENT
 --- CENTERLINE
 --- RIGHT OF WAY
 --- PLAT BOOK

THE PARCELS SHOWN ARE EXISTING TAX PARCELS, AND DO NOT
 CREATE ANY NEW PARCELS, OR ALTER BOUNDARY LINES BETWEEN
 EXISTING TAX PARCELS.



CALLS FROM A TO B

Course	Bearing	Distance
L1	S 88°18'55"	358.50'
L2	S 28°11'15"	284.30'
L3	N 23°53'27"	301.50'
L4	N 28°26'27"	118.20'
L5	N 37°48'27"	78.30'
L6	S 24°49'13"	238.70'
L7	S 78°39'13"	218.30'
L8	S 13°39'13"	118.60'
L9	S 67°39'13"	250.00'
L10	S 60°48'13"	135.00'
L11	S 55°39'04"	752.58'

PLAT OF SURVEY OF
 TWO PARCELS (298.93 ACRES)
 NEWVILLE DISTRICT
 SUSSEX COUNTY, VIRGINIA
 OWNED BY
PARCEL A
 MICHAEL W. SPAIN
 D.B. 101, PG. 83
 PLAT BK. 16, PG. 115
 T.P. 38-1-5
PARCEL B
 MICHAEL W. SPAIN &
 RICHARD T. SPAIN, III
 D.B. 253, PG. 468
 PLAT BK. 12, PG. 4
 T.P. 38-A-15



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS CURRENT
 BOUNDARY SURVEY, TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, IS CORRECT AND
 COMPLES WITH THE MINIMUM PROCEDURES
 AND STANDARDS ESTABLISHED BY THE
 VIRGINIA STATE BOARD OF ARCHITECTS,
 PROFESSIONAL ENGINEERS, LAND SURVEYORS,
 AND CERTIFIED LANDSCAPE ARCHITECTS.
 James E. Nash
 JAMES E. NASH, L.S. 2688



CAUTCHFIELD
ASSOCIATES, INC.
 SURVEYORS - ENGINEERS - PLANNERS
 7996 HIGHWAY 47 EAST P. O. BOX 268
 CHASE CITY, VIRGINIA 23624
 434-372-3894 FAX 434-372-0871
 FILE NO.: 19120.CRD DATE: AUG. 7, 2019
 19120.DWG



Lyle E. Browning, RPA

Browning & Associates, Ltd., 138 Scoggins Creek Trail, Hartfield, VA 23071
804-379-1666 ♦ lebrowning@att.net

April 29, 2020

Mr. Cliff Bocchicchio
Environmental Manager
Titan America LLC
5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502

Dear Mr. Bocchicchio,

Attached are two estimates to perform cultural resources survey on the Spain property of which ±115 acres will be disturbed. The first estimate is based upon standard screened shovel tests at 50' intervals throughout the acreage, including the agricultural fields. The second estimate is based upon visual examination of exposed surface with limited shovel testing. Whether we can use the second method is based upon emergent vegetation on the cutover portions. The ideal situation would be for the land to be cleared and then rained upon. That would cut our total time to two days of fieldwork.

We did a bit of due diligence and noted that there is one large archaeological site in the northwest corner of the acreage and that there are 3 additional sites along the county road to the south. The Nottoway drainage is a hotspot for prehistoric peoples from Paleo on through Contact Period.

The large archaeological site would be tested as a byproduct of this investigation and unless it turns out to be extraordinary, we would not recommend further work.

Also attached is a short-form vita and a company brochure.

Should you have any questions, please advise.

Sincerely yours,

Lyle E. Browning
President

TITAN-SPAIN BID		STANDARD SHOVEL TEST		VISUAL EXAMINATION, MINIMAL SHOVEL TESTING	
TOTAL ESTIMATE		26962.45		12997.45	
FEE BASE	51	23640.00	20	12040.00	
NON-SALARY DIRECT		3322.45		957.45	
TASK	TIME (DAYS)	COST	TIME (DAYS)	COST	
TASK ITEMIZATION	TOTAL	23640.00	TOTAL	12040.00	
BACKGROUND RESEARCH	1	800.00	1	800.00	
FIELD SURVEY-PI	2	1600.00	1	800.00	
FIELD SURVEY-SUPERVISOR	13	7800.00	3	1800.00	
FIELD SURVEY-CREW	26	6240.00	6	1440.00	
ARTIFACT PROCESSING & ANALYSIS	3	2400.00	3	2400.00	
DHR LIAISON	1	800.00	1	800.00	
REPORT PREPARATION	5	4000.00	5	4000.00	
NON-SALARY DIRECT EXPENSES	TOTAL	3322.45	TOTAL	957.45	
MILEAGE		3222.45		857.45	
ACCOMMODATION		0.00		0.00	
PER DIEM		0.00		0.00	
EQUIPMENT & MATERIALS		50.00		50.00	
PHOTOGRAPHY, PHONE, PHOTOCOPY		50.00		50.00	



May 1, 2020

Mr. Cliff Bocchicchio
Titan Mid-Atlantic Aggregates LLC
5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502

Via e-mail: cbocchicchio@titanamerica.com

Re: Proposal for Phase I Cultural Resources Investigation
Sussex Sand Mine (\pm 300 acres)
Sussex County, VA
WSSI Proposal #P15597

Dear Mr. Bocchicchio:

As explained in your April 22, 2020 email, the Sussex County Board of Supervisors is requesting an archeological investigation in support of your proposed mining. Wetland Studies and Solutions, Inc. (WSSI) will provide these professional services in accordance with the scope of services outlined below. Enclosed with this proposal is Exhibit A depicting the location and boundaries of the project site on which this proposal is based. Please note that at your request, we have only included Phase I testing within areas that have not been designated wetlands as depicted on the 2019 Bay Environmental, Inc. Wetland Delineation map. Additionally, the boundaries of several archeological sites that have been previously recorded along Courthouse Road partially within your project site¹ has also been excluded from the testing area.

Please notify us if the boundaries of the study area on this exhibit do not represent the area where you require our services, or if there are any off-site areas (*e.g.*, for proposed road or utility work or for construction staging) that will be part of the project area.

Site 44SX0291, located immediately southeast of the intersection of Jerusalem Plank and Courthouse Roads, is the probable site of the circa 1819 David Tavern. Site 44SX0290, located roughly a hundred feet away, is interpreted as enslaved quarters associated with the tavern. Both sites have been deemed *eligible* to the National Register of Historic Places (NRHP) by the Virginia Department of Historic Resources (DHR) and will require additional work if not avoided. The boundaries of sites 44SX0286 and 44FX0289 also extend into the project site, but neither has been evaluated by DHR for eligibility to the NRHP. 44SX0286 is a Late Archaic campsite and 44SX0289 was a light scatter of prehistoric artifacts that was reinvestigated in 2007² in association with a proposed telecommunication tower to the west of the project site.

The resulting scope of services and fees are:

¹ Kiser, Taft, Robin Ryder, Christopher Egghart and Doug McLearn. 1996. *Phase I Archaeological Resources Survey of Proposed Improvements to Route 626 in Sussex County, Virginia*. Report prepared for VDOT by Virginia Commonwealth University Archaeological Research Center, Richmond, Virginia. DHR File #95-0420-F.

² Martin, Kristie R. 2007. *Phase I Archaeological Survey for the Proposed Gale Jr. Property Telecommunications Tower, Sussex County, Virginia* Contract Publication Series WV07-54. Cultural Resource Analysts, Inc., Hurricane, WV. Submitted to RESCOM Environmental Corp.

1.0 SCOPE OF SERVICES

Task A PHASE I CULTURAL RESOURCES INVESTIGATION

- A.1 WSSI will conduct a Phase I archeological and architectural field investigation of the project area in accordance with Virginia Department of Historic Resources (DHR) guidelines and will summarize the results in a report with map that follows all applicable local, state, and federal guidelines³. As part of this study, shovel test pits will be excavated in moderate and high probability locations for the occurrence of archeological sites, and WSSI will determine the boundaries of any archeological sites discovered.
- A.2 WSSI will process any artifacts recovered.⁴
- A.3 Along with our findings included in the report, WSSI will complete the required DHR site forms and structure forms, and will assess the potential significance of any archeological and architectural sites found, and make recommendations for any additional cultural resources work which may be necessary.

Review by Virginia Department of Historic Resources Representatives and Local Agencies

- A.4 The Phase I report is subject to review by the county agencies under local land use ordinances and DHR if the cultural resources investigation is undertaken to comply with Section 106 of the National Historic Preservation Act (NHPA), *i.e.*, involves federal licensing, permitting or funding. This normally applies to properties which require wetlands permits or have highway or U.S. Department of Housing and Urban Development funding. WSSI will respond to local agency or DHR comments, as necessary.

Task B CULTURAL RESOURCES SURVEY LOCATION

Any archeological site found during the Phase I investigation and recommended for Phase II evaluation or avoidance shall have its boundaries flagged in the field by an archeologist and then survey located. Said survey data will be used in the reports and available digitally for land planners. A 25-50 foot buffer is strongly recommended by the DHR and local governments when a site is avoided.

³ Note that local governments and DHR Phase I survey requirements may differ. In discretionary land use decisions or in historic districts, the locality may require additional archeological testing or architectural documentation in the project area. Such work is not included in this proposal.

⁴ WSSI shall not retain the artifacts for more than sixty (60) days after the submission of the report unless other arrangements are mutually agreed upon in writing. WSSI shall notify the client in writing once the artifacts are prepared for delivery to client or a mutually agreed upon repository. If no response is received within 10 business days of receipt of the written notification, WSSI shall assume that the client does not wish to retain ownership of the artifacts and WSSI will dispose of the artifacts in a manner deemed appropriate by WSSI.

Task C MEETINGS AND COORDINATION

Follow-up meetings or coordination with Client or Client’s consultants to discuss the implications of the cultural resources survey, or develop a strategy for further archeological work will be billed on an hourly basis in accordance with Attachment A. This task will also include other work necessary to address either unforeseen circumstances not specifically outlined in this contract and/or to respond to client requests.

EXCLUSIONS

1. **Additional Cultural Resources Investigations:** The scope and cost of additional archeological or architectural investigations (e.g., Phase I architectural survey of resources in the indirect APE of the project, any archeological cemetery delineation, Phase II and Phase III Investigations, Memorandum of Agreement (MOA), etc.) are specifically excluded from this proposal. If required, such services may be contracted separately when the scope of such services is more clearly defined, or WSSI can proceed with said services, if notified by Client, as additional services under Section 2.2 of this Agreement.
2. **Clearing Vegetation from Survey Transects:** It may be necessary to clear moderate to dense vegetation from survey transects by machine in order to complete the Phase I and MSS investigation. The scope and cost of machine-clearing of vegetation (e.g. brush-hogging) are specifically excluded from this proposal. If required, such services may be contracted separately when the scope of such services is more clearly defined.

2.0 COMPENSATION

- 2.1 Basic compensation for the above scope of services as described, not including reimbursable expenses, shall be hourly not to exceed (HNTE) as shown below.

	<u>TASK</u>	<u>FEE</u>
A.	Phase I Cultural Resources Investigation (Fixed Fee)	\$82,100.00
B.	Cultural Resource Survey Location Recommended for Phase II Investigation or Avoidance (Fixed Fee \$1,500 per site, if needed)	to be determined
C.	Meetings and Coordination (HNTE)	\$1,200.00
Z.	Reimbursable Estimate (per Attachment A)	\$1,300.00

The price is only fixed for thirty (30) days from the date of this proposal.

- 2.2 For additional services requested by or agreed to in advance by the Client, compensation shall be computed on an hourly basis per Attachment A.

2.3 Attachments A (Rate Sheet), B (General Conditions of Service), and C (Technical Special Conditions) are incorporated by reference herein.

We trust that this proposal is responsive to your requirements, however, please do not hesitate to call if you have any questions. Based upon our current workload, a complete report can be expected within twelve (twelve) to fourteen (fourteen) weeks, subject to weather and/or other scheduling delays. Your return of an executed copy of this agreement will serve as our notice to proceed.

We sincerely appreciate your confidence in WSSI and look forward to working with you.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



John P. Mullen, MA, RPA
Principal Archeologist/Assistant Manager

Enclosures: Exhibit A and Attachments A, B, and C

CLIENT OR CLIENT'S AGENT ACCEPTANCE OF THIS PROPOSAL AND ENCLOSED GENERAL CONDITIONS:

By signing below, you are creating a legal obligation between the client listed on this proposal and Wetland Studies and Solutions, Inc. (WSSI). This obligation cannot be transferred to a third party without prior written consent from both WSSI and the third party:

Signature

Date

Accepted By (print name): _____

Client Name: _____

CLIENT’S PREFERRED METHOD OF INVOICE SUBMISSION

How would you like to receive invoices for this project?

Mail: Invoice(s) will be mailed to the address listed on this proposal.

E-mail: Invoice(s) will be emailed to _____

Other: Please provide instructions below:

L:\Proposals\proposals\2020\Proposals\Gainesville\050120P15597.docx

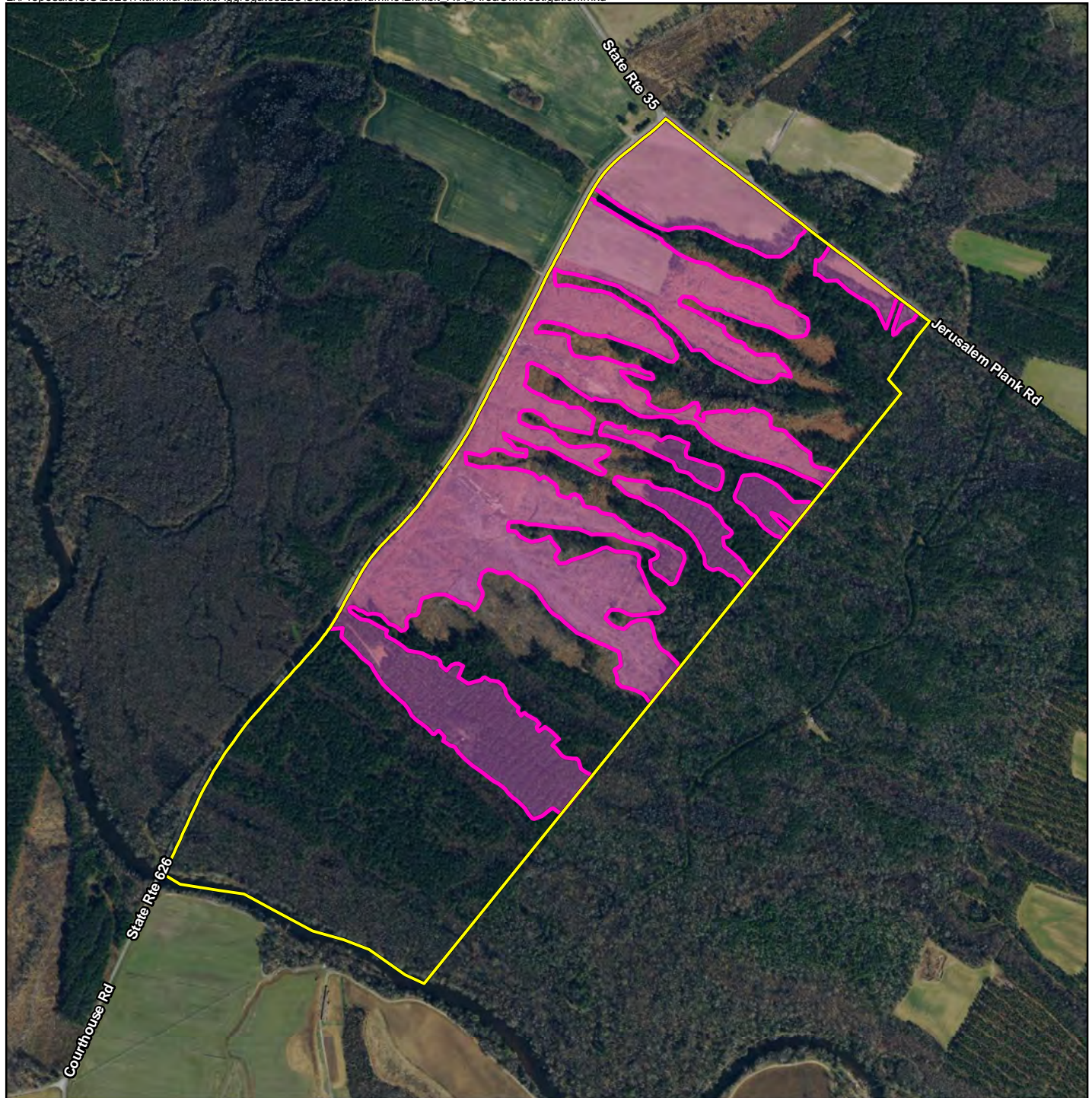
APPENDIX A - MATERIALS TO BE PROVIDED BY OWNER/CLIENT



A.1 Survey information⁵ prior to WSSI starting field work:

- Property lines
- Existing improvements
- 100-year floodplain (both minor and major) with source documentation
- Notes documenting data sources of survey information

A.2 Additional materials or studies may be required if the scope of work is expanded (e.g., to include items such as wetlands permits).

⁵ Preferably provided in a Drawing (*.dwg) file in AutoCAD 2018 or earlier, with each data component on a separate layer, on USB Flash drive, or transmitted electronically.



-  Project Area: ± 296.1 acres
-  Area of Investigation: ± 123.1 acres

Jurisdiction: Sussex County, VA
*Area is based on GIS data, and does not reflect the legal acreage of the site.
Imagery Source: Virginia Base Mapping Program (VBMP) - Spring 2017

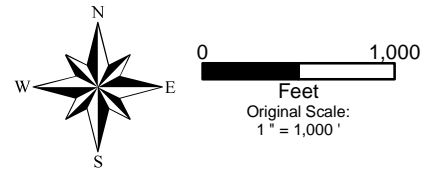


Exhibit A: Area to be Archeologically Investigated

Attachment A

The following is a listing of the Wetland Studies and Solutions, Inc. (WSSI) rates for professional and reprographic services for the Hampton Roads region. These rates will remain in effect through December 31, 2020, after which time they may be adjusted to reflect our current labor and overhead costs.

PROFESSIONAL SERVICES

Chief Technical Officer	\$300.00	Consultant IV	\$170.00
Operations Manager	\$265.00	Consultant III	\$165.00
Director III	\$247.00	Consultant II	\$129.00
Director II	\$227.00	Consultant I	\$113.00
Director I	\$191.00	Technician III	\$108.00
Principal III	\$216.00	Technician II	\$98.00
Principal II	\$170.00	Technician I	\$88.00
Principal I	\$149.00	Assistant	\$67.00
Consultant V	\$180.00	Admin. Assistant	\$69.00
		Intern	\$28.00

TYPICAL REIMBURSABLE COSTS

In-house Reprographic Services⁶

	Rate/Square Foot		Rate/Sheet
Paper Cad plots (B&W)	\$0.35	B&W Xerox (8.5x11)	\$0.10
Paper Cad plots (Color)	\$0.75	Color Xerox (8.5x11)	\$0.85
Mylar Cad plots	\$2.00		
Color Cad plots – Photo quality	\$4.00	Standard Report Supplies	minimum \$6.00/rpt

GIS and CAD system charges are included in billable rates. Reimbursable expenses shall include the following:

- Local automobile travel @ \$0.575
- All-Terrain Vehicle use @ \$10 per hour⁷
- Tractor @ \$35 per hour/\$750 per week/\$2,250 per month²
- Morooka @ \$35 per hour/\$900 per week/\$2,700 per month²
- Buggy @ \$10 per hour²
- 2200 Bobcat Utility Vehicle @ \$15 per hour²
- T-300 Bobcat @ \$45 per hour/\$1,000 per week/\$2,500 per month²
- E60 Bobcat Trackhoe @ \$60 per hour/\$1,300 per week/\$3,400 per month²
- Mudd-Ox @ \$35 per hour/\$275 per day/\$1,000 per week²
- 17' Jon boat @ \$10 per hour²
- 20' boat-115 hp @ \$50 per hour²
- Portable Electro-Fisher @ \$300 per day/\$900 per week²
- Mower @ \$10 per hour²
- Leica Robotic Total Station @ \$30 per hour²
- UAV (Drone) Photo/Video @ \$30 per hour²
- Hydrone-RCV @ \$30 per hour²
- Dino 6 Dredge @ \$1,500 per week/\$5,000 per month²
- 6" trash pump @ \$725 per week/\$2,000 per month
- Resistograph @ \$100 per day²
- GPS Unit @ \$118 per day
- Ground Penetrating Radar @ \$500 per day²

The following expenses shall be charged at cost plus a 20% administrative processing fee:

- Permit and review fees, public notice advertisements;
- Air travel, rental vehicles, lodging, and meals for sites not within commuting distance from local WSSI office;
- Third party vendor photocopying or reproduction of drawings or documents as requested by Owner or consultants;
- Postage and expedited delivery services requested by Owner or consultants;
- Artifact Archival Storage Fees; and,
- Third party consulting services, as authorized by Client, for services such as surveying, archeology, endangered species searches, geotechnical surveys, septic field-testing, permeability tests, etc.

⁶ WSSI maintains hard copy files and report copies for our records, regardless of Client deliverables. These in-house copies will be billed in accordance with the listed reprographic pricing.

² Excluding operator; mobilization included in hourly rate.

Attachment B

WETLAND STUDIES AND SOLUTIONS, INC.

GENERAL CONDITIONS OF SERVICE

These General Conditions of Service are incorporated by reference into the foregoing Proposal and shall be part of the Agreement under which services are to be performed by Wetland Studies and Solutions, Inc. (WSSI) for Client. "Agreement" as used herein shall mean the Proposal, these General Conditions, Supplemental Conditions (if any) and the Fee Schedule.

SECTION 1: SCOPE OF WORK

- a. The scope of Work shall include all services provided by WSSI, in its discretion, which are reasonably necessary and appropriate for the effective and prompt fulfillment of WSSI's obligations under the Agreement, it being expressly provided that all such services provided shall be invoiced and paid for in accordance with Section 3 below.
- b. It is understood that the Scope of Work and time schedule defined in the Proposal are based on the information provided by Client. If this information is incomplete or inaccurate, or if unexpected conditions are discovered, the Scope of Work may change, even as the work is in progress. If the Client requests additional services or when a change in the Scope of Work or time schedule is necessary, a written amendment to the Agreement shall be executed by the Client and WSSI as soon as is practicable and consent to such amendments shall not be unreasonably withheld or delayed.

SECTION 2: STANDARD OF CARE

Services performed by WSSI under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the Engineering profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document or otherwise.

SECTION 3: RELIANCE UPON CLIENT PROVIDED INFORMATION

- a. WSSI is not required to check or verify client-provided information or the technical adequacy or compliance of any portion of the project designed by the client's consultants.
- b. WSSI assumes no responsibility for the accuracy of information provided by the client or of design information provided by others, excluding WSSI's subconsultants.
- c. The client agrees to defend and indemnify WSSI for any delays, costs, losses, or damages caused by false, inaccurate, or non-compliant information provided by the client or the client's consultants.

SECTION 4: BILLINGS AND PAYMENTS

- a. WSSI invoices shall be due and payable upon receipt. Payments shall not be subject to a "Pay when Paid" condition between the Client and any other third party, unless the third party contract has such a clause. In such cases, WSSI has the right, but not the obligation, to contact said third party directly to collect payment if payment is not made within 30 days of receipt of invoice.
- b. No representations or warranties are made as to the likelihood of approval and/or as to the nature, scope, and cost of possible approval conditions. Even if no permits, jurisdictional determinations, or approvals are procured, or if Client does not desire the resulting conditions, payment for WSSI services is required in full and on time.
- c. Billings will be based on either the fee stated in the Proposal, or if not a fixed fee, on actual hours expended at the standard rates shown on Attachment A of this Proposal, plus travel costs and other reasonable expenses as described on Attachment A. Client recognizes that time is of the essence with respect to payment of WSSI's invoices, and that timely payment is a material part of the consideration of this Agreement. Invoices will be submitted by WSSI from time to time, and shall be due and payable upon receipt.
- d. Proposals using hourly rates shall utilize the rates provided on Attachment A. Said rates may be revised from time to time. These rates for contracts will remain in effect for the calendar year in which the proposal was authorized. At the beginning of the following calendar year, the hourly rates shall be updated to the revised rates as published by WSSI.
- e. Client shall pay an additional charge of one-and-one-half (1.5) percent (or the maximum percentage allowed by law, whichever is lower) of the invoiced amount per month for any payment received by WSSI more than thirty (30) calendar days from the date of the invoice.
- f. Client shall pay WSSI, without limitation, all costs and expenses, including but not limited to 25% attorney's fee or \$500, whichever is more, incurred by WSSI in connection with the collection and enforcement of Client's obligation to pay amounts due hereunder.

- g. Payment options are by check, ACH or credit card. A 3 % fee will be applied if paying by credit card.

SECTION 5: RIGHT OF ENTRY

- a. Client hereby grants WSSI and its subcontractors or agents the right to enter from time to time the property owned by Client and/or other(s) in order for WSSI to fulfill the scope of services included in the Agreement. Client understands that use of exploration equipment may cause some reasonable disturbance or damage to the Property, the correction of which is not part of this Agreement or any obligation of WSSI. Client also understands that the discovery of wetland areas or uncertain hazardous conditions and/or taking preventive measures relative to these conditions may result in a reduction of the Property's value. Accordingly, Client waives any claim against WSSI and its subcontractors or agents, and agrees to defend, indemnify and hold WSSI harmless from any claim or liability for injury or loss allegedly arising from procedures associated with surface and subsurface exploration activities or discovery of wetlands or of hazardous materials or suspected hazardous materials. In addition, Client agrees to hold harmless, indemnify and compensate WSSI for any time spent or expenses incurred by WSSI in defense of any such claim with compensation to be based upon WSSI's prevailing fee schedule and expense reimbursement policy.
- b. WSSI shall not be liable for damage or injury from damage to subterranean structures (pipes, tanks, cables, or other utilities, etc.) which are not called to WSSI's attention in writing and correctly shown on the diagram(s) furnished by Client to WSSI.
- c. Any exploration, testing, surveys and analysis associated with the work will be performed by WSSI for the Client's sole use to fulfill the purpose of this Agreement and WSSI is not responsible for interpretation by others of the information developed. The Client recognizes that surface and subsurface conditions on the entire Project site may vary from those encountered in selected sample borings, delineations, surveys or explorations and the information and recommendations developed by WSSI are based solely on the information available from such borings, delineations, surveys and explorations.

SECTION 6: SAMPLES

- a. Soil, rock, water, vegetation, and/or other samples obtained (if any) from the Project site will be preserved by WSSI for no longer than sixty (60) calendar days after the issuance document that includes that data obtained from them, unless other arrangements are mutually agreed upon in writing. Should any of these samples be contaminated by hazardous substances or suspected hazardous substances, it is Client's responsibility to select and arrange for lawful disposal procedures, that is, procedures which encompass removing the contaminated samples from WSSI's custody and transporting them to a disposal site. Client is advised that, in all cases, prudence and good judgment should be applied in selecting and arranging for lawful disposal procedures.
- b. Cultural Resource Artifacts – After processing, artifacts will be returned to the client or placed on repository with the county or the State Historic Preservation Office (SHPO) (e.g. Virginia Department of Historic Resources [DHR], Maryland Historic Trust [MHT], etc.). Some local governments accept the artifacts without charge; however, the DHR and Prince William County have a one-time fee of \$200 per half-sized box (15"x6"x10") and \$350 per standard box (15"x12½"x10"); MHT offers a one-time fee of \$150 per quarter-sized box; one-half box is \$300 and one standard box is \$600. Additional fees may be required for artifact stabilization or for curation of oversized artifacts. Any required repository fees are not included in the direct costs of this proposal and will be treated as reimbursable expenses. WSSI shall not retain the artifacts for more than sixty (60) days after the submission of the report unless other arrangements are mutually agreed upon in writing. WSSI shall notify the client in writing once the artifacts are prepared for delivery to client or a mutually agreed upon repository, which will require a signed Transfer Agreement or Deed of Gift. If no response is received within 30 days of receipt of the written notification, WSSI shall assume that the client does not wish to retain ownership of the artifacts and WSSI may dispose of the artifacts in a manner deemed appropriate by WSSI.

SECTION 7: REPORTS AND OWNERSHIP OF DOCUMENTS

All report copies provided to Client shall be furnished at the rates specified in the fee schedule (employee time plus reimbursables). With the exception of the physical copies of reports provided by WSSI to Client, all documents, including reports, photographs, permits applications, plans, original boring logs, field data, field notes, laboratory test data, calculations and estimates are and remain the property of WSSI. Client agrees that all reports and other work furnished to the Client not paid for in full will be returned to WSSI upon demand and will not be used for design, construction, permits or licensing.

SECTION 8: CLIENT DISCLOSURES

- a. The Client shall notify WSSI of any known or suspected hazardous substances which are or may be related to the services to be provided.
- b. Following any disclosure as set forth in the preceding paragraph, or if any hazardous substances are discovered or reasonably suspected by WSSI after its services are undertaken, WSSI may, at its discretion, discontinue its services.

SECTION 9: LIMITATION OF PROFESSIONAL LIABILITY

- a. Client agrees to limit WSSI's liability to Client and all construction contractors arising from WSSI's professional acts, errors or omissions in performing this Agreement, such that the total aggregate liability of WSSI to all those named shall not exceed the total fee for the services rendered on this Project. Client further agrees to require of the Client's Consultants (Civil Engineer, Architect, Attorney, etc.), General Contractor and their subcontractors an identical and cumulative limitation of

WSSI's liability for damages that may be suffered by the contractor or the subcontractors arising from professional acts, errors or omissions of WSSI.

- b. Documents, including but not limited to, technical reports, original boring logs, field data, field notes, laboratory test data, calculations, and estimates furnished to the Client or its agents pursuant to this Agreement are not intended or represented to be suitable for reuse by the Client or others on extensions of the Project or on any other project. Any reuse without WSSI's written consent will be at Client's sole risk and without liability to WSSI or to WSSI's contractor(s) and Client shall indemnify and hold harmless WSSI and WSSI's contractor(s) from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom.
- c. Under no circumstances shall WSSI be liable for extra work or other consequences due to changed conditions or for costs related to failure of the construction contractor or materialmen or service providers to install work in accordance with the plans and specifications.

SECTION 10: LIABILITY INSURANCE

WSSI represents that it and its agents, and consultants employed by it, are protected by Workers Compensation insurance and that WSSI has coverage under liability insurance policies which WSSI deems reasonable and adequate. WSSI shall furnish certificates of insurance upon request. WSSI shall not be responsible for bodily injury and property damage or losses arising directly or indirectly, in whole or in part, from acts by the Client, its employees, agents, staff, consultants or subcontractors employed by it or by any other person or combination of persons. WSSI agrees to maintain at least \$2,000,000 in general liability insurance and the Client agrees to limit the liability of WSSI to \$2,000,000. The Client is responsible for requesting specific inclusions or limits of coverage that are not present in WSSI insurance, the cost of such inclusion or coverage increases if available, to be at the sole cost and expense of the Client.

SECTION 11: ARBITRATION OF DISPUTES

At the sole option of WSSI, claims, disputes or controversies arising out of, or in relation to the interpretation, application or enforcement of this Agreement shall be decided through arbitration, as adopted and described by the then most current rules of the American Arbitration Association.

SECTION 12: TERMINATION

Client or WSSI may terminate this Agreement for breach of this Agreement, or for any other reasons which may arise. In the event of termination, the party effecting termination shall so notify the other party, and termination will become effective fourteen (14) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination or the cause therefore, WSSI shall promptly render to Client a final invoice and Client shall immediately remunerate WSSI for services rendered and costs incurred, in accordance with WSSI's prevailing fee schedule and expense reimbursement policy. Services shall include those rendered up to the time of termination, as well as those associated with termination itself, such as demobilizing, modifying schedules and reassigning personnel. Upon such termination, Client and WSSI shall deliver to each other all reports and documents pertaining to services performed up to termination.

SECTION 13: GENERAL PROVISIONS

- a. Any provision of this Agreement later held to violate a law or regulation shall be deemed void, and all remaining provisions shall continue in force.
- b. The titles used in this Agreement are for general reference only and are not part of the Agreement. Parties to this Agreement are advised to read each provision and rely on the guidance of legal counsel as necessary to help assure a complete understanding of all provisions and the obligations imposed through acceptance.
- c. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the Client and WSSI shall survive the completion of services and the termination of this Agreement.
- d. Neither the Client nor WSSI may delegate, assign, sublet or transfer its duties, responsibilities or interests in this Agreement without the written consent of the other party.
- e. This Agreement shall be interpreted according to the laws of Virginia.

Attachment C

WETLAND STUDIES AND SOLUTIONS, INC.

TECHNICAL SPECIAL CONDITIONS

1.	Waters of the U.S. Delineation	Wetlands will be defined using the Routine On-Site Determination Method as defined in the <i>Corps of Engineers Wetlands Delineation Manual</i> , Technical Report Y-87-1 (1987 Manual) and subsequent guidance, and modified by the appropriate Regional Supplement such as the <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region</i> , Version 2.0 dated November 2010 or <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region</i> (Version 2.0) dated April 2012.
		Jurisdictional limits along stream channels and other bodies of water that qualify as Waters of the U.S. Delineation (WOTUS) as defined in Section 328.3 (a) of Final Rule for Regulatory Programs of the U.S. Army Corps of Engineers (Federal Register Vol. 51, No. 219, November 13, 1986).
2.	Stream Assessments	For Resource Protection Area purposes and for the purpose of Clean Water Act Section 404/401 and Virginia Water Protection Permit Program permitting, streams will be assessed using both the <i>Fairfax County Perennial Stream Field Identification Protocol</i> (May 2003) and the <i>North Carolina Division of Water Quality, Methodology for Identification of Intermittent and Perennial Streams and their Origins, Version 4.11</i> (2010) will be used to determine whether streams are intermittent or perennial (the North Carolina method also distinguishes ephemeral streams).
3.	Survey Control	Unless existing control is provided by the client, horizontal and vertical control will be established using a Real Time Network GPS. All surveys will be referenced horizontally to the local state plane coordinate system and vertically to NAVD 88, except where the client or local regulations require otherwise (e.g., Fairfax County, Virginia requires the vertical datum – NGVD 29).
4.	Land Survey Location	The survey locations provided will be established using either conventional survey techniques (total station) or Survey Grade GPS (1 centimeter (cm) accuracy), depending upon field conditions. Additionally, WSSI field wetland delineation location surveys can be used to satisfy Table A item #18 in the New ALTA Minimum Standards (Effective 2/23/16).
5.	Mapping Grade GPS	The locations provided will be established using Mapping Grade GPS and are depicted for a graphical representation only. This does NOT constitute a survey. The locations should be used for informational purposes only; the accuracy provided by Mapping Grade GPS units precludes their use for design purposes.
6.	Bathymetric Survey	Bathymetric surveys will be prepared in compliance with standards set forth in the U.S. Army Corps of Engineers (COE) Manual No. EM-

		1110-2-1003, Engineering and Design, Hydrographic Surveying (Revised November 30, 2013), Chapter 10, Appendix B (sounding pole), and/or Chapter 4 (sonar -- single beam acoustic depth measurement).
7.	Military Site Survey	<p>Unless otherwise specified by state or local agencies, the following sampling strategy will be employed for the excavation of identified positive metal strikes, which will vary based on the density of positive contacts identified within a 25-foot by 25-foot square area:</p> <ul style="list-style-type: none"> • Where the density of positive contacts is \leq two per ± 625 square feet (sq ft), all contacts will be excavated. • Where the density of positive contacts ranges from three to eight per ± 625 sq ft, a $\pm 50\%$ sample of contacts will be excavated. • Where the density of positive contacts ranges from nine to twenty per ± 625 square feet, a 20% -50% sample of contacts, as determined by the Principal Archeologist, will be excavated • Where the density of positive contacts exceeds twenty per ± 625 sq ft, a $\pm 10\%$ -20% sample of contacts, as determined by the Principal Archeologist, will be excavated.
8.	Phase I ESA	All Phase I Environmental Site Assessment (ESA) will be performed in conformance with the protocol set forth in the American Society for Testing and Materials (ASTM) E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, Fifth Edition.
9.	Zoning Amendment, Special Exception, or Special Use Permit Requests	<p>WSSI will follow the current local county requirements for the scope of the necessary studies for approval. For example:</p> <ul style="list-style-type: none"> • Prince William County: <i>Reference Manual for Rezoning, Special Use Permit, and Proffer Amendment Applications</i> • Loudoun County: <i>Facilities Standards Manual</i>

Sussex Sand Mine-Phase I Archeological Study/Survey Bid Proposals

Bidders	Contacts	Phone	Bids	Completion
Bluestone Research	DR. Allan Morton	804-723-8972	\$52,500	6-8 weeks
Darby O'Donnell	Darby O'Donnell	804-564-2077	\$36,900	9-10 weeks
Lyle E. Browning, RPA	Lyle E. Browning	804-379-1666	\$26,962	6-8 weeks
Wetland Studies & Solutions	John Mullen	703-679-5600	\$84,600	12-14 weeks

Lorenzo Turner

From: Bart Nuckols
Sent: Tuesday, June 9, 2020 1:06 PM
To: Lorenzo Turner
Subject: FW: Titan Mining
Attachments: Titan_Mine_Sussex_Archaeological_Sites.xls; Titan_Mine_Sussex.pdf

Lorenzo.

Please insert this attached email and attachments into my supplemental memo for the titan mining project. It can be inserted after the bid estimates.

Shilton is fine with this if we get it to her on Wednesday.

Thanks.

Bart

From: Kirchen, Roger [mailto:roger.kirchen@dhr.virginia.gov]
Sent: Thursday, March 19, 2020 10:57 AM
To: Bart Nuckols <bart.nuckols@bgllc.net>
Cc: Bart Nuckols <bnuckols@sussexcountyva.gov>
Subject: Re: Titan Mining

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Bart -

A quick search shows that there are many archaeological resources within 500' of the property. I've attached a map and a summary spreadsheet of the recorded sites. Most of these sites are Native American in origin. Two have been determined eligible for listing in the National Register of Historic Places. The others have simply not been evaluated. These sites were recorded as part of road projects and a proposed wetland mitigation bank. Our records do not indicate that the subject parcel has been comprehensively surveyed for archaeological resources. It is my professional opinion that the subject property has the potential to contain additional undocumented sites. Hope this helps.

Roger

*Roger W. Kirchen, Director
Review and Compliance Division
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
phone: 804-482-6091
www.dhr.virginia.gov*

On Thu, Mar 19, 2020 at 10:36 AM Bart Nuckols <bart.nuckols@bgllc.net> wrote:

Good morning!

My name is Bart Nuckols. I am the interim planning director for Sussex County Va.

Sussex county is in the mist of a review of a surface mining application before the Board of Supervisors. Several concerns have been raised concerning possible archaeological sites within the proposed mining operation. Specifically the Nottoway Indian Tribe apparently had a settlement near the proposed site and this area my hold some artifacts.

The proposed mining site can be identified on the Sussex county GIS with the following tax map id's; 38-1-5(27.45 acres) and 38-A-15(271.48) acres.

Several board members have inquired on this and we are attempting to provide information to them. If you can provide any information on these sites it would be greatly appreciated! I believe the only mining permits beyond the Sussex conditional use permit currently under review, is through the the state department of mines.

Due to my part time status and living out of state I am not in Sussex at this time, due to the covid-19 outbreak, but instead I am working from home in N.C. I have attached my Sussex email address and you can also reach me through my business email that I am currently working from. My cell# is 910-783-8522.

In advance, thanks for any assistance you can provide.

Stay safe and well!

Bart Nuckols

Interim Planning Director

Sussex County Va.

DHR_ID	Other DHR IDs	Site Name	Site Categories	Site Types
44SX0108	null	null	DSS Legacy	Camp
44SX0283	null	null	null	null
44SX0284	null	null	null	null
44SX0285	null	null	null	null
44SX0286	null	null	null	null
44SX0287	null	null	null	null
44SX0288	null	null	Domestic	Farmstead
44SX0289	null	null	null	null
44SX0290	44SX0291	null	Domestic	Farmstead
44SX0291	null	null	Domestic	Farmstead
44SX0412	null	Ogle Hogwood 2	Indeterminate	Other
44SX0413	null	Ogle Hogwood 1	Indeterminate	Other
44SX0415	null	null	Domestic	Hamlet

Time Periods

Woodland (1200 B.C. - 1606 A.D.)

Prehistoric/Unknown (15000 B.C. - 1606 A.D.)

Woodland (1200 B.C. - 1606 A.D.)

Woodland (1200 B.C. - 1606 A.D.)

Prehistoric/Unknown (15000 B.C. - 1606 A.D.)

Woodland (1200 B.C. - 1606 A.D.)

Prehistoric/Unknown (15000 B.C. - 1606 A.D.), 20th Century (1900 - 1999)

Late Archaic (3000 - 1201 B.C.)

Prehistoric/Unknown (15000 B.C. - 1606 A.D.), 19th Century: 2nd quarter (1825 - 1849)

Prehistoric/Unknown (15000 B.C. - 1606 A.D.), 19th Century: 1st half (1800 - 1849)

Pre-Contact

Pre-Contact

Middle Woodland (300 - 999 C.E), Late Woodland (1000 - 1606)

Evaluation Status	Restricted	ArchaeologySiteSurveyID	OBJECTID
null	null	25262	154400
null	null	25291	149078
null	null	25290	148051
null	null	25493	148052
null	null	25492	153974
null	null	25490	140958
null	null	25489	149033
null	null	52584	143764
DHR Staff: Eligible	null	25451	165920
DHR Staff: Eligible	null	25449	149032
null	null	287081	321553
null	null	287082	321554
null	null	307315	432748



MEMORANDUM

TO: Members, Sussex County Board of Supervisors
Vandy V. Jones III, County Administrator

FROM: Andre M. Greene, Director of Community Development

RE: Conditional Use Permit Application #2019-03

DATE: January 31, 2020

The applicant, Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America, seeks a conditional use permit to operate a sand and gravel operation on tax map numbers 38-(1)-5 (27.45 acres) and 38-(A)-15 (271.48 acres). The parcels in question, totaling approximately 298.93 acres, are zoned A-1, General Agricultural, District which allows the proposed use with a conditional use permit. The site in question is located on the south side of Route 35 (Jerusalem Plank Road) and the east side of Route 626 (Courthouse Road) at the intersection of Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).

Prior to the item Conditional Use Permit #2019-03 being sent to the December meeting of the Board of Supervisors, the board took action at the November meeting requesting the following attachments:

1. A Traffic Study from Virginia Department of Transportation: Virginia Department of Transportation stated that the scale of the project did not qualify for a traffic study (see **attached email**). Also, Jason Fowler from the Virginia Department of Transportation was present at the November 4th Planning Commission meeting and he addressed questions and concerns from the Commission and it was determined that there were no major issues.
2. A Report from Virginia Department of Environmental Quality: (See attached email)
3. A Study from the Department of Mines, Minerals and Energy: (See attached email regarding mine permitting process)
4. Archeological Study from the State Department of Archeology: **Have not contacted yet**

PLANNING COMMISSION RECOMMENDATION- Approval

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (9 ayes, 1 nay) to forward the request for Conditional Use Permit #2019-03, Titan Mid-Atlantic Aggregates LLC, applicant to the Board of Supervisors with a recommendation of approval subject to several conditions.

Attached for the Board's review and consideration are the staff report and supporting documents

STAFF REPORT - Conditional Use Permit Application #2019-03

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT: Titan Mid-Atlantic Aggregates, LLC

OWNER: Titan Mid-Atlantic Aggregates, LLC

REQUEST: Pursuant to Section 34-217§28 of the Zoning Ordinance a Conditional Use Permit is requested to operate a sand and gravel pit.

PROPERTY LOCATION: Southeastern corner at the intersection Route 626 (Courthouse Road) and Route 35 (Jerusalem Plank Road).

PROPERTY IDENTIFICATION: Tax Parcels 38-(1)-5 and 38-(A)-15

ELECTION DISTRICT: Stony Creek

PARCEL SIZES: 38-(1)-5 – 27.45 acres
38-(A)-15 -271.48 acres

TOTAL ACREAGE: Approximately 298.93 acres

PARCEL CHARACTERISTICS: The topography of the site is generally flat. The site consists of farmland, cut-over timberland, woodlands and wetlands.

SURROUNDING LAND USES: Surrounding land uses include farmland, woodlands, and the Nottoway River. There are no residential dwellings located in the immediate vicinity of the area to be mined.

EXISTING ZONING: A-1, General Agricultural, which allows the mining of sand a gravel with a conditional use permit.

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

COMP PLAN FUTURE LAND USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone A – Site is located in a 100-year Flood Zone (Special Flood Hazard Area Subject to Inundation by the 1% Annual Chance Flood).

SUMMATION

The applicant, Titan Mid-Atlantic Aggregates, LLC, is requesting issuance of a Conditional Use Permit to operate a new sand and gravel pit on tax map numbers 38-(1)-5 and 38-(A)-15. The applicant is proposing to mine approximately 18 acres of site in question (see preliminary site plan). Improvements include the construction of a commercial entrance, the location a modular office, a scale-house equipped with truck scales, and the placement of a portable sand processing plant. It is estimated that the sand and gravel operation will generate 150 dump truck trips per day and generate an additional 15 or more passenger car/pick-up truck trips per day for employees and/or visitors. The applicant has indicated that approximately 75% of the truck traffic will enter onto Route 626 (Courthouse Road) and the facility coming off Route 35 (Jerusalem Plank Road) and that approximately 75% of the truck traffic leaving the facility will turn right onto Route 626 and travel to Route 35.

The applicant currently operates a sand mining facility off Route 40 (Sussex Drive). However, the sand reserves at their current location are scheduled to be depleted during the first half of 2020. The proposed plan is to relocate the Sussex Drive portable plant to the site off Route 626 (Courthouse Road). The relocation will result in the retention of ten (10) current employees. The applicant has stated the hours of operation will be Monday-Friday from 6:00 a.m. to 5:00 p.m. and Saturday from 6:00 a.m. to 12 p.m.

EVALUATION:

There are several criteria by which an application for a conditional use permit may be evaluated. The criteria state that a proposed conditional use should be:

- In accordance with adopted plans and policies;
- Compatible with the neighborhood;
- Compatible with existing land uses; and
- Compatible with development by right in the area.

Staff believes that the proposed sand and gravel operation complies with the four (4) criteria stated above given the following:

- The proposed sand and gravel operation is consistent with Sussex County Comprehensive Plan's Future Land Use Designation as Agricultural/Forested/Open Space.
- The proposed use is compatible with the neighborhood and existing land uses, as the area in question is predominantly farmland and timberland.
- The proposed sand and gravel is compatible with development allowed by right in the area such as general farming, agriculture, forestry and general and intensive livestock, dairy and poultry operations.
- The applicant plans to avoid disturbance to wetlands and plans to construct a six (6) foot high berm to minimize the visual impact along Route 626.
- The CUP application was submitted to VDOT and they have no major issues of concerns relative to traffic or safety (see attached letter).

PLANNING COMMISSION'S RECOMMENDATION – APPROVAL

Planning Commission voted (9-1) to forward Conditional Use Permit #2019-03 to the Board of Supervisors with a recommendation for approval due to the following:

1. The applicant must obtain all required state permits (Department of Mines, Minerals and Energy, and the Virginia Department of Transportation) and provide them the Community Development Office.
2. Prior to commencement of mining activity all local permits (Zoning and Building) shall be obtained and all local regulations (Zoning and Building) adhered to.
3. The Conditional Use Permit shall not be assignable or transferable to future owners of the property.
4. The sand and gravel operation shall not operate on and Sundays.
5. A berm/buffer at least 6 feet in height shall be constructed along Route 626 (Courthouse Road) prior to the commencement of any mining activity.



Address: 9246 Jerusalem Plank Road
 Tax Map # 38-A-14
 Owner: Freda Gale

Address: 9531 Jerusalem Plank Road
 Tax Map: 38-1-4A
 Owner: Brantley James C or Leah C

3700 Ft.

3500 Ft.

REVISIONS			DATE	BY	APPROVED
Date	Description	Approval			

Sussex Sand Residence Offset

SEC. 11.03 18 0

NAME OF FIRM	
ADDRESS OF FIRM	
PHONE NO.	
APPROVED	DATE
TITLE	

AUTOCAD

TEAM
Mid-Atlantic
Aggregates

PLAN
 Sheet 3 of 3

This is to certify that letters notifying adjacent property owners of a Public Hearing of the Board of Supervisors on June 18, 2020 for **Conditional Use Permit Application #2019-03**, Titan Mid-Atlantic Aggregates LLC applicant, were mailed on June 9, 2020 to the persons listed below.

Tax Map No. 38-A-9&14

Reynolds Deborah W &
Sandra W Henshaw
25535 Doe Drive
N. Dinwiddie, VA 23803

Tax Map No. 38-1-1

Skinner James R.
428 Roslyn Avenue
Colonial Heights, VA 23834

Tax Map No. 38-1-3&4

Spain Michael W.
9127 Jerusalem Plank Road
Waverly, VA 23890

Tax Map No. 38-1-4A

Brantley James C or Leah C.
9531 Jerusalem Plank Road
Waverly, VA 23890

Tax Map No. 38-A-5

Story Warren H.
23297 Shady Cove Drive
Courtland, VA 23837

Tax Map No. 38-A-16 & 53-A-1

Grover Patrick
11119 Boundurant Drive
Richmond, VA 23236

Tax Map No. 52-1-1

Totty Gregory Scott & Kelly N Totty
(Revels) Equal Shares
10019 Manordale Road
Chesterfield, VA 23832

Tax Map No. 52-A-9

Engel Farms Inc.

P.O. Box 279

Hanover, VA 23069

David S. Nuckey (LIT)
Interim Director of Community Development

6-8-20

Date

CUP Number: 2019-03
Date Application Filed: 8/22/19
\$500 Processing Fee Received By: L.T



Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, Virginia 23884
Phone: 434-246-1043
Fax: 434-246-2175

CONDITIONAL USE PERMIT APPLICATION

Owner Information:

Name: Titan Mid-Atlantic Aggregates LLC
Address: 5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502
Phone Number: 757-858-6537

Applicant Information:

Name: Titan Mid-Atlantic Aggregates LLC
Address: 5700 Lake Wright Drive, Suite 300
Norfolk, VA 23502
Phone Number: 757-858-6537

Legal Description of Property:

Tax Map Number: 38-A-15 & 38-I-5
Zoning District: A-1
Block Number: N/A
Lot Size (Acreage): 298.93 acres

Election District: Newville
Subdivision: N/A
Lot Number: N/A
Square Footage: 13,021,390

Please answer the following:

- When was property acquired by applicant? August / 20 / 2019
- Are there any deed restrictions on the property in question? Yes No
(If yes, attach a copy of restrictions).
- What is the proposed use of property or type of improvement? Please be detailed and specific in your description. (For example: new construction, addition or demolition, agricultural, residential or commercial use)
Commercial use-Mining of sand and gravel for use as construction aggregates
- What is the Fair market value of improvements \$ 100,000
(Value must include all buildings, electrical, plumbing, and mechanical work to be performed).
- Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.
The proposed improvements included a modular office/scalehouse equipped with truck scales, a portable sand processing plant. No permanent buildings are to be constructed
- Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property of the neighborhood.
The adjacent properties are for agricultural uses so the proposed use will fit in with the existing adjacent properties.
- Furnish plot plan, preliminary site plan, and/or preliminary subdivision plat showing boundaries and dimensions of property, width of boundary sheets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping and the like. Architect's/Engineer's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application.
See attached survey with proposed improvements shown
- I hereby certify that I have the authority to make the forgoing application and that the application, is complete and correct and that the conditional use permit is in accordance with section 34-217 (28) of the Zoning Ordinance.

Owner Signature: [Signature] (FOR TITAN) Date: 8/22/19

Applicant Signature: [Signature] (FOR TITAN) Date: 8/22/19



5700 Lake Wright Drive, Suite 300
Norfolk, Virginia 23502
Telephone (757) 858-6500
Fax (757) 855-7707

August 22, 2019

Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, VA 23884

Attn: Andre Greene
Director of Community Development

Re: Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application

Dear Mr. Greene:

Titan Mid-Atlantic Aggregates LLC, a subsidiary company of Titan America LLC, has purchased the property (298.93 acres) located at 9127 Jerusalem Plank Road in Waverly, Virginia. The tax map numbers are 38-1-5 (27.45 acres) and 38-A-15 (271.48 acres). Titan Mid-Atlantic Aggregates LLC proposes to mine this site for construction sand and gravel like our other permitted site located at 25230 Sussex Drive in Waverly. To that end, we are submitting the attached Conditional Use Permit Application along with the \$500 processing fee. The following additional information is also attached:

1. A recent survey of both parcels dated August 7, 2019
2. A site plan/survey showing the proposed improvements to the site as well as locations
3. Proof of ownership of the parcels via the recorded deed receipts

Titan Mid-Atlantic Aggregates LLC plans to operate at this location in a similar manner to our existing location and eventually plans to relocate the existing processing equipment at the Sussex Drive location to this location. Titan Mid-Atlantic Aggregates LLC will obtain all local permits and approvals as well as all state permits just like we have done in the past.

In summary, we respectfully request that you process our Conditional Use Permit Application and begin the procedure/steps required for approval.

If you have any questions or require any additional information, please contact me at 757-858-6537.

A Titan Group Company

Sincerely,



Clifford Bocchicchio
Environmental Manager

D. Ingrassano L. Rieder

A Titan Group Company

Receipt : 1900002730

Page 1 of 1

COURT ADDRESS: P.O. BOX 1337 SUSSEX, VA 23884 PHONE # :434-246-1017
--



OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 08/20/2019	TIME : 10:14:20	CASE # : 183CLR190000736
RECEIPT # : 19000002730	TRANSACTION # : 19082000005	
CASHIER : SJB	REGISTER # : D363	FILING TYPE : DBS
INSTRUMENT : 190000736	BOOK : 299	RECORDED : 08/20/2019
GRANTOR : SPAIN, MICHAEL W	PAGE : 887	PAYMENT : FULL PAYMENT
GRANTEE : TITAN MID-ATLANTIC AGGREGATES, LLC		AT : 10:13
RECEIVED OF : BRIDGETRUST TITLE GROUP		EX : N
ADDRESS : 5700 LAKE WRIGHT DR, STE 300 NORFOLK, VA 23502		EX : N
DATE OF DEED : 08/09/2019		LOC : CO
CHECK : \$2,870.50	CHECK NUMBER : 46688	PCT : 100%
DESCRIPTION 1 : NEWVILLE DIST 2 PARCELS		
NAMES : 04	PAGES : 004	OP : 0
CONSIDERATION : \$652,500.00	AVAL : \$246,600.00	MAP :
		PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00
036	DEED PROCESSING FEE	\$20.00
038	DEEDS OF CONVEYANCE	\$326.25
039	DEEDS AND CONTRACTS	\$1,631.25
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$1.50
212	TRANSFER FEES	\$1.00
213	COUNTY GRANTEE TAX	\$543.75
220	GRANTOR TAX	\$326.25
301	DEEDS	\$14.50

TENDERED : \$ 2,870.50
 AMOUNT PAID : \$ 2,870.50

PAYOR'S COPY

CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

Receipt : 1900002731

Page 1 of 1

COURT ADDRESS: P.O. BOX 1337 SUSSEX, VA 23884 PHONE # :434-246-1017



**OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT**

DATE : 08/20/2019	TIME : 10:17:56	CASE # : 183CLR190000737
RECEIPT # : 19000002731	TRANSACTION # : 19082000006	
CASHIER : SJB	REGISTER # : D363	FILING TYPE : DBS
INSTRUMENT : 190000737	BOOK : 299	RECORDED : 08/20/2019
GRANTOR : SPAIN, MICHAEL W	PAGE : 891	PAYMENT : FULL PAYMENT
GRANTEE : TITAN MID-ATLANTIC AGGREGATES, LLC		AT : 10:17
RECEIVED OF : BRIDGETRUST TITLE GROUP		EX : N
ADDRESS : 5700 LAKE WRIGHT DR, STE 300 NORFOLK, VA 23502		EX : N
DATE OF DEED : 08/09/2019		LOC : CO
CHECK : \$346.33	CHECK NUMBER : 46691	PCT : 100%
DESCRIPTION 1 : NEWVILLE DIST 2 PARCELS	PAGES : 003	OP : 0
NAMES : 03		
CONSIDERATION : \$70,000.00	AVAL : \$43,500.00	MAP :
		PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00
036	DEED PROCESSING FEE	\$20.00
038	DEEDS OF CONVEYANCE	\$35.00
039	DEEDS AND CONTRACTS	\$175.00
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$1.50
212	TRANSFER FEES	\$1.00
213	COUNTY GRANTEE TAX	\$58.33
220	GRANTOR TAX	\$35.00
301	DEEDS	\$14.50

TENDERED : \$ 346.33
 AMOUNT PAID : \$ 346.33

PAYOR'S COPY

CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

Receipt : 1900002732

Page 1 of 1

COURT ADDRESS: P.O. BOX 1337 SUSSEX, VA 23884 PHONE # :434-246-1017
--



OFFICIAL RECEIPT
SUSSEX COUNTY CIRCUIT COURT
DEED RECEIPT

DATE : 08/20/2019	TIME : 10:21:37	CASE # : 183CLR190000738
RECEIPT # : 19000002732	TRANSACTION # : 19082000007	
CASHIER : SJB	REGISTER # : D363	FILING TYPE : DOT
INSTRUMENT : 190000738	BOOK : 299	RECORDED : 08/20/2019
GRANTOR : TITAN MID-ATLANTIC AGGREGATES, LLC	PAGE : 894	PAYMENT : FULL PAYMENT
GRANTEE : CLINTON B. FAISON, JR., TRUSTEE		AT : 10:21
RECEIVED OF : BRIDGETRUST TITLE GROUP		EX : N
ADDRESS : 354 BANK ST SURRY, VA 23883		EX : N
DATE OF DEED : 08/14/2019		LOC : CO
CHECK : \$257.00	CHECK NUMBER : 46691	PCT : 100%
DESCRIPTION 1 : NEWVILLE DIST PARCEL A 27.45 ACRES		
NAMES : 03	PAGES : 010	OP : 0
CONSIDERATION : \$64,500.00	AVAL : \$0.00	MAP :
		PIN :

ACCOUNT CODE	DESCRIPTION	PAID
035	VOF FEE	\$1.00
036	DEED PROCESSING FEE	\$20.00
039	DEEDS AND CONTRACTS	\$161.25
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$1.50
213	COUNTY GRANTEE TAX	\$53.75
301	DEEDS	\$14.50

TENDERED : \$ 257.00
AMOUNT PAID : \$ 257.00

PAYOR'S COPY

CLERK OF COURT : GARY M. WILLIAMS

RECEIPT COPY 1 OF 3

- LEGEND:**
- IFS ----- IRON PIN SET
 - BOL ----- BACK ON LINE
 - TOT ----- TOTAL
 - D.B. ----- DEED BOOK
 - P.G. ----- PAGE
 - T.P. ----- TAX PARCEL
 - CONC. ----- CONCRETE
 - MON. ----- MONUMENT
 - C. ----- CENTERLINE
 - R/W ----- RIGHT OF WAY
 - P.B. ----- PLAT BOOK

THE PARCELS SHOWN ARE EXISTING TAX PARCELS, AND DO NOT CREATE ANY NEW PARCELS, OR ALTER BOUNDARY LINES BETWEEN EXISTING TAX PARCELS.



PARCEL A
27.45 ACRES
1,193,722 SQ. FT.

CALLS FROM A TO B

Course	Bearing	Distance
L1	S 88°18'36"	250.30
L2	S 88°11'05"	282.30
L3	N 27°53'27"	200.50
L4	N 27°52'07"	118.70
L5	N 27°48'07"	73.50
L6	S 27°48'13"	238.30
L7	S 78°12'13"	210.20
L8	S 77°17'18"	111.60
L9	S 77°17'18"	200.00
L10	S 55°48'13"	183.40
L11	S 55°39'04"	782.68

PARCEL B
271.48 ACRES
11,825,666 SQ. FT.

**PLAT OF SURVEY OF
TWO PARCELS (298.93 ACRES)**
NEWVILLE DISTRICT
SUSSEX COUNTY, VIRGINIA
OWNED BY

PARCEL A
MICHAEL W. SPAIN
D.B. 101, PG. 83
PLAT BK 18, PG. 115
T.P. 38-1-5

PARCEL B
**MICHAEL W. SPAIN &
RICHARD T. SPAIN, III**
D.B. 253, PG. 468
PLAT BK 12, PG. 4
T.P. 38-A-15



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.

James E. Nash
JAMES E. NASH, L.S. 2688



CRUTCHFIELD ASSOCIATES, INC.
SURVEYORS - ENGINEERS - PLANNERS
7998 HIGHWAY 47 EAST P. O. BOX 248
CHASE CITY, VIRGINIA 23824
434-372-5884 FAX 434-372-0871
FILE NO.: 19120.CRD DATE: AUG. 7, 2019
19120.DWG

County of Sussex, Virginia

■ County Boundary
Hidden Roads 72224



Map Printed from Sussex

Feet

0 600 1200 1800 2400

Title:

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Sussex County is not responsible for its accuracy or how current it may be.

Date: 8/1/2019



5700 Lake Wright Drive, Suite 300
Norfolk, Virginia 23502
Telephone (757) 858-6500
Fax (757) 855-7707

September 18, 2019

Sussex County Planning Department
Post Office Box 1397
21035 Princeton Road
Sussex, VA 23884

Attn: Andre Greene
Director of Community Development

Re: Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application

Dear Mr. Greene:

We appreciate you reviewing our request submitted by letter dated August 22, 2019 in order to begin the process to obtain a conditional use permit to operate a new sand mining operation on the former Spain property purchased by Titan Mid-Atlantic Aggregates LLC located off Jerusalem Plank Road in Waverly.

I will now answer the questions that we received by e-mail yesterday from Lorenzo Turner.

1. *Will the operation create any new jobs? If so, how many FT and/or PT?*

The operation will not create any new jobs but will result in the retention of 10 full time positions that currently work at the facility off Sussex Drive. This is further explained below.

2. *Traffic Generation – How many dump truck trips per day at full capacity? How many passenger vehicles/pick-up trucks per day for employees and visitors?*

On a maximum demand shipping day, there will be 150 dump trucks per day at full capacity and 15 passenger vehicles/pick-up trucks per day. The proposed VDOT entrance to the site is being designed to accommodate that specification. This truck volume is consistent with that at Sussex Drive location.

3. *Place the setbacks from Route 626 to the proposed improvements (i.e. scale house, etc.) on the site sketch.*

A Titan Group Company

The attached site plans have been amended to include the setback distances to all proposed structures.

4. *What are the proposed days and hours of operation?*

The proposed hours of operation are Monday-Friday 6am – 5pm, Saturday 6am – 12pm when necessary which are identical to the operating hours at the Sussex Drive facility.

5. *Will any existing vegetation be preserved to serve as a natural buffer? If so, please indicate it's location on the site sketch.*

A vegetated screening berm of an approximate 6' height will be constructed as a buffer along Route 626 as indicated on sheet one of the site plans. It should be noted that the Division of Mineral Mining requires all mining areas to construct temporary earthen berms during active mining operations for safety reasons until reclamation is completed and vegetation established for a minimum of two years before these areas can be released from bond.

6. *What is the anticipated truck route to and from the facility. Would there be any objection to a conditions being imposed limiting left hand turns for trucks leaving the facility with the purpose being not to increase truck traffic on Route 626 (Courthouse Road)? Trucks leaving the facility would turn right onto Route 626 and then travel either north or south on Route 35.*

The majority of truck traffic (approximately 75%) will enter onto Route 626 and the site coming off Route 35. The majority of the truck traffic (approximately 75%) leaving the site will turn right onto Route 626 and go to Route 35. Therefore, we don't anticipate this being an issue and would request that imposing a limit on left hand turns not be included as a condition.

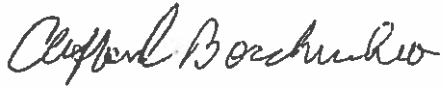
7. *Can you provide a brief explanation as to why the new facility is needed? Explain the need to expand from current location.*

Although Titan Mid-Atlantic Aggregate LLC acquired a large tract of land from Goodwood in recent years, due to Environmental regulations and restrictions the available mineral reserves on that tract have mostly been mined. The sand reserves at the current Sussex location are scheduled to be depleted during the first half of 2020. The proposed plan is to relocate the Sussex Drive portable sand processing plant to this location in 2020 pending all local and state approvals/permits. That plan will result in us retaining our current experienced workforce to begin this operation in order to continue to supply construction sand and gravel to the local markets.

Titan Mid-Atlantic Aggregates LLC-Conditional Use Permit Application
Page 3

I trust that these responses and the revised plans should address the questions. If you have any questions or require any additional information, please contact me at 757-858-6537.

Sincerely,



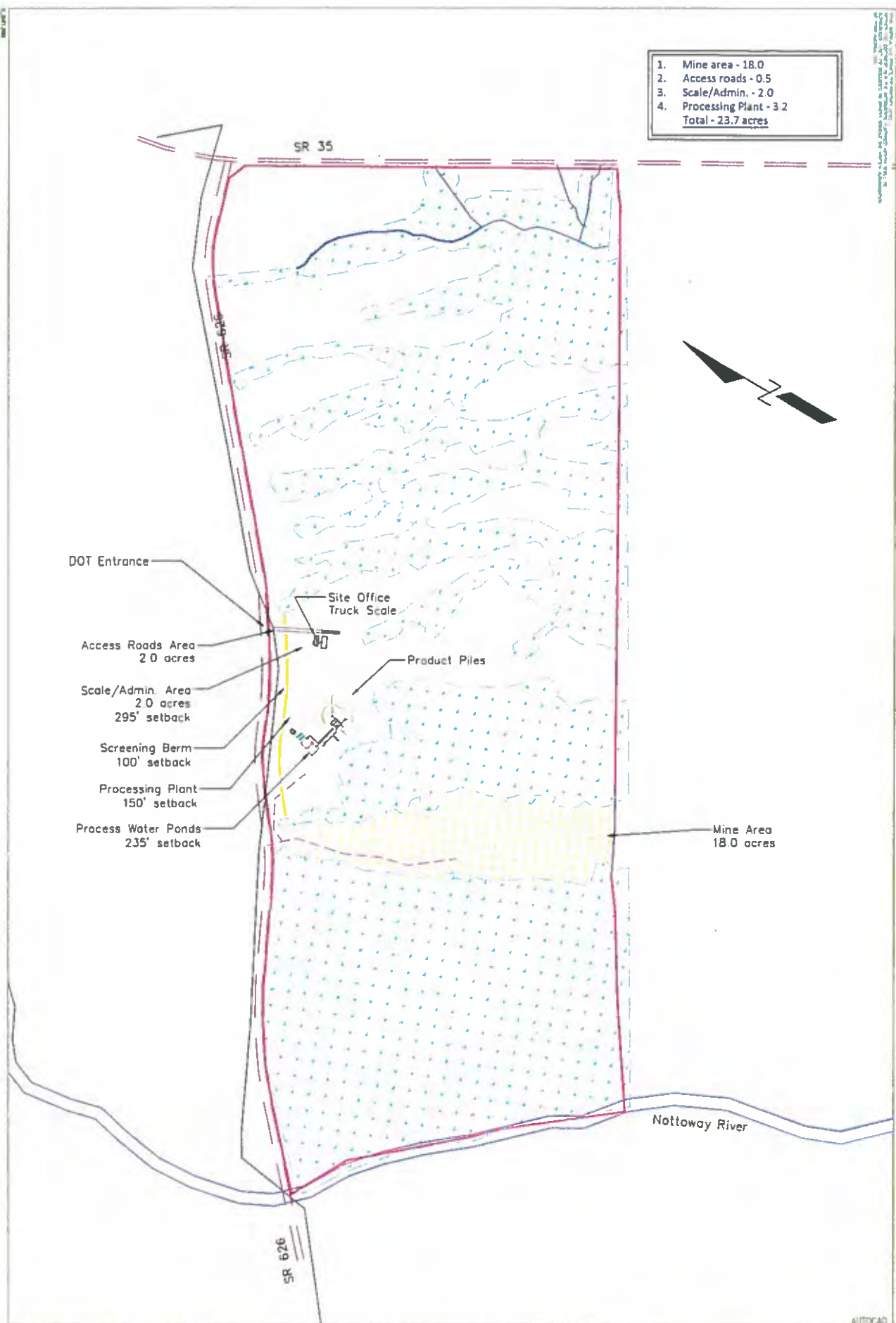
Clifford Bocchicchio
Environmental Manager

D. Ingrassano L. Rieder

A Titan Group Company

- 1. Mine area - 18.0
- 2. Access roads - 0.5
- 3. Scale/Admin. - 2.0
- 4. Processing Plant - 3.2
- Total - 23.7 acres**

All dimensions shown on this plan are based on the current survey of the property and are subject to change if a future survey shows a different boundary.



DOT Entrance

Site Office
Truck Scale

Access Roads Area
2.0 acres

Product Piles

Scale/Admin. Area
2.0 acres
295' setback

Screening Berm
100' setback

Processing Plant
150' setback

Process Water Ponds
235' setback

Mine Area
18.0 acres

Nottoway River

SR 626

SR 35

REVISIONS		
Date	Description	Approved

Spain Property
Site Plan

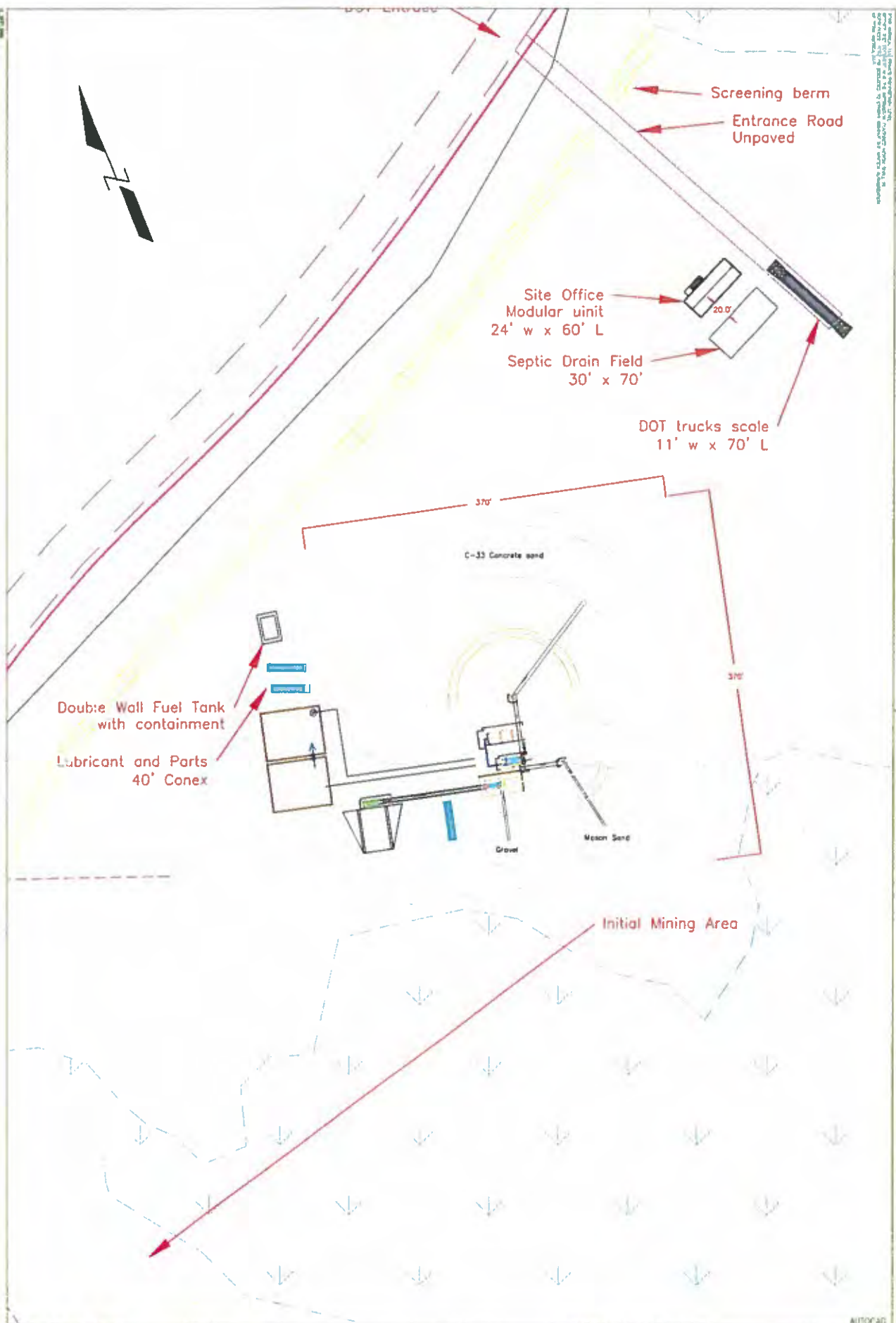
SECTION 01

DRAWN BY: _____ DATE: _____
 CHECKED BY: _____ DATE: _____
 APPROVED BY: _____ DATE: _____
 TITLE: _____



AUTOCAD

This drawing is a site plan and is not to be used for any other purpose without the written consent of the engineer.



REVISIONS		
Date	Description	Approved

Spain Property
Site Plan - Detail

SEC - 02

Drawing No: _____
 Title: _____
 Date: _____
 Scale: _____

AUTOCAD

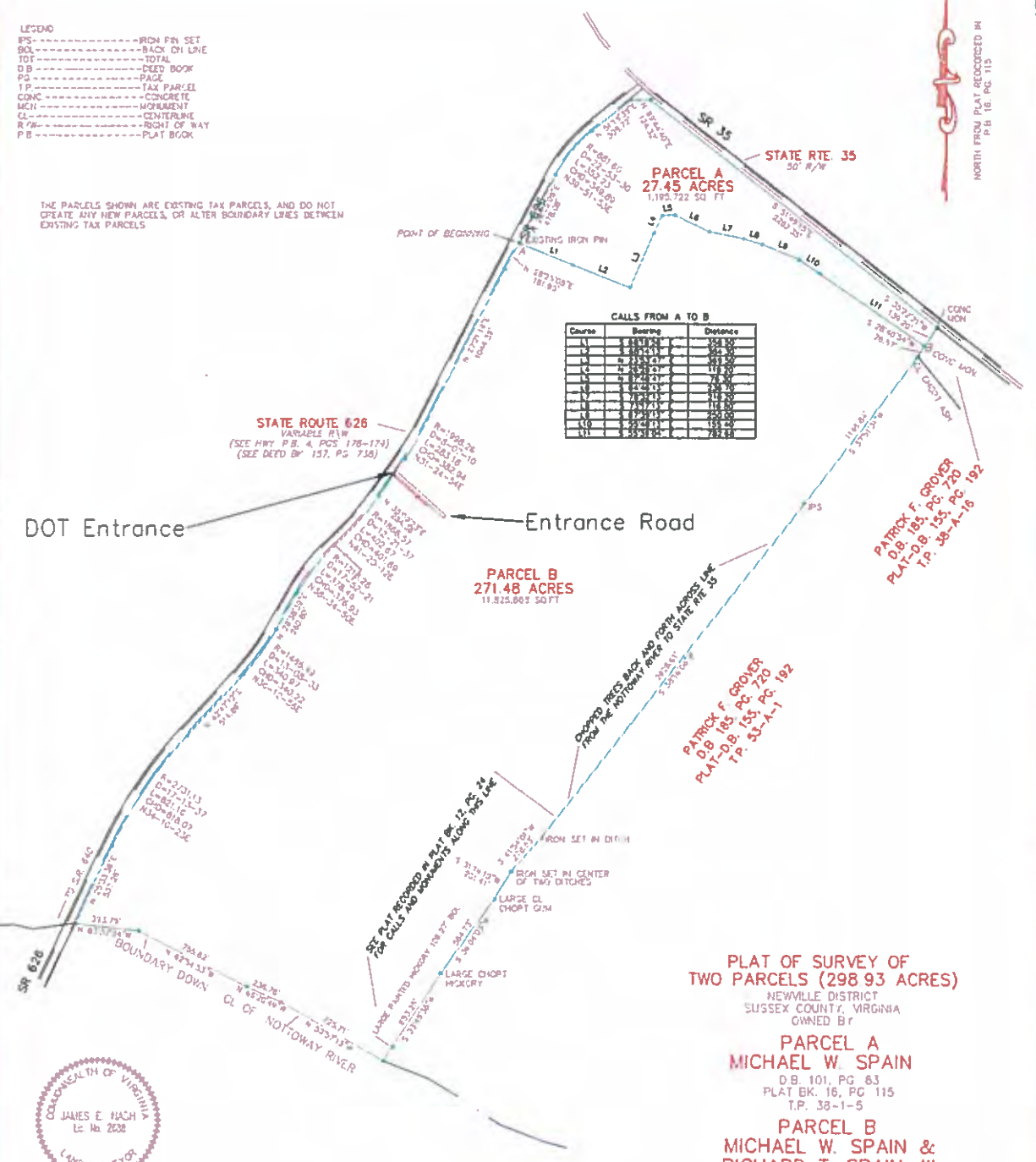
LEGEND
 IFS-----IRON PIN SET
 BOL-----BACK CH LINE
 TOT-----TOTAL
 D.B-----DEED BOOK
 P.D-----PAGE
 T.P-----TAX PARCEL
 CONC-----CONCRETE
 MON-----MONUMENT
 CL-----CENTERLINE
 R/W-----RIGHT OF WAY
 P.B-----PLAT BOOK

THE PARCELS SHOWN ARE EXISTING TAX PARCELS, AND DO NOT CREATE ANY NEW PARCELS, OR ALTER BOUNDARY LINES BETWEEN EXISTING TAX PARCELS

NORTH FROM PLAT RECORDED IN
 P.B. 16, PG. 115

CALLS FROM A TO B

Course	Bearing	Distance
L1	S 89° 15' 15" E	252.38'
L2	S 72° 30' 47" W	491.30'
L3	N 72° 30' 47" E	491.30'
L4	S 89° 15' 15" W	252.38'
L5	S 89° 15' 15" E	252.38'
L6	S 72° 30' 47" W	491.30'
L7	N 72° 30' 47" E	491.30'
L8	S 89° 15' 15" W	252.38'
L9	S 89° 15' 15" E	252.38'
L10	S 72° 30' 47" W	491.30'
L11	N 72° 30' 47" E	491.30'
L12	S 89° 15' 15" W	252.38'



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.



PLAT OF SURVEY OF TWO PARCELS (298.93 ACRES)

NEWVILLE DISTRICT
 SUSSEX COUNTY, VIRGINIA
 OWNED BY

PARCEL A
MICHAEL W. SPAIN
 D.B. 101, PG. 63
 PLAT BK. 16, PG. 115
 T.P. 38-1-5

PARCEL B
MICHAEL W. SPAIN & RICHARD T. SPAIN, III
 D.B. 253, PG. 468
 PLAT BK. 12, PG. 4
 T.P. 38-A-15

CRUTCHFIELD ASSOCIATES, INC.
 7996 HIGHWAY 47 EAST P. O. BOX 268
 CHASE CITY, VIRGINIA 23924
 434-372-5884 FAX 434-372-0871
 FILE NO 18120 CRD DATE AUG 7 2013
 18120 DRP

DATE	REVISIONS	APPROVED
	Date Description	Approved

Spain Property Survey - Detail

Appr. _____ Date _____
 Title _____





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
23116 Meherin Road
COURTLAND, VIRGINIA 23837

September 30, 2019

Andre M. Greene
Director of Planning
P.O. Box 1397
Sussex, VA 23884-0397

**RE: Titan Mid-Atlantic Aggregates LLC – Conditional Use Permit Application
Courthouse Road (Route 626)
TM #'s 38-1-5 and 38-A-15
Sussex County**

The District has completed its review of the subject conditional use permit request and conceptual plan dated 8/22/19 and received by the VDOT Land Development Office on 9/20/19. Our review was based on the conceptual plan, aerial photography, and a general knowledge of the area. We offer the following comments:

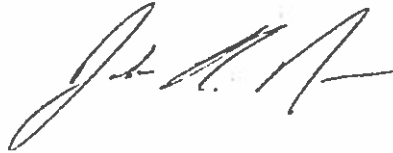
- 1) Entrance design shall be in accordance with Appendix F of the VDOT Road Design Manual. A concrete apron should be installed to protect the integrity of the roadway from turning movements with heavy loads.
- 2) Sight distances for entrances must be evaluated for compliance in accordance with Appendix F of the VDOT Road Design Manual. No less than minimum intersection sight distance shall be obtained for a commercial entrance. Sight distance lines shall be shown to scale.
- 3) A Drainage Report including a drainage narrative, summary of results, drainage area maps, and applicable calculations for hydrology, pipes, structures, stormwater management, and outfalls entering State maintained right of way shall be provided during the development plan review process.
- 4) Culvert sizing calculations shall be provided during the development plan review process. Entrance pipe culverts shall be sized to accommodate the runoff from a 10 year frequency storm. The minimum culvert size within state maintained right of way shall be 15" unless otherwise approved by the Department.

A Land Use Permit will be required for the installation of the entrance. Information about Land Use Permitting as well as the required forms can be found on the VDOT website at:

<http://www.virginiadot.org/business/bu-landUsePermits.asp>.

If you have any questions, please contact me at (757) 346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua R. Norris". The signature is fluid and cursive, with the first name being the most prominent.

Joshua R. Norris
Land Use Engineer
Virginia Department of Transportation
Franklin Residency

EMAIL ATTACHMENTS AND RESPONSES

Virginia Department of Transportation Email Attachment

Lorenzo Turner

From: Bocchicchio Cliff <CBocchicchio@titanamerica.com>
Sent: Tuesday, December 3, 2019 5:05 PM
To: Lorenzo Turner; Andre Greene
Subject: RE: [EXTERNAL] RE: Proposed Sand and Gravel pit

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Andre/Lorenzo,

As you can see from the below e-mail VDOT does not perform traffic studies. So if the Board of Supervisors is requiring this, we would like to know specifically what information that they are requesting. Can you contact Supervisor Fly to see what he is after if he is the one requesting this? I have contacted State Department of Archeology and they are to get back to me. On the DMME report or study, I know the people at DMME and again they generally only become involved in a site when you apply for a mine permit. We can't apply for the mine permit until we have the VDOT land use permit for the entrance and the Sussex County Use permit. I will contact them to see if they can write something to that effect. Please try to get me an answer on the VDOT question.

We would like to be put on the schedule for January's meeting so as not to delay this further. Thanks.

Cliff

From: Joshua Norris <Joshua.Norris@vdot.virginia.gov>
Sent: Tuesday, December 03, 2019 12:02 PM
To: Bocchicchio Cliff <CBocchicchio@titanamerica.com>; Jason Fowler <jason.fowler@vdot.virginia.gov>
Subject: [EXTERNAL] RE: Proposed Sand and Gravel pit

Cliff,

It appears that the BOS is requesting you to have an engineer perform a traffic study, as we do not perform traffic studies for private entities to use for their rezoning applications. I gather they will want us to review it. Your site does not qualify for a 527 TIA, so this requirement is from the County. I would start with Lorenzo and Andre to verify exactly what it is that they want you to look at. Some suggestions could include a review of the existing and anticipated traffic, a review of existing road geometry and configuration, a review of any accident data, and to look at the need for any infrastructure improvements, such as turn lane warrants, or by coring the road to verify pavement depths.

Josh

From: Bocchicchio Cliff <CBocchicchio@titanamerica.com>
Sent: Monday, December 2, 2019 4:12 PM
To: Joshua Norris <joshua.norris@vdot.virginia.gov>; jason.fowler@vdot.virginia.gov
Subject: FW: Proposed Sand and Gravel pit

Josh/jason,

Hate to bother you again but the Sussex County Board of Supervisors has requested a Traffic Study from VDOT (see below) for our proposed sand mine off of Courthouse Road (Route 626) and Jerusalem Plank Road (Route 35). Does such a thing exist or how do you think we can proceed on this? I know that Jason addressed the traffic issue adequately

Lorenzo Turner

From: Tribble, Derek <derek.tribble@deq.virginia.gov>
Sent: Monday, November 25, 2019 8:28 AM
To: Lorenzo Turner
Cc: Shrewsbury, Nicholas; Andre Greene
Subject: Re: Sand and Gravel operations

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hi Lorenzo,

Construction Stormwater (my shop) does not regulate sand/gravel mining operations if they have a DMME permit.

Please let me know if this answers your question.

Derek

On Fri, Nov 22, 2019 at 10:38 AM Lorenzo Turner <lturner@sussexcountvva.gov> wrote:

Hello Derek:

My supervisor wanted me to reach out to you to ask if sand/gravel mining operations are regulated by DEQ or is the DMME permit all that's required. Thanks Derek.

Lorenzo Turner

Assistant to the Director of Community Development

Program Administrator-ESPA0124

Community Development Office

434-246-1043

434-246-2175 (Fax)

lturner@sussexcountvva.gov

Lorenzo Turner

From: Lorenzo Turner
Sent: Monday, December 23, 2019 3:12 PM
To: 'Andre' Greene (amgreene@sussexcountyva.gov)
Subject: FW: DMME Mine Permitting Process
Attachments: APPLICATION CHECKLIST.pdf

From: Saunders, Paul <paul.saunders@dmme.virginia.gov>
Sent: Friday, December 6, 2019 9:55 AM
To: Lorenzo Turner <lturner@sussexcountyva.gov>
Subject: DMME Mine Permitting Process

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Mr. Turner,

Section 45.1-180.2 of the Code of Virginia states the Virginia General Assembly's legislative findings and declaration of policy concerning the mining of minerals in Virginia.

Sections 45.1-181 through 45.1-184 of the Code of Virginia details requirements for the issuance of a mining permit.

Also 4VAC 25-31-110 through 4VAC 25-31-200 of the Virginia Mineral Mine Reclamation Regulations further details the requirements for a mineral mining permit in Virginia.

I will provide a brief synopsis:

All persons conducting mining operations in Virginia are requirement to obtain a permit from DMME prior to beginning mining operations.

The application for this permit will include:

1. A map or maps of the proposed mining area including sensitive features within 500 feet of the mine boundaries and showing all properties within 1,000 feet of the mine.

Previously delineated wetlands or riparian buffers are required to be shown on the map.

2. An Operations Plan describing the proposed method of mining and processing including the location of stockpiles, overburden disposal areas and equipment.

The operations plan details methods for storage and disposal of scrap metals, tires, batteries chemicals and other hazardous materials.

The operations plan details related design and construction data for roads, fills, process water ponds etc.

3. A Drainage plan that describes the drainage system to be constructed before, during, and after mining and all sediment and drainage control structures to be installed.

4. A Reclamation Plan that includes a statement of the post mining land use and the proposed actions to ensure suitable reclamation.

The plan will include the method of grading, removal of all mining related equipment and the revegetation of the disturbed areas.

5. If mining is to be below the water table, the operator must submit an assessment of the potential for impact on overall hydrologic balance from the proposed operation and a plan to minimize the adverse effects on water quality or quantity.

6. The operator is required to obtain a VDOT land use permit for the entrance road where it connects to the public road.

7. The operator is required to provide proof of the right to mine the property by deed or by lease or other agreement.

8. The operator is required to notify all property owners within 1,000 feet of the permit boundary - these property owners are entitled to ask for a public hearing prior to the

issuance of the permit so that express any concerns that they may have concerning the proposed mining operation.

9. The operator is required to notify any public utilities within 500 feet of the proposed mining area.

Once a permit application has been reviewed and approved by DMME, the mine operator will post a surety bond or equivalent per disturbed acre to ensure reclamation of the mining areas once mining is completed. This bond will be held until DMME is satisfied that the land has been returned to a suitable post mining land use and has been adequately stabilized with permanent vegetation where needed.

During operations, DMME inspects the mine at least two times a year to ensure compliance with the above plans and the Virginia Reclamation Laws and Regulations for Mineral Mining. This includes erosion and sediment control on the mine. Safety inspections are conducted by either Federal MSHA or DMME.

Attached is an application checklist that we use when reviewing new mine permit applications - that will give you some insight in what we look require prior to issuing a permit.

I hope this provides what you need.

Please give me a call if you have any questions.

Paul E. Saunders

Mine Inspector Supervisor

VA Division of Mineral Mining

(804) 519-7440



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
900 NATURAL RESOURCES DRIVE, STE. 400
CHARLOTTESVILLE, VA 22903

APPLICATION NO. _____

DMM APPLICATION CHECKLIST

APPLICANT'S NAME: _____ DATE: _____

INSPECTOR: _____ COUNTY: _____

LOCATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

ACTION TAKEN

REVIEWER: _____ DATE: _____

() RETURN TO OPERATOR FOR CORRECTION () MAIL TO DMM OFFICE () _____

EXPLANATION: _____

GENERAL INSTRUCTIONS FOR PERMIT APPLICATIONS:

1. ALL SHEETS AND MAPS 8 ½ X 11 INCHES OR FOLDED TO 8 ½ X 11. NO ROLLED MAPS ARE ACCEPTED.
2. TWO COMPLETED SETS OF ALL APPLICATION MATERIALS MUST BE SUBMITTED TO THE DIVISION.
3. ALL BLANKS ON ALL FORMS MUST BE COMPLETED. IF NOT APPLICABLE ENTER N/A OR NONE. IF ADDRESSED IN NARRATIVES, PROVIDE REFERENCE. INCOMPLETE FORMS WILL BE RETURNED FOR CORRECTION.
4. APPROPRIATE SIGNATURE AND NOTARIZATION ON ALL FORMS.
5. PRE-APPLICATION CONFERENCE WITH MINE INSPECTOR (REG.3.3)

	YES	NO	N/A	REGULATION	COMMENT
1.0 ADMINISTRATIVE INFORMATION					
1.1 PERMIT/LICENSE APPLICATION FORM DMM-101				3.5	
A. ALL OWNERS, CORPORATE OFFICERS AND DIRECTORS LISTED IN ITEM 4.					
B. RIGHT OF ENTRY CLEARLY SPECIFIED IN ITEM 17 BY LISTING PARTIES TO THE AGREEMENT, DATE OF EXECUTION AND RECORDING INFORMATION OR BY PROVIDING A COPY OF THE DEED OR LEASE.					
C. BUILDINGS/STRUCTURES UNDER ITEM 22 ADDRESSED DISPOSITION OF BUILDINGS ON COMPLETION OF MINING.					
D. NARRATIVE ATTACHED TO PROVIDE DETAILED OPERATION RECLAMATION/DRAINAGE PLANS FOR ITEM 23.					
E. SIGNED BY PERSON LISTED IN ITEM 5.					
F. ORIGINAL SIGNATURE ON AT LEAST 1 COPY.					
G. TWO COPIES OF ALL PERMIT DOCUMENTS					
H. ALL BLANKS COMPLETED.					
I. ALL MAPS 8 ½" X 11" OR FOLDED 8 ½" X 11" OR SMALLER.					
1.2 PERMIT NOTIFICATIONS					
A. FORM DMM-103A ENCLOSED TO LIST ALL OWNERS WITHIN 1000 FEET OF PERMIT BOUNDARY.					
B. COPIES OF DMM-103 NOTICE OF APPLICATION TO MINE ENCLOSED FOR EACH ADJACENT PROPERTY OWNER.					
C. CERTIFIED MAIL RETURN RECEIPTS OR CERTIFIED MAIL RECEIPTS STAMPED BY THE POST OFFICE ARE ENCLOSED.					
D. PROOF OF NOTIFICATION TO THE LOCAL CHIEF ADMINISTRATIVE OFFICIAL (COUNTY ADMINISTRATOR, CITY MANAGER, ETC.)					
E. PROOF OF NOTIFICATION OF ALL UTILITIES WITH FACILITIES WITHIN 500 FEET OF THE PERMIT BOUNDARY.					
1.3 PERMIT SIGN				3.2	
A. DESCRIPTION					
B. INFORMATION CONTAINED ON SIGN					
C. LOCATION					

	YES	NO	N/A	REGULATION	COMMENT
1.4 RELINQUISHMENT				45.1-184.2	
A. ALL BLANKS COMPLETED					
B. SIGNED BY APPROPRIATE COMPANY OFFICIAL					
C. NOTARIZED					
D. RELINQUISHED ACREAGE IS EQUAL TO OR DOES NOT EXCEED PERMIT ACREAGE OF PERMIT RELINQUISHED FROM					
1.5 BOND AND PERMIT FEES				3.6.1-3	
A. RESTRICTED PERMIT					
B. ESTIMATED BOND AND FEES LICENSE FEE (\$20 OR \$75) _____ PERMIT FEES (ACREAGE X \$12) _____ BOND - ACREAGE DIST. + TO BE DIST. X \$1000 _____ MINERALS RECLAMATION FUND: ACREAGE DIST. + TO BE DIST. X \$50.00 _____					
C. OPERATOR ADVISED OF ESTIMATED FEES. NO FEES TO BE SUBMITTED WITH APPLICATION. OPERATOR WILL BE BILLED UPON APPROVAL.					
1.6 HAS THE POSSIBLE NEED FOR OTHER PERMITS BEEN DISCUSSED WITH THE OPERATORS?				10.2	
A. VA. DEPT. OF TRANSPORTATION					
B. VA. MARINE RESOURCES COMMISSION					
C. DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIV.					
D. ARMY CORPS OF ENGINEERS					
E. DEPARTMENT OF ENVIRONMENTAL QUALITY - AIR DIV.					
F. DEPARTMENT OF HISTORIC RESOURCES					
G. DEPARTMENT OF ENVIRONMENTAL QUALITY - WASTE MANAGEMENT DIV.					
H. LOCAL ZONING/LAND USE AGENCY					
2.0 OPERATIONS PLAN					
2.1 MINING METHOD				3.6.4.B, 7.2, 7.6	
A. EXTRACTION METHOD AND EQUIPMENT					
B. PROPOSED DEPTH OF EXCAVATION					
C. WILL MINING EXTEND BELOW THE WATER TABLE?					
D. IF MINING EXTENDS INTO THE WATER TABLE, IS A GROUNDWATER PROTECTION PLAN INCLUDED?					
E. DESCRIPTION OF HOW SIMULTANEOUS RECLAMATION WILL BE ACCOMPLISHED.					
F. DESCRIPTION OF SCREENING AND LOCATION SHOWN ON PERMIT MAP.					
G. NARRATIVE DESCRIPTION TO SPECIFY SLOPES OF PROPOSED CUTS AND FILLS OR CROSS SECTION PROVIDED.					
H. NECESSARY STRUCTURES AND MAINTENANCE FACILITIES SHOWN ON PERMIT MAP OR SEPARATE SITE PLAN.					
	YES	NO	N/A	REGULATION	COMMENT

2.2 PROCESSING METHOD

3.6.4.B

- A. PROCESSES AND EQUIPMENT DESCRIBED**
- B. PROCESSING FACILITIES AND STOCKPILES SHOWN ON PERMIT MAP OR SITE PLAN.**
- C. DESCRIPTION OF PRODUCTS AND WASTES, USE AND DISPOSAL.**
- D. DESCRIPTION OF WATER SYSTEM INTAKE, TREATMENT, DISCHARGE**

2.3 SPOIL, OVERBURDEN AND WASTE DISPOSAL AND HANDLING

3.6.4.B

DRAINAGE HANDBOOK

- A. DESCRIPTION OF WASTES PROVIDED**
- B. PLANS FOR DISPOSAL PROVIDED (CONSTRUCTION METHOD, LOCATION, SITE PREPARATION, SLOPES, DRAWINGS)**
- C. DESCRIPTION OF DISPOSAL AREA DRAINAGE SYSTEM (DIVERSIONS, UNDERDRAINS, ETC.)**
- D. LOCATED ON PERMIT MAPS**

2.4 TOPSOIL HANDLING

7.5

- A. GENERAL DESCRIPTION, DEPTH AND AVAILABILITY**
- B. DESCRIPTION OF STORAGE METHOD AND PROTECTION**
- C. REAPPLICATION METHOD, DEPTH, AND PREPARATION**
- D. STORAGE AREA, SHOWN ON PERMIT MAPS**

2.5 PRINCIPAL ACCESS ROADS

6.0

- A. HIGHWAY ENTRANCE PLAN PROVIDED**
- B. NARRATIVE DESCRIPTION OF CONSTRUCTION, SURFACING AND MAINTENANCE.**
- C. DUST CONTROL, MEASURES DESCRIBED**
- D. HAULROAD ABANDONMENT DISCUSSED**
- E. DRAINAGE CONTROL PLAN PROVIDED DETAILING CULVERTS, SIZES, BERMS, STREAM CROSSINGS, DITCHES, FILTER STRIPS.**
- F. ROAD LOCATION SHOWN ON PERMIT MAP.**
- G. CROSS SECTIONS OF ROAD & CULVERT INSTALLATION PROVIDED**
- H. DRAINAGE STRUCTURES AND SIZES SHOWN ON PERMIT MAP**

3.0 DRAINAGE PLAN

- 3.1 NARRATIVE DESCRIPTION OF DRAINAGE CONTROLS TO BE IMPLEMENTED, AREA TREATED, LOCATION OF STRUCTURE AND DESIGN CONSIDERATIONS**

3.6.4.C

	YES	NO	N/A	REGULATION	COMMENT

3.2 CONSTRUCTION, MAINTENANCE AND ABANDONMENT

- A. CONSTRUCTION METHODS INCLUDING SITE PREPARATION, COMPACTION AND EROSION PROTECTION**
- B. MAINTENANCE PLAN INCLUDING INSPECTION, REPAIR & CLEANING**
- C. SEDIMENT HANDLING PLAN TO COVER DISPOSAL OR USE OF SEDIMENTS REMOVED DURING MAINTENANCE**
- D. ABANDONMENT PLANS FOR EACH STRUCTURE OUTLINING PROCEDURE FOR RECLAMATION OF EACH STRUCTURE**
- E. DESIGNS PROVIDED FOR EACH SEDIMENT CONTROL STRUCTURE TO BE USED**
- F. ALL DRAINAGE AND SEDIMENT CONTROL STRUCTURES SHOWN ON PERMIT MAPS**

4.0 RECLAMATION PLAN

3.6.4.A

4.1 POST MINING LAND USE

- A. POST MINING USE SPECIFIED**
- B. COMPATIBILITY WITH SURROUNDING LAND USES DISCUSSED**
- C. RECLAMATION PROCEDURES TO BE IMPLEMENTED TO FACILITATE THE POST MINING USE**

4.2 BACKFILLING AND REGRADING

3.6.4.A

- A. BACKFILL AND REGRADE SLOPES SPECIFIED**
- B. DESCRIBE HANDLING AND DISPOSAL OF METAL, LUMBER & DEBRIS**
- C. DISPOSITION OF BUILDINGS**
- D. HANDLING AND DISPOSITION OF STOCKPILES**
- E. RECLAMATION OF WASTE DISPOSAL AREAS**

4.3 REVEGETATION

9.0

- A. SEEDBED PREPARATION & TOPSOIL REAPPLICATION DISCUSSED**
- B. SEED MIXTURE SPECIES & APPLICATION RATES SPECIFIED**
- C. TREE SPECIES & STOCKING RATE SPECIFIED**
- D. SOIL SAMPLING & TESTING DESCRIBED**
- E. DISCUSSION OF FERTILIZER & LIME APPLICATION PROVIDED**

5.0 MAPS

4.3

5.1 PERMIT MAP

- A. MAP LEGEND - ALL BLANKS COMPLETED & PROPERLY SIGNED**
- B. SHOWS ENTIRE PERMIT AREA**
- C. SHOWS BOUNDARIES & NAMES OF SURFACE OWNERS WITHIN 100 FEET OF PERMIT BOUNDARY**
- D. MAP DRAWN TO SCALE**

	YES	NO	N/A	REGULATION	COMMENT
E. MAP IDENTIFIES ALL STREAMS, CREEKS, WATER BODIES, ROADS, CEMETERIES, BUILDINGS, UTILITIES, OIL & GAS					

WELLS ON OR WITHIN 500 FEET OF THE PERMIT BOUNDARY

F. SHOWS PROPERTY BOUNDARY OF TRACT BEING MINED

G. SHOWS NORTH ARROW

H. COLOR CODED AS INDICATED ON THE MAP LEGEND

I. SHOWS DIRECTION OF DRAINAGE FLOW

5.2 UNDERGROUND MINE MAP

4.3.3

A. PROJECTED MINING PLAN FOR UNDERGROUND WORKINGS

B. DRAWN TO SCALE

C. NORTH ARROW

6.0 TECHNICAL STUDIES

6.1 PREBLAST SURVEY

6.2 HYDROLOGICAL (GROUNDWATER) STUDIES

6.3 WETLAND INVESTIGATIONS

CONDITIONAL USE PERMIT #2019-04

SUPPLEMENTAL MEMORANDUM

To: Board of Supervisors

Through: Larry Hughes, Interim County Administrator

From: Bart S. Nuckols, Interim Planning Director

Subject: CUP application #2019-03, Shands Energy Storage (East Point Energy, LLC)

Background: The request has been before Sussex county since the fall of 2019 and has gone through the initial public hearing review with the Planning Commission with subsequent recommendations. Due to a weather-related delay in February and the Covid emergency the request has been delayed for public hearing before the board.

Staff Review: During the intervening period, the Berkley staff has conducted additional review of the application. During this time staff researched how battery storage facilities addressed safety measures for fire and other safety related issues that would involve Sussex County first responders. This research involved the Director of Public Safety along with discussions with the applicant.

The result of this extensive process is a series of conditions that may be applied to the request and are attached.

Board Actions

The Board of Supervisors may exercise one of the following options:

1. Continue the public hearing to next month's regularly scheduled meeting. This would allow time for the board to study the conditions and address any additional items that could not be addressed at this hearing.
2. Close the public hearing and defer action until next months meeting to provide the board additional time to study the conditions outlined.
3. Deny the request.
4. Approve the request per the recommendations provided by the Planning Commission at their November, 04 2019 meeting.

5. Approve the request with the conditions outlined in the attached staff document.

Conditions

The Planning Commission held a public hearing on November 4, 2019 to consider the request for Conditional Use Permit #2019-04 from Shands Energy Center LLC (owned by East Point Energy LLC). The Planning Commission voted (8 ayes, 2 nays) to forward applicant to the Board of Supervisors with a recommendation of approval subject to several conditions and also with the condition that another decommissioning cost estimate from a third party engineering firm be provided before the item goes to the Board of Supervisors.

1. The Applicant will develop the Project Site in substantial accord with the Conceptual Site Plan dated February 19, 2020 included with the application and these conditions as determined by the Zoning Administrator. Significant deviations or additions including any enclosed building structures to the Preliminary Site Plan will require review and approval by the Planning Commission and Board of Supervisors.
2. Site Plan Requirements. In addition to all Virginia site plan requirements and site plan requirements of the Zoning Administrator, the Applicant shall provide the following plans for review and approval for the Project prior to the issuance of a building permit:
 - a. *Construction Management Plan*. The Applicant shall prepare a “Construction Management Plan” for each applicable site plan for the project, and each plan shall address the following:
 - i. Traffic control methods (in coordination with the Virginia Department of Transportation [VDOT] prior to initiation of construction): i. Lane closures, ii. Signage, and iii. Flagging procedures.
 - ii. Site access planning. Directing employee and delivery traffic to minimize conflicts with local traffic.
 - iii. Site security. The Applicant shall implement security measures prior to the commencement of construction on the Project Site.
 - iv. Lighting. During construction of the project, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
 - v. Water Supply. In the event that on-site wells are used during construction of the facility, the Applicant shall prepare and submit for review to the County hydrogeologic information necessary for the County to determine the potential impact to pre-existing users for the same aquifer proposed to be used for the solar energy facility and a plan to mitigate impacts to pre-existing users within the area of impact of the Project. If the County, in consultation with the Department of Environmental Quality, determines that the installation of a well will not adversely affect existing users, the Applicant may proceed with well construction in compliance with approval by the Department of Environmental Quality. At the end of the construction of the Battery Energy Storage facility, the well shall not thereafter be used except only for personal toilet and lavatory facilities as required by the Uniform Statewide Building Code for operations and maintenance buildings.
 - b. *Construction Mitigation Plan*. The Applicant shall prepare a “Construction Mitigation Plan” for each applicable site plan for the project, and each plan shall address the effective mitigation of dust, burning operations, hours of construction activity, access and road improvements, and handling of general construction complaints as set forth and described in the application materials and to the satisfaction of the Zoning Administrator.

- i. Construction activity on-site shall be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
- ii. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.
- iii. Construction lighting shall be minimized and shall be directed downward.
- c. *Grading plan.* The Applicant will submit a Grading Plan for review and approval by the Zoning Administrator. The Project shall be constructed in compliance with the County the Grading Plan as determined and approved by the Zoning Administrator or his designee prior to the commencement of any construction activities and a bond or other security will be posted for the grading operations. The grading plan shall:
 - i. Clearly show existing and proposed contours;
 - ii. Note the locations and amount of topsoil to be removed (if any) and the percent of the site to be graded;
 - iii. Limit grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms;
 - iv. An earthwork balance will be achieved on-site with no import or export of soil;
 - v. In areas proposed to be permanent access roads which will receive gravel or in any areas where more than a few inches of cut are required, topsoil will first be stripped and stockpiled on-site to be used to increase the fertility of areas intended to be seeded;
 - vi. Take advantage of natural flow patterns in drainage design and keep the amount of impervious surface as low as possible to reduce storm water storage needs.
- d. *Erosion and Sediment Control Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. An E&S bond (or other security) will be posted for the construction portion of the project.
- e. *Stormwater Management Plan.* The County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan. A storm water control bond (or other security) will be posted for the construction portion of the project.
- f. *Project Screening and Vegetation Plan.*
 - i. The Applicant will submit a final Landscape Maintenance Plan for review and approval by the Zoning Administrator. The final plan will address the conditions below in item 4.b. The owner or operator shall construct, maintain, and operate the facility in compliance with the approved plan. The Applicant (or the operator) shall promptly communicate with the Zoning Administrator within 30 days of the date of the notice of violation and submit a plan in writing satisfactory to the Zoning Administrator to remedy such violation no later than 180 days after the date of the notice of violation. Failure to remedy the violation before the end of the 180-day cure period may result in revocation of the CUP.
 - ii. Ground cover shall be either gravel, concrete, or native vegetation where compatible with site conditions and, in all cases, shall be approved by the Zoning Administrator.
 - iii. Only EPA approved herbicides shall be used for vegetative and weed control at the energy storage facility by a licensed applicator. No herbicides shall be used within 150 feet of the

location of an approved ground water well. The Applicant shall submit an herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water. The operator shall notify the County prior to application of pesticides and fertilizers.

The County reserves the right to request soil and water testing.

- g. The Applicant shall reimburse the County its costs in obtaining an independent third-party review of any site plans or construction plans or part thereof.
- h. The design, installation, maintenance, and repair of the project in accordance with the most current National Electrical Code (NFPA 70) that Sussex County has adopted (2014 version or later as applicable).

3. Operations.

- a. *Permanent Security Fencing.* The Applicant shall install permanent security fencing, consisting of chain link, two-inch square mesh, six (6) feet in height, with one (1) foot of barbed wire on top, around the project prior to the commencement of operations of the Project. A performance bond during the construction period reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the fence in a good and functional condition will result in revocation of the permit.
- b. *Lighting.* Any on-site lighting provided for the operational phase of the Project shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
- c. *Noise.* Noise will be compliant with the County's Noise Ordinance.
- d. *Ingress/Egress.* Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.

4. Buffers.

- a. *Setbacks.*
 - i. A minimum 300-foot setback shall be maintained from a project structure to the street line (edge of right-of-way) where the Property abuts any public rights-of-way.
 - ii. There shall be no setbacks between internal lot lines between parcels in the project area.
- b. *Screening.* The existing vegetation surrounding the battery storage area shall be preserved for the life of the project. Any removal of existing vegetation shall require the approval by the County. If any existing vegetation (trees) die or are destroyed by a natural disaster and the project becomes visible to adjoining properties and from the road, the applicant shall replace the damaged trees at their expense to make the project area again non-visible.
- c. Ancillary project facilities may be included in the buffer as described in the application where such facilities do not interfere with the effectiveness of the buffer as determined by the Zoning Administrator.

5. Traffic.
 - a. The applicant shall comply with all Virginia Department of Transportation recommendations for traffic management during construction and decommissioning of the Project.
 - b. The roads shall be maintained in a safe operating condition during the construction phase and be brought back to the original condition, or improved, upon completion of the construction and decommissioning phases.
6. Battery Storage.
 - a. Battery and energy storage facilities will be constructed, maintained, and operated in accordance with national industry standards and regulations including the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used by the Applicant.
 - b. Lithium-Ion battery cells in a Battery Energy Storage System (BESS) with a Battery Management System (BMS) will be used.
 - c. The BESS enclosure or cabinet will provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
 - d. Each individual battery enclosure will have 24/7 automated fire detection and extinguishing technology built in. The BMS will monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system before Thermal Runaway takes place.
 - e. The BESS will be placed on an appropriate foundation located in accordance with the Site Plan.
 - f. Access to all batteries and electrical switchgear will be from the exterior for normal operation and maintenance. Access to the container interior will not be permitted while the system is in operation. Access shall not conflict with NFPA 855.
 - g. Qualifications and experience from selected developers and integrators will be provided including disclosure of fires or other hazards at facilities.
 - h. Safety testing and failure modes analysis data from selected developers and manufacturers will be provided.
 - i. Any applicable product certifications will be provided.
 - j. The Applicant or any future owner shall be liable for contaminants escaping battery cells or the BESS and shall be responsible for all remediation and the costs of remediation.
 - k. Applicant will collaborate with Sussex County first responders to utilize technology-appropriate best practices for safe energy storage systems including, but not limited to, the following:
 - i. Adequate access/egress for the first responders;
 - ii. Adequate facility signage (on battery chemistry and person to contact);
 - iii. Accessible Safety Data Sheets;
 - iv. System-specific emergency response plans;
 - v. Training for first responders on the type of system, potential hazards and risks, and system-specific emergency response plans;
 - vi. Adequate supply of fire suppression appliances for the fire fighters;
 - vii. Adequate facility signage on Hazardous Materials present in the vicinity;

- viii. Emergency lighting;
- ix. Battery Racks installed according to NFPA 855 standards to make it easier to isolate a failed battery from the rest;
- x. Sufficient shutdown and isolation capability including a recloser.
- xi. System-appropriate sensors and alarms;
- xii. Air ventilation and fire suppression systems; and
- xiii. Drainage for water runoff, if applicable.

7. Training.

- a. Prior to commissioning of the BESS, the Applicant, shall offer a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education, and training on responding to on-site emergencies. The training classes shall be scheduled with the assistance of the County's designated Public Safety Coordinator. This includes specific technical training regarding the battery energy storage systems and how to respond to issues involving those systems so that the emergency service provider, the surrounding areas, and the environment are protected.
- b. The Applicant or any future owner or operator shall provide annual training as deemed necessary by the Public Safety Coordinator.
- c. In the event any upgrades or changes in technology associated with the Project result in any change in emergency procedure, the Applicant or any future owner operator will notify the County Public Safety Coordinator, who may, at their discretion, schedule an additional training on the new equipment.

8. Compliance. The facilities shall be designed, constructed, and tested to meet relevant local, state, and federal standards as applicable.

9. Decommissioning.

- a. *Decommissioning Plan.* The Applicant shall submit a Decommissioning Plan to the County for approval in conjunction with the building permit. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant or its successor would remove the Project after the end of its useful life and to restore the property.
- b. *Decommissioning Cost Estimate.* The proposed Decommissioning Cost Estimate dated January 8, 2020, for \$343,680, was prepared by ONE Environmental Group of Carolina, PLLC. Notwithstanding the forgoing, the Applicant is not required to provide a security if the County approves an alternative security arrangement (subsection c. (iv) below).
 - i. The cost estimate shall provide the gross estimated cost to decommission the Project in accordance with the Decommissioning Plan and these conditions. The Decommissioning Cost Estimate shall not include any estimates or offsets for the resale or salvage values of the Project equipment and materials.
 - ii. The Applicant, or its successor, shall reimburse the County for an independent review and analysis by a licensed engineer of the initial decommissioning cost estimate.
 - iii. The Applicant, or its successor, will update the Decommissioning Cost Estimate every five (5) years and reimburse the County for an independent review and analysis by a licensed engineer of each decommissioning cost estimate revision.

- c. *Security.*
- i. Prior to the County's approval of the building permit, the Applicant shall provide decommissioning security in the form of a certified funds, cash escrow, Letter of Credit, bond, or parent guarantee for the Full Decommissioning Cost.
 - ii. Upon the receipt of the first revised decommissioning cost estimate (following the 5th anniversary), any increase or decrease in the decommissioning security shall be funded by the Applicant, or refunded to Applicant (if permissible by the form of security), within ninety (90) days and will be similarly trued up for every subsequent five year updated decommissioning cost estimate.
 - iii. The security must be received prior to the approval of the building permit and must stay in force for the duration of the life span of the Project and until all decommissioning is completed. If the County receives notice or reasonably believes that any form of security has been revoked or the County receives notice that any security may be revoked, the County may revoke the Conditional Use Permit and shall be entitled to take all action to obtain the rights to the form of security.
 - iv. Notwithstanding the foregoing requirements in subsections (a)-(iii) above, an alternative security arrangement may be accepted by the County so long as it is a form acceptable to the County Attorney.
- d. *Applicant/Property Owner Obligation.* Within twelve (12) months after the cessation of use of the Project for electrical power storage or transmission, the Applicant or its successor, at its sole cost and expense, shall commence decommissioning of the Project in accordance with the Decommissioning Plan approved by the County. If the Applicant or its successor fails to decommission the Project within eighteen (18) months, the property owners shall commence decommissioning activities in accordance with the Decommissioning Plan. Following the completion of decommissioning of the Project arising out of a default by the Applicant or its successor, any remaining security funds held by the County shall be distributed to the property owners in a proportion of the security funds and the property owner's proportionate acreage ownership of the Project. Upon completion of decommissioning and approval by the County, the County shall sign documentation releasing the decommissioning security.
- e. *Applicant/Property Owner Default; Decommissioning by the County.*
- i. If the Applicant, its successor, or the property owners fail to timely decommission the Project, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning security, and the rights to the Project equipment and materials on the property.
 - ii. If applicable, any excess decommissioning security funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.
 - iii. The County may enter the Project Site in accordance with Virginia law. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.
- f. *Site Access.* The County has the right to enter the Project Site without further consent to engage in decommissioning. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.

- g. *Equipment/building removal.* All physical improvements, materials, and equipment related to Project, both surface and subsurface components, shall be removed in their entirety. The soil grade will also be restored following disturbance caused in the removal process. Perimeter fencing will be removed and recycled or re-used. The exception to removal of the materials and equipment would be upon written request from the current or future landowner or the County indicating areas where removal is not requested.
 - h. *Infrastructure removal.* All access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner or the County to leave all or a portion of these facilities in place for use by that landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance.
 - i. *Reforestation.* The site will be replanted with pine seedlings to stimulate pre-timbered pre-development conditions as indicated on the Preliminary Site Plan. The exception to reforestation would be upon written request from the current or future landowner or the County indicating areas where reforestation is not requested.
 - j. *Partial Decommissioning.* If decommissioning is triggered for a portion of the Project, then the Applicant or its successor will commence and complete decommissioning, in accordance with the Decommissioning Plan, for the applicable portion of the Project; the remaining portion of the Project would continue to be operational and subject to the Decommissioning Plan when the time comes. Any reference to decommissioning the Project shall include the obligation to decommission all or a portion of the Project whichever is applicable with respect to a particular situation.
10. The Conditional Use Permit shall be terminated if the project does not receive a building permit within 18 months after the Applicant receives (a) any required state approvals; (b) any approvals of the regional transmission organization; and (c) any approvals required by the State Corporation Commission, but in no event more than thirty-six (36) months of approval of the Conditional Use Permit. Any timeframe under which the Commonwealth is under an Executive Order of the Governor declaring a statewide emergency will toll the timeframe specified in this condition.
11. If the Project is declared to be unsafe, due to a violation of building or electrical codes, as determined by the fire marshal or building official, and the operator of the Facilities fails to respond in writing to such official within thirty (30) days, the County may revoke the right for the Facilities to continue operation until the unsafe condition is brought into compliance with the applicable building or electrical code. If the unsafe condition cannot be remedied within six (6) months, the Conditional Use Permit shall be terminated, and the Project shall be decommissioned.
12. The owner and operator shall give the County written notice of any change in ownership or operation within thirty (30) days.



MEMORANDUM

TO: Members, Sussex County Board of Supervisors
Vandy V. Jones III, County Administrator

FROM: Andre M. Greene, Director of Community Development

RE: Conditional Use Permit Application #2019-04

DATE: January 31, 2020

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC), seeks a conditional permit to construct and operate a battery energy storage facility on tax map numbers 64-(A)-21 (11.48 acres) and 64-(A)-23 (20.8 acres). The site in question (totaling approximately 32.28 acres), is located on the north side of Route 40 (Sussex Drive adjacent to an existing Dominion Energy Substation Stony Creek Election District.

PLANNING COMMISSION RECOMMENDATION- Approval

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (8 ayes, 2 nays) to forward the request for Conditional Use Permit #2019-04, Shands Energy Center LLC owned by (East Point Energy LLC), applicant to the Board of Supervisors with a recommendation of approval subject to several conditions.

Attached for the Board's review and consideration are the staff report and supporting documents

To date, no opposition or concerns have been received from the public.

STAFF REPORT - Conditional Use Permit Application #2019-04

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT:	Shands Energy Center, LLC (East Point Energy, LLC)
OWNER:	Ruth Pride
REQUEST:	Pursuant to Section 34-217§18b of the Zoning Ordinance a Conditional Use Permit is requested to construct and operate a battery energy storage facility.
PROPERTY LOCATION:	The site in question located on the north side of Route 40 (Sussex Drive) adjacent to an existing Dominion Energy Substation.
PROPERTY IDENTIFICATION:	Tax Map Numbers 64-(A)-21 and 64-(A)-23
ELECTION DISTRICT:	Stony Creek
PARCEL SIZES:	64-(A)-21- 11.48 acres 64-(A)-23 - 20.80 acres
TOTAL ACREAGE:	Approximately 32.28 acres
PARCEL CHARACTERISTICS:	The topography of the site is gently rolling. The site consists of woodlands and open land.
SURROUNDING LAND USES:	Surrounding land uses include farmland, woodlands, a Dominion Energy Substation, overhead electrical power transmission lines and single-family dwellings.
EXISTING ZONING:	A-1, General Agricultural

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

COMP PLAN FUTURE LAND
USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone X – The site is not located in a 100-year Flood Zone

SUMMATION

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC) is requesting is requesting issuance of a Conditional Use Permit to construct and operate a grid scale stand-alone battery energy storage facility. The properties in question are tax map number 64-A 21 (consisting of 11.48 acres) and tax map number 64-(A)-23 (consisting of 20.80 acres). A summary of the application as follows:

- The batteries will consist of Lithium-Ion. The batteries will be NFPA (National Fire Protection Agency) complaint.
- The battery energy storage area will be located on tax parcel 64-A-21 (approximately 300 feet off Route 40) just behind an existing Dominion Energy Substation.
- The battery storage area will be approximately 2-3 acres in size.
- The existing trees/vegetation adjoining the proposed 2 battery storage area will be preserved to serve as natural buffer.
- The batteries will be stored in approximately twenty-one (21) modular containers. The containers will be anchored to a concrete pad. The concrete pad will be constructed in adherence to the building code. The containers will be designed to contain any leakage from worn batteries. No diversion dikes will need to be constructed.
- The containers will be transported to the site via flatbed trucks.
- The facility will take approximately 3-5 months to construct. Hours of construction will be Monday-Friday from 7am to 7pm in adherence to the County's Noise Ordinance.
- Anticipated traffic impact – Temporary and minimal during construction.
- For security and public safety, the applicant is willing to construct a seven (7) foot high galvanized security fence around the perimeter of the battery storage area
- Security lighting will be installed.
- The applicant is willing to provide specialized training to the County's EMS staff to deal with possible incidents.
- The applicant has stated that the life expectancy of the facility is perpetuity with the life expectancy of the batteries to be 20-25 years. Worn or degraded batteries will be replaced as necessary.
- Estimated local tax revenues from the project are as follows:
 - Sales Taxes in the amount of \$14,974 (\$7,199 to the County and \$7,775 to the Schools)
 - Machinery and Tools Taxes in the amount of \$146,775.85 over a 25 year period (roughly \$5,871 per year). Real Estate Taxes paid in 2019 on the 32.28 acres were \$299.28.

- The estimated jobs to be created during construction is between 15-20 persons.
- The applicant has estimated that the cost of de-commissioning the facility if it ceases operation is approximately \$103,000.00. \$63,000.00 for removal of the containers (21 @ \$3,000 per container) and \$40,000.00 for removal and disposal of the concrete padding, fencing and all other improvements.

PLANNING COMMISSION'S RECOMMENDATION: APPROVAL WITH CONDITIONS

The Planning Commission held a public hearing on November 4, 2019 to consider this request and voted (8 ayes, 2 nays) to forward the request for Conditional Use Permit #2019-04, Shands Energy Center LLC owned by (East Point Energy LLC), applicant to the Board of Supervisors with a recommendation of approval subject to several conditions which are listed below and also with the condition that another de-commissioning cost estimate from an engineering firm be provided before the item goes to the Board of Supervisors which is attached.

LAND USE RATIONALE

Planning Commission recommends approval for the following reasons:

- 1) The proposed project will be sited on primarily timberland. Of the 32.28 acres in question, only 2-3 acres will be disturbed. Existing vegetation (trees), and the setback of 300' feet off Route 40 (Sussex Drive) will minimize visual impacts of the proposed facility.
- 2) The proposed facility will not impair the integrity or character of the surrounding community as it will located next to an existing Dominion Energy sub-station.
- 3) The proposed battery storage facility is passive in nature and will not cause any nuisances to the surrounding community as it does not produce emissions to the air, it does not produce any glare or foul odor. Also, noise emitted from the facility will be minimal and equivalent to the low humming noise generated by the existing sub-station.

PROPOSED CONDCTIONS:

Planning Commission recommends approval subject to the following conditions:

1. All requirements and obligations of this Conditional Use Permit ("CUP") shall become a part of the zoning regulations and shall therefore be binding on the Applicant, and any future owner or operators (which shall include, but not be limited to, any successors, assignees, current or future lessee, or sub-lessees).
2. The Applicant shall install a standard galvanized security fence around the battery storage Facility that is a minimum of seven (7) feet in height.
3. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. US Army Corps of Engineers
 - b. The Virginia Department of Transportation (VDOT)

- c. Virginia Department of Environmental Quality – Virginia Storm-water Management Program (VSMP)
 - d. State building code and shall be inspected by either the county building inspector or a third-party inspector through the building permit process.
 - e. The Applicant is required to obtain a County Land Disturbance permit after submittal and approval of an Erosion and Sediment Control Plan prior to any land disturbance.
 - f. The site shall fully comply with all applicable provisions of the Sussex County Zoning Ordinance, throughout the life of this CUP.
4. The Applicant is required to obtain approval of a decommissioning plan by the Director of Community Development Department prior to approval of any building permits for the battery energy storage facility. The battery energy facility shall be decommissioned and removed within eighteen (18) months after the facility ceases operation for a continuous twelve (12) month period.

The costs of decommissioning shall be secured by adequate surety in a form agreed to by the County Attorney, including but not limited to a surety or performance bond, certified check, or letter of credit, which shall be provided to the County Attorney, the County Administrator and the Director of Community Development prior to the issuance of the land disturbance permit and building permit from the County. The performance bond, certified check or letter of credit shall be in an amount of no less than One Hundred Thousand Dollars (\$103,000) while the battery energy storage facility remains on the Property. If the battery energy storage facility is sold, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

The cost estimates of the decommissioning shall be updated every five (5) years by an independent consultant (“consultant”) retained at the expense of the Applicant, or any future owner or operator, and provided to the County. The consultant shall be a professional engineer licensed in Virginia with expertise in the subject of decommissioning solar projects. The Applicant, or future owner or operator, is required to obtain approval of the independent consultant by the Director of Community Development prior to being engaged by the Applicant, or future owner or operator, which approval shall not be unreasonably withheld. The consultant’s reports will identify the cost of decommissioning. The surety amount will be increased or decreased based on such updated cost of decommissioning, but the surety shall not be below the minimum amount required by this condition. The Applicant, or future owner or operator, shall be liable to the County for any deficiency if the bond amount does not fully fund the costs of decommissioning.

Decommissioning shall include, but not be limited to, the removal of all fencing, posts, foundations, battery storage containers, underground cables and conduits, transformers, other electrical components, and other accessory equipment/structures from the Property and properly disposed of as part of the decommissioning.

If the Applicant, or future owner or operator, intends to cease operations, or to shut down the battery storage energy facility, it shall send the County Administrator and

Director of the Community Development Department written notice at least ninety (90) days prior to such action and will provide, with such notice, a revised consultant's report. The Applicant, or future owner or operator, shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County. If the solar energy facility is not removed within the time provided in the notice to the County, the County may cause the removal of the solar energy facility with costs being borne by the Applicant, future owner or operator.

5. Prior to the end of construction of the battery energy facility, the Applicant, shall hold a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education and training to the departments serving the solar energy facility in regard to how to safely respond to on-site emergencies. The training classes shall be scheduled with the assistance of the County Public Safety Coordinator. The Applicant, future owner or operator, shall provide on-going training as deemed necessary by the Public Safety Coordinator.
6. The existing vegetation surrounding the battery storage area shall be preserved for the life of the project. Any removal of existing vegetation shall require the approval by the County. If any existing vegetation (trees) die or are destroyed by a natural disaster and the project becomes visible to adjoining properties and from the road, the applicant shall replace the damaged trees at their expense to make the project area again non-visible.
7. If the applicant plans to use herbicides for existing vegetative weed control along the fence surrounding the facility, only EPA approved herbicides shall be used. The applicant shall submit herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water.

This is to certify that letters notifying adjacent property owners of a Public Hearing of the Board of Supervisors on June 18, 2020 for **Conditional Use Permit Application #2019-04**, Shands Energy Center LLC, (owned by East Point Energy LLC) applicant, were mailed on June 9, 2020 to the persons listed below.

64-A-16

ROBINSON SELESTER MAE
9023 SUSSEX DRIVE
STONY CREEK, VA 23882

64-A-18

BAILEY HARRIS EST
C/O SHIRLEY BOSWELL-PLAUNT
40 BOULDER RIDGE PLACE
PAINESVILLE, OH 44077

64-A-19 & 20

THOMPSON EUGENE
7800 HALIFAX ROAD
PETERSBURG, VA 23805

64-A-23A

MOORE ANTONIO C.
PO BOX 9
STONY CREEK, VA 23882

64-A-24

MABRY JOHN R.
22211 MCKENNEY HWY
STONY CREEK, VA 23882

64-A-24B

HOUSE ROSALYN M.
PO BOX 515
STONY CREEK, VA 23882

64-A-24C

WEBB GWENDOLYN J.
(AKA) GWENDOLYN J. MABRY
8386 SUSSEX DRIVE
STONY CREEK, VA 23882

64-A-27

ALVIS ANDREW D. III & WENDY G.
23290 BOOTH ROAD
STONY CREEK, VA 23882

64-A-27A

ROBBINS JOHN D. III & ELIZABETH A.
PO BOX 687
DINWIDDIE, VA 23841

64-A-28

JONES ANTIONETTE
13174 SHANDS ROAD
STONY CREEK, VA 23882

64-A-1A

SHANDS MARTIN A. & MARCIA J.
13321 SHANDS ROAD
STONY CREEK, VA 23882

64-2-1

CURLEY DOLENA W.
C/O DORETHEA CURLEY
842 FORT HENRY STREET
PETERSBURG, VA 23803

64-4-1

JOHNSON CURTIS N. & MARGARET D.
13188 SHANDS ROAD
STONY CREEK, VA 23882

64-4-3

JARRELL PERCY JR.
13152 SHANDS ROAD
STONY CREEK, VA 23882

64-4-4

HALL DELPHINE
PO BOX 335
STONY CREEK, VA 23882


Interim Director of Community Development

(LIT)

6-8-20
Date

CUP Number:
Date Application Filed
\$500 Processing Fee Received By

2019-04
6/14/19
L.T.



Sussex County Planning Department
Post Office Box 1397
20209 Thornton Square
Sussex, Virginia 23884
Phone: 434-246-1043
Fax: 434-246-8259

CONDITIONAL USE PERMIT APPLICATION

Owner Information:

Name: Ruth Prida
Address: 36228 Walkers Mill Road
Stony Creek, VA 23852
Phone Number: 434-246-9276

Applicant Information:

Name: Shands Energy Center LLC
Address: 200 Garrett Street, Suite L
Charlottesville, VA 22902
Phone Number: 434-485-8210

Legal Description of Property:

Tax Map Number: 64-A-21, 64-A-23
Zoning District: T6
Block Number:
Lot Size (Acreage): 32.28
Election District:
Subdivision:
Lot Number:
Square Footage:

Please answer the following. Please refer to Attachment 1 of application

- When was property acquired by applicant?
- Are there any deed restrictions on the property in question? Yes No
(If yes, attach a copy of restrictions)
- What is the proposed use of property or type of improvement? Please be detailed and specific in your description. For example new construction, addition or demolition, agricultural, residential or commercial use;
- What is the Fair market value of improvements?
(Value must include all buildings, electrical, plumbing, and mechanical work to be performed,
- Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings
- Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property of the neighborhood
- Furnish plot plan, preliminary site plan, and/or preliminary subdivision plat showing boundaries and dimensions of property, width of boundary streets, location and size of buildings on site, roadways, walks, off street parking and loading space, landscaping and the like. Architects/Engineer's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with application
- I hereby certify that I have the authority to make the foregoing application and that the application is complete and correct and that the conditional use permit is in accordance with section 34-217(156) of the Zoning Ordinance

Owner Signature: *Ruth M. Prida*
Applicant Signature: *[Signature]*

Date: *June 4, 2019*
Date: *6/14/19*



Attachment 1 to Condition Use Permit Application

1. The purchase option agreement of the land was executed on November 28th, 2018.
2. No, there are deed restrictions.
3. The proposed use of the property is for the new construction of a grid scale stand-alone battery energy storage system.
4. The fair market value of improvements is between \$10,000,000 and \$20,000,000, pending final project specifications.
5. Newly constructed grid scale stand alone battery energy storage energy system will interconnect at distribution voltage to an already existing Dominion Energy Substation in order to store excess electricity from the grid.
6. The containers will be propped up on a small concrete pier or pad to ensure protection from flooding. The entire project area will be fenced in and a visual screen will be installed. The decibel level at the property boundaries will be similar to the decibel level of that already existing Dominion Substation.
7. See attached site plan.
8. I hereby certify that I have the authority to make the forgoing application that the application is complete and correct and that the conditional use permit is in accordance with section 34-217 (18b) of the Zoning Ordinance.



June 14th, 2019

Andre Greene, Director of Community Development
Post Office Box 1397
20135 Princeton Road
Sussex, VA 23884

Conditional Use Permit Application
Shands Energy Center, LLC

Dear Mr. Greene,

Shands Energy Center, LLC is pleased to submit the following Conditional Use Permit application. Shands Energy Center, LLC is wholly owned by East Point Energy, LLC.

East Point Energy is a battery storage project development firm. Our projects make the electrical grid more reliable, resilient, and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions to benefit the grid and our environment. We believe that energy storage is critical to increasing renewable energy penetration on the grid, thus reducing dependence on fossil fuels and sustaining our planet. Our management team has over a decade of experience developing Distributed Energy Resources around the country with over 1GW of operating projects and over \$1.5B in deployed capital.

Contained within this complete application are the following attachments:

1. Conditional Use Permit Application
2. Attachment 1
3. Site plan
4. Site Control: Affidavit of Fact
5. Equipment specifications sheet
6. Statement of qualifications
7. \$500 Check

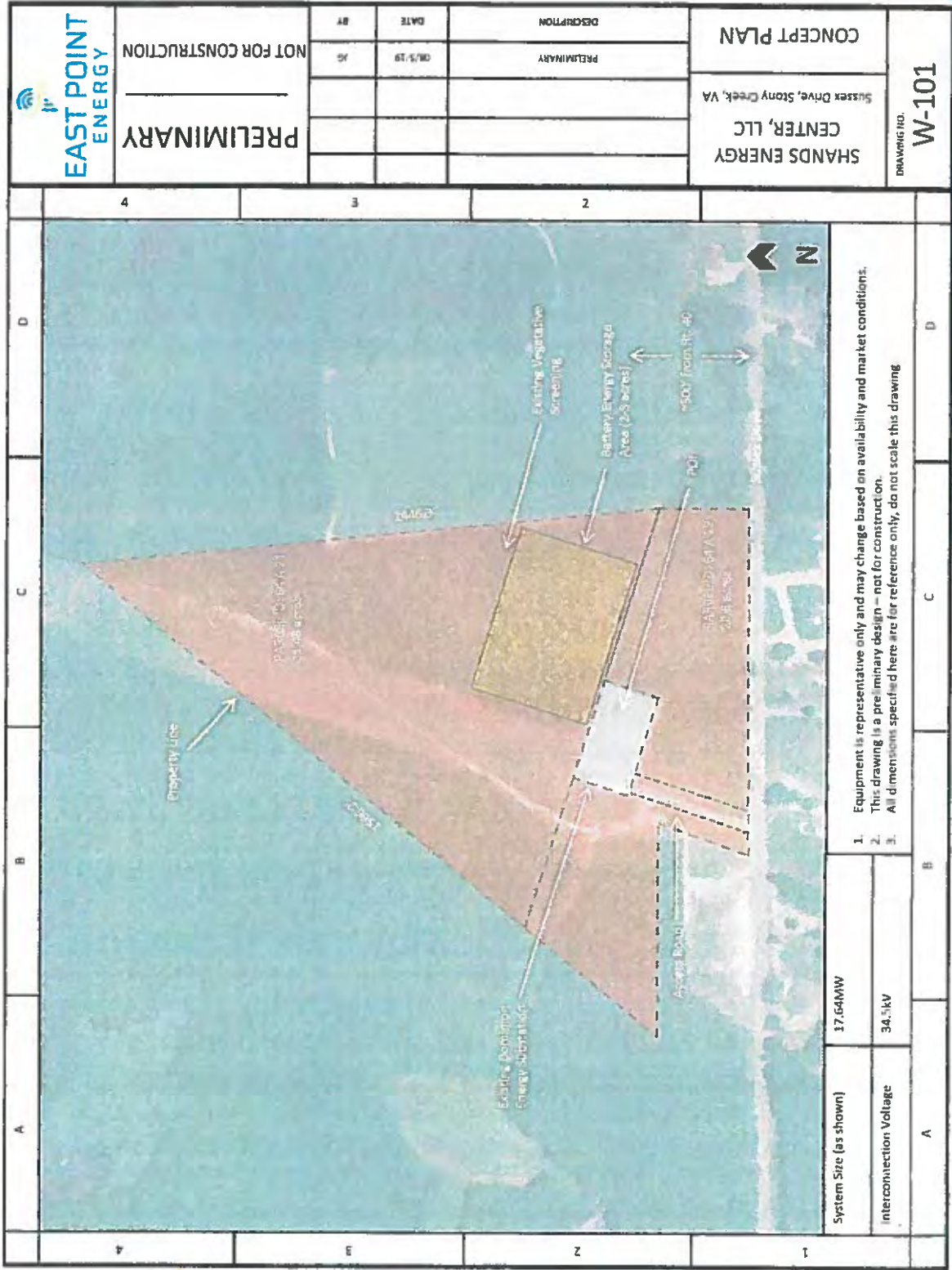
Should you have any questions or comments, please feel free to reach out to us at any time.

Sincerely,



Jayne Githorn, Development Engineer

Site Plan



System Size (as shown) 17.64MW
 Interconnection Voltage 34.5kV

1. Equipment is representative only and may change based on availability and market conditions.
2. This drawing is a preliminary design – not for construction.
3. All dimensions specified here are for reference only, do not scale this drawing

	PRELIMINARY NOT FOR CONSTRUCTION	BY	DATE	DESCRIPTION	SHANDS ENERGY CENTER, LLC Sussex Drive, Stony Creek, VA	CONCEPT PLAN
		MS	08/15/19	PRELIMINARY		
PRELIMINARY					DRAWING NO. W-101	


AFFIDAVIT OF FACT

In the State of Virginia, City of Charlottesville, Andrew Foukal, President of East Point Energy, LLC, being duly sworn, deposes and says that he has full knowledge of all and every fact set forth herein:

1. East Point Energy, LLC is the sole owner of Shands Energy Center, LLC.
2. Ruth Pride ("Owner") is the owner of the property located at 13191 Shands Road, Stony Creek, VA (the "Property").
3. Shands Energy Center, LLC and Owner are parties to an Option to Purchase Agreement dated November 28th 2018 which provides Shands Energy Center, LLC with the right to purchase the Property from Owner at any time up to November 28th, 2023.
4. Shands Energy Center, LLC has been authorized by Owner to act as its agent for the purpose of applying for permits and undertaking related activities necessary to develop this project.

I SWEAR AND AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

6/3/19



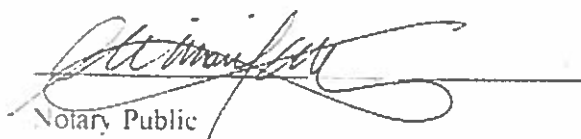
Date

Andrew Foukal

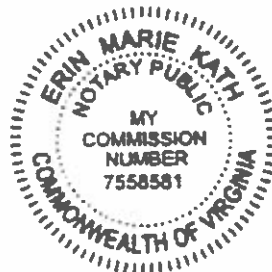
STATE OF VIRGINIA)

CITY OF CHARLOTTESVILLE)


I, the undersigned Notary Public, do hereby affirm that Andrew Foukal personally appeared before me on the 3 day of June 2019, and signed the above Affidavit as his free and voluntary act and deed.


Notary Public

My Commission Expires on 05/31/2021



ACKNOWLEDGED AND AGREED TO:


Ruth Pride



Statement of Qualifications

Founded in 2018, East Point Energy is a battery storage project development firm. Our projects make the electrical grid more reliable, resilient and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions that benefit the grid and our environment.

We believe that energy storage is critical to increasing renewable energy penetration on the grid, thus reducing dependence on fossil fuels and sustaining our planet. Success is measured by delivering profitable energy storage solutions to the market that benefit the grid, communities, and our environment.

East Point Energy was founded by renewable energy executives with over a decade of energy development experience, including 4 gigawatts of renewable energy development and over 1,500 megawatts of operating wind and solar projects across the county. That's equivalent to the energy required to power approximately 250,000 American homes. For more information visit www.eastpointenergy.com.

EXECUTIVE EXPERIENCE AT A GLANCE

- Over 10 years of developing DER's
- 4GW of renewable energy development experience
- 1.5GW of operating wind and solar projects
- Over \$1.5B of transaction experience

Utility Partners (Executive Experience)



Supply Chain Partners



Representative Projects

(References Upon Request)



Elm City Solar Facility – Duke Energy *Elm City, NC | 40.0 MW*

The Elm City Solar Facility is a 52 MW (DC), 40 megawatt (AC) ground mounted solar facility located in Wilson County, NC. The project was developed by HelioSage Energy, constructed Strata Solar and is now owned and operated by Duke Energy (NYSE: DUK), the largest electric power holding company in the United States. The Elm City Solar Facility includes more than 500,000 First Solar FS-4 solar PV modules and produce enough power for more than 6,800 North Carolina homes per year.



Richland Solar Center – Georgia Power Co. *Jeffersonville, GA | 20.0 MW*

The Richland Solar Center is a 20 MW (AC) ground mounted solar facility in Twiggs County, GA. The project was developed by HelioSage Energy after receiving an award from Georgia Power in the utility's highly competitive 2013 Advanced Solar Initiative ("ASI") RFP. HelioSage was responsible for site selection, PPA negotiation, interconnection, and permitting. The Richland Solar Center was constructed by M + W Group and is owned and operated as a part of Dominion Energy's 1,200 MW solar fleet.



Somers Solar Center – Connecticut Light & Power *Somers, Connecticut | 5.0 MW*

The Somers Solar Center is a 7.4 MW (DC), 5.0 MW (AC) project awarded to HelioSage following an RFP issued by the Connecticut Department of Energy & Environmental Protection. Construction on the project was completed in late October 2013. Spanning more than 50 acres of land and generating enough electricity to power over 600 homes each year, the facility sells power directly to Connecticut Light & Power and owned and operated by Dominion Energy.



Camden County Municipal Utilities Authority *Camden, New Jersey | 1.8 MW*

Located along the Delaware River, the Camden County Wastewater Treatment Plant is a nationally recognized environmental management system, treating 80 million gallons of wastewater each day for 37 municipalities and over 500,000 people. Following a public RFP, CCMUA selected HelioSage Energy for the construction of a 1.8 MW solar array, which incorporated an innovative design - the solar panels span open-air treatment tanks. The project was commissioned in May 2012.



The Boston Scientific Corporation
Quincy, MA | 1.3 MW

The Boston Scientific Solar Center (developed by HelioSage Energy) is located on the roof of the company's logistical hub for NE operations. In November 2012, the 1.3 MW facility became a showpiece for Boston Scientific's innovative approach to facilities management. Owing to its coastal location, this project is also noteworthy for the design required approval for operation in wind zones rated for 120 mph gusts. The project passed its first test with flying colors when the system rode out Hurricane Sandy unscathed.



Elk River Windfarm
Butler County, Kansas | 150 MW

Located in southeastern Kansas, the Elk River Windfarm is a 150 MW project currently operating pursuant to a long-term power purchase agreement with Empire District Electric Company. Nelson Teague, General Counsel of East Point Energy helped develop the project as a Principal and Director of Development of Greenlight Energy, Inc. Greenlight was responsible for the origination and development of the project and, following project permitting and PPA execution, sold the project to PPM Energy. Elk River generates enough electricity for approximately 46,000 households.



Cedar Creek Windfarm
Weld County, Colorado | 300 MW

Located in northern Colorado, the Cedar Creek Windfarm is a 300 MW project currently operating pursuant to a long-term power purchase agreement with Public Service Company of Colorado (Xcel Energy). Nelson Teague, Director of Development at Greenlight Energy, Inc helped develop and sell the Cedar Creek Project. Greenlight, along with its partner, Babcock & Brown, was responsible for the origination, development and financing of the project. Cedar Creek Windfarm generates enough electricity for approximately 92,000 households.

Management Team

Andrew Foukal | President & CEO

Andrew founded East Point Energy in 2018, and is responsible for the business strategy and execution, as well as building and leading the team. Capitalizing on his ten years of energy development experience in utility-scale solar, and with his vision, work ethic and management skills, Andrew is building East Point Energy into a leading energy storage firm in the United States.

In 2009, Andrew joined as one of the first employees of HelioSage Energy, a utility-scale solar project development firm. Andrew rose through the ranks quickly, and was instrumental in developing HelioSage's 350 megawatts of contracted solar before the company was acquired by Coronal Energy in 2015. Coronal promoted Andrew to SVP of Operations, where at the end-to-end, utility-scale solar IPP, he managed the Development Engineering and Procurement team, and the development efforts behind a 4 GW utility-scale PV pipeline. When Andrew left to start East Point Energy, Coronal had more than 600 megawatts of PV projects in operation.

Andrew started his career at Lux Research, an independent research and advisory firm providing strategic advice and ongoing intelligence for emerging technologies, including solar photovoltaics and nanotechnology.

Andrew holds a BS in Physics from Bates College and a Masters in Materials Science and Engineering from the University of Virginia.

Chris Walmsley | COO

Prior to joining East Point Energy as a founding member in 2018, Chris helped start HelioSage Energy in 2007. Chris lead the utility scale solar project development firm as President and CEO until the company was sold in 2015 to Coronal Energy. Chris and his partners navigated tremendous growth at HelioSage establishing the firm as a trusted development partner in the solar industry for a number of the country's largest institutional investors, major equipment vendors and utilities. Chris left Coronal Energy at the end of 2017.

A true entrepreneur, over 25 years ago Chris and his brother, Pierce, started AutoMax, a marketing distributorship headquartered in Prague, Czech Republic. AutoMax has three divisions - lubricants, automotive aftermarket and industrial cleaning - with exclusive rights to major brands like WD-40, Shell Lubricants, and many others. Since 2009, AutoMax has acquired four competing but complementary businesses including the Shell Lubricant division for the Czech and Slovak Republics. With over 110 employees, and offices in the Czech Republic, Slovakia and Hungary, AutoMax continues to grow and remain profitable year after year.

From 2001 until 2005, Chris also spent four years building an online ticketing business for Musictoday, a company sold to Live Nation in 2006. Chris helped design the ticketing system that handled sell out shows from the Dave Matthews Band to John Mayer.

For many years, Chris served on the Board and was the President of Computers4Kids, a local non-profit, after-school technology mentoring program for disadvantaged youth.

Chris holds a BA in History from the University of Virginia.

Pierce Walmsley | CFO

Pierce has over 20 years of executive experience in many different industries and on two continents.

Prior to joining East Point Energy as a founding member in 2018, Pierce served as the CFO and on the Board of Coronal Energy after Coronal purchased HelioSage in 2015. Pierce joined HelioSage as CFO in September of 2008. Along with fiduciary responsibility for Coronal, Pierce's primary responsibility was directing accounting and project finance. Pierce negotiated a series of strategic agreements with some of the country's largest and most active institutional investors, including several Fortune 500 energy companies. Pierce was also instrumental in negotiating the sale of projects to buyers and, ultimately, the sale of HelioSage to Coronal.

Prior to joining HelioSage, Pierce co-founded two successful start-ups: Global Sleep Products Inc., a memory foam mattress business, and AutoMax, a marketing and distribution firm in the Czech Republic, which he and his brother, Chris, still own. Founded in 1991, AutoMax employs over 110 people across three markets, and continues to grow and remain profitable year after year.

Prior to these ventures, Pierce spent 4 years as COO of a 25 store specialty retail chain, The Healthy Back Stores, and 3 years as a Commercial Loan Officer with First Union National Bank. Pierce is also a Director of Froehling and Robertson, Inc, a 133 year old privately held consulting engineering/testing firm.

Pierce holds a BA in Economics and Psychology from the University of Virginia, and an MBA from the Darden Graduate School of Business Administration.

Nelson Teague | General Counsel

With a background in corporate law and structured finance transactions, Nelson has been engaged in renewable energy development for over fifteen years.

Prior to joining East Point Energy as a founding member in 2018, Nelson helped co-found HelioSage, the utility-scale solar project development firm sold to Coronal Energy in 2015. While at Coronal Energy, he served as Vice President - Legal where he supported the company's development efforts in Charlottesville.

Nelson left Coronal Energy in the summer of 2018.

Prior to that, Nelson worked as the Director of Project Transactions with Greenlight Energy, Inc., managing and negotiating a contract suite that became one of the country's largest wind energy project pipelines. Following the sale of Greenlight Energy to BP Alternative Energy Services in 2006, Nelson joined BP where he led the development, project financing, and construction of the 300 megawatt Cedar Creek Wind Farm, a \$480 million facility selling power to Xcel Energy under a long term power purchase agreement.

Nelson has also served as General Counsel for several renewable energy development firms in the arenas of utility scale solar (Axio Power), utility scale wind (Apex Wind Energy, Inc.), biofuels manufacture (Greenlight Biofuels, Inc.) and the commercialization of a wave to energy technology (Columbia Power Technologies).

Nelson practiced law for Williams, Mullen, where he specialized in corporate law. He also served as corporate counsel for Circuit City Stores, Inc. and two of its subsidiaries from 1994-1998.

Nelson holds a BA in Politics from Washington and Lee University and his law degree from the TC Williams School of Law at the University of Richmond.



Conditional Use Permit Application for Shands Energy Center, LLC

Presented by Jayne Guthorn and Andrew Foukal

Sussex County, VA

June 18th, 2020

Table of Contents

- Introduction to East Point Energy
- Summary of the CUP application
- Answer questions

Objective

We are seeking approval from the Board of Supervisors for a CUP for the Shands Energy Center, a battery storage project, under the existing ordinance definition of privately owned utility generation



What We Do

East Point Energy – owner of Shands Energy Center, LLC - is a Virginia-based battery storage project development firm. Our projects make the electrical grid more renewable, resilient, and affordable.

We partner with utilities, landowners, and communities to deploy energy storage solutions to benefit the grid and our environment.

Battery project uses:

- 1) enable intermittent generation - renewable energy resources – to be flexible and dispatchable
- 2) reduce the need for fossil fuel resources to meet peak energy needs



What is Battery Storage?

- Rechargeable battery systems that store energy from the electric grid
- Solution to the intermittency of solar and wind
- Similar technology found in cell phones, electric vehicles and inside existing utility substation



Management Team- Previous Experience

- A decade of experience developing Distributed Energy Resources
- 1 Gigawatt + (over \$1.5B) operating projects in US (wind and solar)
- 60 Megawatt of utility-scale solar operating in VA
 - Essex
 - Isle of Wight
 - Louisa
 - Middlesex
 - Fluvanna



Summary of CUP Application

- Request: Approval of Conditional Use Permit for a Battery Energy Storage System
- Applicant Name: Shands Energy Center, LLC (owned by East Point Energy)
- Current Landowner: Mrs. Ruth M. Pride
- Parcel zoning: A-1
- Proposed Use: Privately owned utility generation (Section 34-217, 18b)



Summary of CUP Application (continued)

Privately owned utility generation as defined by Section 34-217, 18b - of the Sussex County Zoning Ordinance:

- “If owned privately, utility generation, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations, with a conditional use permit.”



Summary Of CUP Application (continued)

We believe this project falls under this Section:

- Providing public utilities by supporting the electrical grid with batteries
- Privately owned
- Per the recommendation of Planning Staff



CUP Application Timeline



Summary of Project

Property Size: 30.28 acres

Project Size: Approximately 2 acres

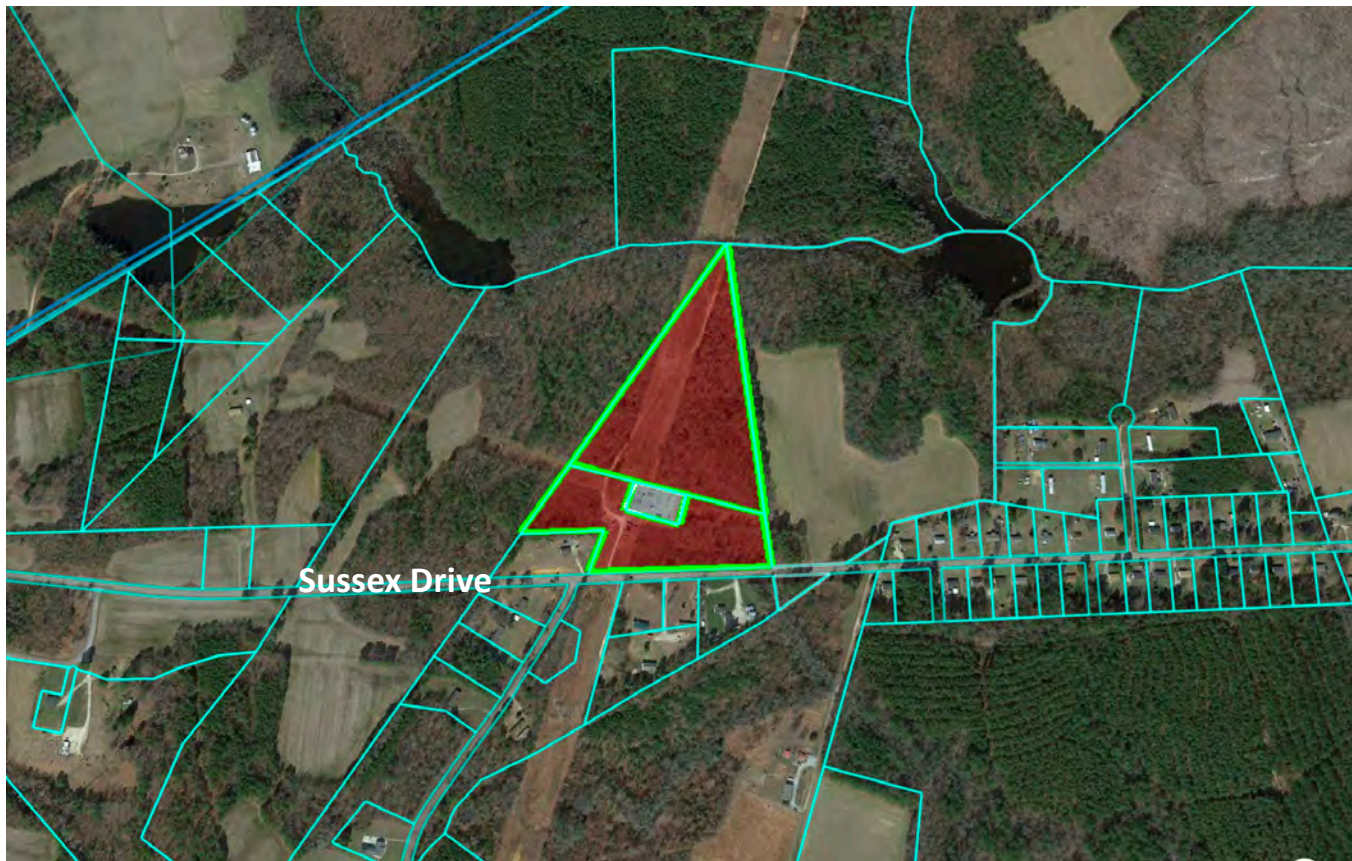
Location: Off Route 40 in Stony Creek

Interconnection: Dominion Energy Virginia distribution system at the Sapony Substation

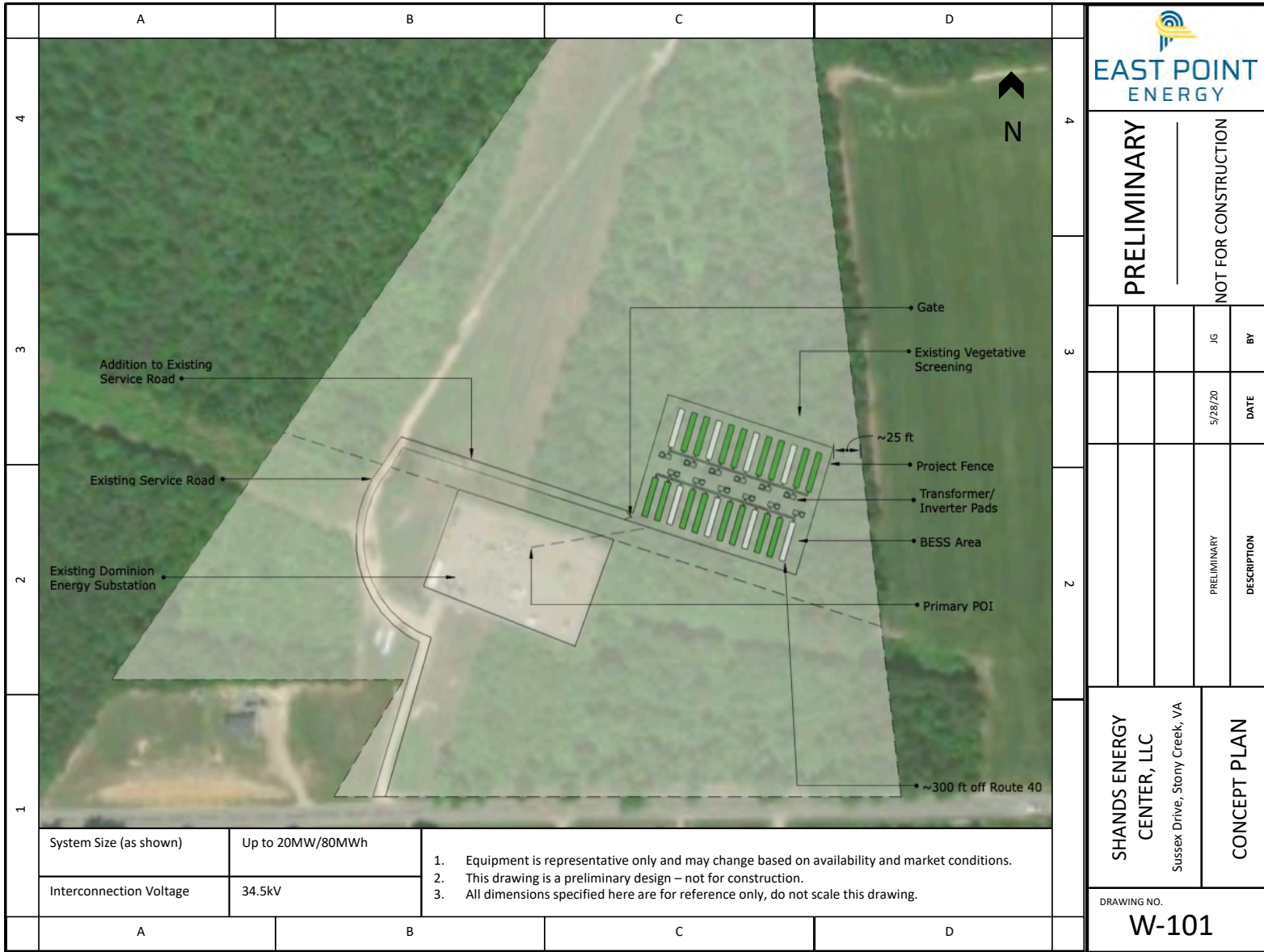


Shands Energy Center Location

Project Site Address: 13191 Shands Road, Stony Creek VA



Site Plan



System Size (as shown)	Up to 20MW/80MWh
Interconnection Voltage	34.5kV

1. Equipment is representative only and may change based on availability and market conditions.
2. This drawing is a preliminary design – not for construction.
3. All dimensions specified here are for reference only, do not scale this drawing.



PRELIMINARY
NOT FOR CONSTRUCTION

DATE	BY	DESCRIPTION
5/28/20	JG	PRELIMINARY

SHANDS ENERGY CENTER, LLC
Sussex Drive, Stony Creek, VA

CONCEPT PLAN

DRAWING NO.
W-101

Project Benefits

- Increase in tax revenues for the county
 - Year 1: Approx. \$345,000
 - Based on estimated capital cost of \$19,404,000
 - Sussex County Tax Assessor estimate of \$15,000 Sales Tax to County & Schools + \$330,000 Machinery & Tools Tax
 - Year 25 Total: \$6,000,000
 - Sussex County Tax Assessor estimate (Est. December 16th 2019)
- Improve local electrical reliability
- Support renewable energy projects in the area
- Minimal impact on county services (schools, roads, police, other public services)



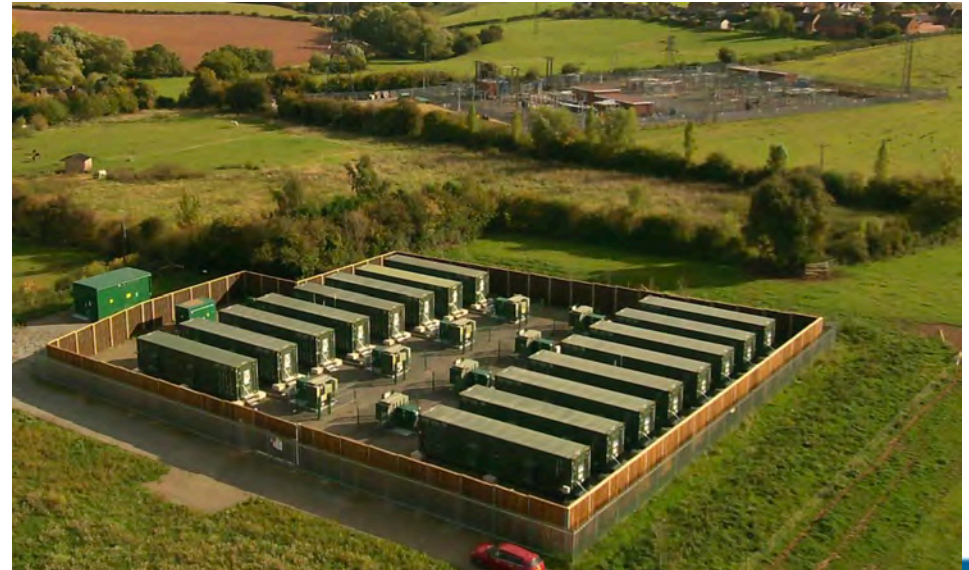
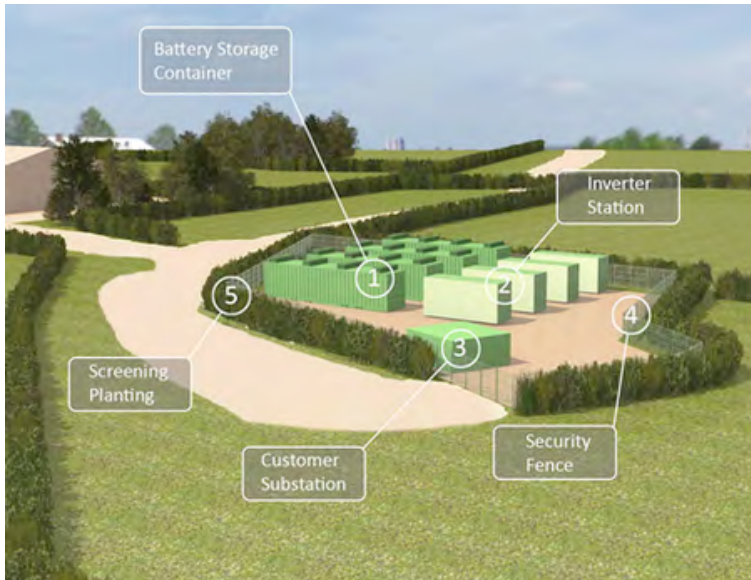
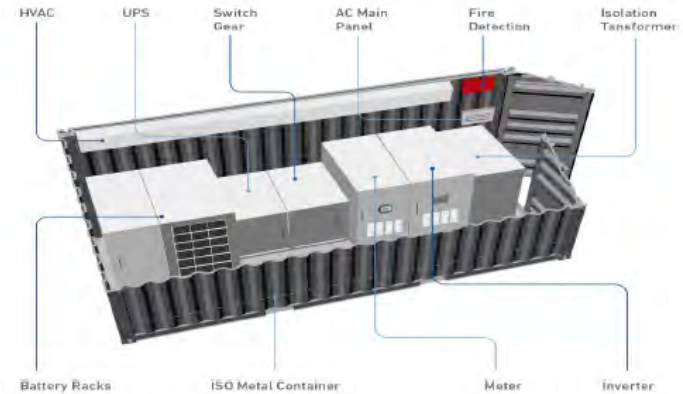
Initial Questions

- Configuration: Up to 24 40-55' ISO containers mounted to concrete pads or piers
- Life expectancy: In perpetuity, similar to that of the existing substation
- Buffers: Utilizing the already existing vegetation
- Environmental: The project will minimize environmental impacts on property
- Tax Revenue: \$6M over the life of the project (Sussex County estimate)
- Proliferation of battery projects in Sussex County; unlikely, value diminishes



Example Battery Storage Project

- 40-55' containers or warehouse structure
- Height of ~10-14'
- Vegetative screening buffer (existing)
- Security fence
- Decibel level similar to that of existing substation



Safety

UL 9540 - Standard for Energy Storage systems and Equipment



NFPA 855 – Standard for The Installation of Stationary Energy Storage Systems



Clean Agent Suppression



HVAC Systems for Temperature Control



National Fire Protection Association:
Standards for stationary storage battery systems

Sample Equipment



	Energy RSU-4000	Mid-Power	High-Power
Overview			
Nameplate Energy Capacity (KWh,dc, usable)	4184	3700	2500
Individual Battery Racks	20	54	40
Maximum Power - Factory Installed (KW,dc)	1200	960	720
Maximum DC Current - Factory Installed (A)	1600	1280	960
Key Features			
Battery Management System	GE Blade Protection Unit (BPU)		Battery Supplier
Compatible Inverters	GE RIU-2750MV		GE RIU-2750MV
Inverter Connections	1	1 or 2	1 to 3
Solar DC Coupling	Yes (DC:AC Ratio <2.8)	-	-
Integrated PV Combiner	Optional	-	-
String Level Lockable Disconnect	Module & Rack Level	-	-
Augmentation Options for Lifecycle Management	Yes	-	-
DC Bus Control	DC-IQ Intelligent Bus		Inverter Controlled
Battery LifeCycle Management	Digital Twin Life Optimization - Optional		Digital Twin Life Optimization - Optional
Unit Validation	Factory Built and Tested		Project Commissioning
Design life (years)	25		20
Battery Information			
Battery Chemistry	Lithium-Ion, NCM	Lithium-Ion, NCM	Lithium-Ion, NCM
Battery Module Design	Energy	Mid-Power	High Power
Continuous C-Rate	<C/3	<1C	<2C
Pulse C-Rate	<C/3	<1.5C	<3C
Voltage Class	1500V		1000V
Nominal DC Voltage (V)	1300		814



200 Garrett Street, Suite J, Charlottesville, VA 22902 | 434-465-6210
eastpointenergy.com | info@eastpointenergy.com



Shands Energy Center

Assumptions

Cap Ex	Amount		
Equipment	275,000/MWh	\$	19,404,000
VA Sales Tax	70% of Cap Ex	\$	13,582,800
MWh	5.30%	\$	719,888
	70.56MWh		

Tax Calculations

Sales Tax	\$	719,888
1% to County	\$	7,199
1.08% to Schools	\$	7,775
Total Sales Tax to County	\$	14,974

Machinery+Tools Tax Rate
Year

2.43

	Machinery and Equipment Tax Value		Machinery and Tax Amount
1	\$13,582,800	100%	\$ 330,062.04
2	\$13,582,800	100%	\$ 330,062.04
3	\$13,582,800	100%	\$ 330,062.04
4	\$13,582,800	100%	\$ 330,062.04
5	\$13,582,800	100%	\$ 330,062.04
6	\$10,866,240	80%	\$ 264,049.63
7	\$10,866,240	80%	\$ 264,049.63
8	\$10,866,240	80%	\$ 264,049.63
9	\$10,866,240	80%	\$ 264,049.63
10	\$10,866,240	80%	\$ 264,049.63
11	\$10,866,240	80%	\$ 264,049.63
12	\$10,866,240	80%	\$ 264,049.63
13	\$10,866,240	80%	\$ 264,049.63
14	\$10,866,240	80%	\$ 264,049.63
15	\$10,866,240	80%	\$ 264,049.63
16	\$10,866,240	80%	\$ 264,049.63
17	\$6,791,400	50%	\$ 165,031.02
18	\$6,791,400	50%	\$ 165,031.02
19	\$6,791,400	50%	\$ 165,031.02
20	\$6,791,400	50%	\$ 165,031.02
21	\$6,791,400	50%	\$ 165,031.02
22	\$6,791,400	50%	\$ 165,031.02
23	\$6,791,400	50%	\$ 165,031.02
24	\$6,791,400	50%	\$ 165,031.02
25	\$6,791,400	50%	\$ 165,031.02

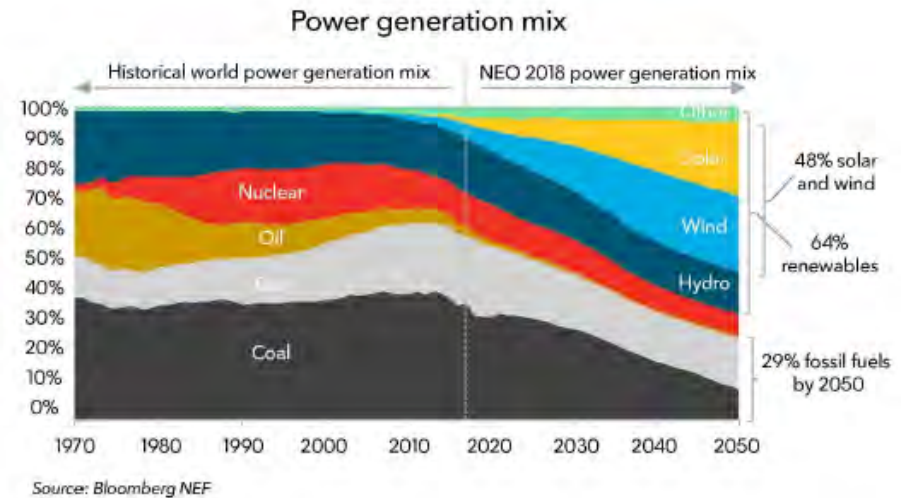
Total Machinery & Equipment Tax Value **\$248,565,240**

Total Machinery & Equipment Tax Amount **\$ 6,040,135.33** **\$ 6,040,135.33**



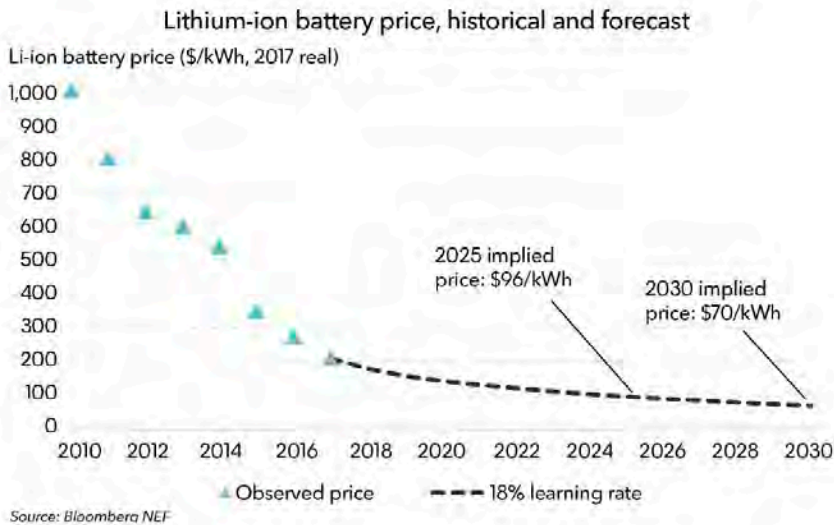
Tremendous Demand

- Solar and wind cost less than fossil fuels
- Declining fossil fuel generation
- Increasing penetration of solar and wind
- Storage solves intermittency

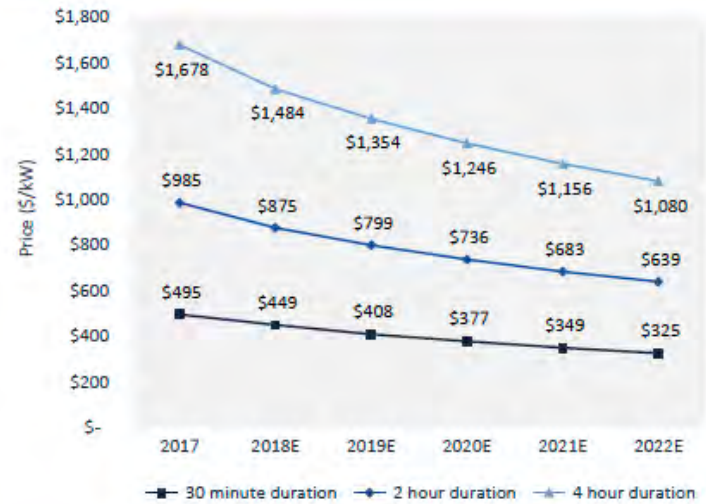


Declining Costs

- 80% reduction since 2010
- 40% by 2022



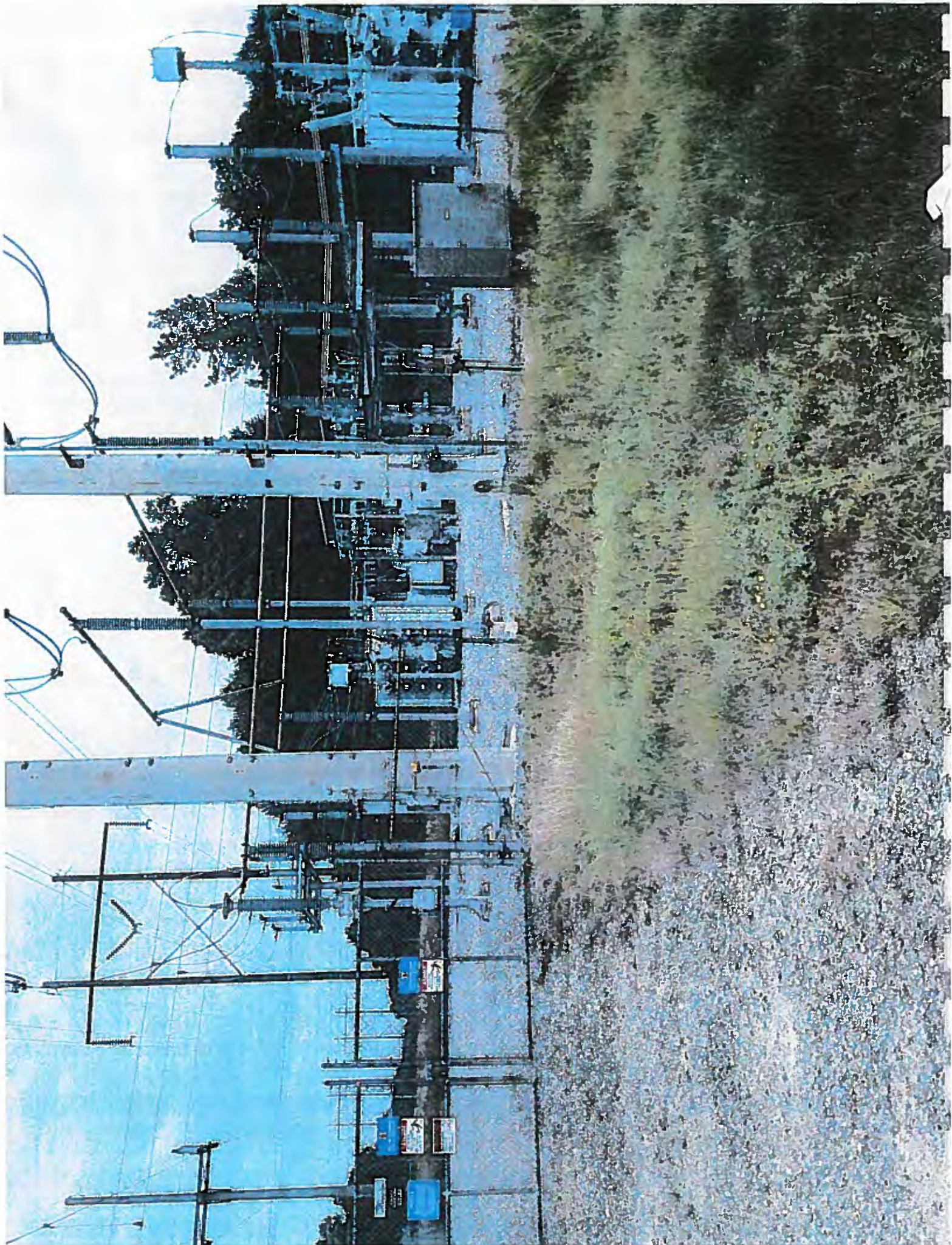
Forecasted Turnkey Storage System Price for Systems of Various Durations, 2017-2022E (\$/kW)



Source: Greentech Media, 2018











Subject: RE: Decommissioning cost estimates
Date: Monday, August 12, 2019 at 6:47:48 PM Eastern Daylight Time
From: Mitch Boeh
To: Andrew Foukal
CC: Jayne Guthorn
Attachments: image003.jpg, Powin BESS Recycling Program (1).pdf

Andrew,

A bit more info here – please see a quick write up on our recycling program.

Regarding end of life removal costs, the estimate below is incorrect. Shipping costs will be roughly \$3000/container. We can ship 9 stacks per container, so ~2 MWh/container based on the Stack225. Shipping will be roughly \$1480/MWh. It's hard to forecast where shipping costs will go, but this is the biggest variable based on our current understanding.

Thanks,

Mitch Boeh
816.719.0347

From: Andrew Foukal <afoukal@eastpointenergy.com>
Sent: Thursday, August 8, 2019 5:15 PM
To: Mitch Boeh <mitchb@powin.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Decommissioning cost estimates

Thanks, Mitch. Appreciate that. If you have any IE reports or white paper, please let us know. Otherwise, this data point is a helpful start.

From: Mitch Boeh <mitchb@powin.com>
Date: Thursday, August 8, 2019 at 5:09 PM
To: Andrew Foukal <afoukal@eastpointenergy.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Decommissioning cost estimates

Hey Andrew,

CATL has agreed to recover spent battery cells at no cost to the customer. Only cost would be removing and shipping the stacks. We're estimating removal and shipping will be \$1200/MWh.

Mitch

Mitch Boeh
816.719.0347

From: Andrew Foukal <afoukal@eastpointenergy.com>
Sent: Thursday, August 8, 2019 1:58:58 PM
To: Mitch Boeh <mitchb@powin.com>
Cc: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Decommissioning cost estimates

Hey Mitch, hope you are well. We are looking for some data on decommissioning cost estimates for a 5-10MW(4-hr) duration Powin project in a containerized layout. Has Powin put any \$/MWh figures or ranges out there on other projects or anything that NREL or others have published, even if it isn't specific to Powin?

Andrew Foukal, CEO
East Point Energy
200 Garrett Street, Suite J
Charlottesville, VA 22902
W: (434) 465-6216
www.eastpointenergy.com



Lorenzo Turner

From: Andre Greene
Sent: Wednesday, December 18, 2019 12:05 PM
To: Marsha Bishop
Cc: Lorenzo Turner; Ellen Boone
Subject: RE: Shands Energy Center Tax Breakout

Thanks.

From: Marsha Bishop
Sent: Wednesday, December 18, 2019 12:02 PM
To: Andre Greene <amgreene@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Hey Andre,

Yes, that's correct. The Machinery and tools tax is a county tax only.

Thanks,
Marsha

From: Andre Greene
Sent: Wednesday, December 18, 2019 12:00 PM
To: Marsha Bishop <mbishop@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Hello Marsha,

Jayne Guthorn has asked me to verify your statement in the trailing email "that the Machinery & Tools Tax is a County Tax only. Nothing goes to the State." Is this correct?

Sincerely,

Andre Greene

From: Marsha Bishop
Sent: Wednesday, December 11, 2019 3:08 PM
To: Andre Greene <amgreene@sussexcountyva.gov>
Cc: Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: FW: Shands Energy Center Tax Breakout

Andre,

I have attached a corrected copy of the tax calculations for East Point Energy. Mrs. Boone wants the reply to come from your department. Can you send Jayne Guthorn the new calculation? Also, let them know that Machinery & Tools tax is

a county tax only. Nothing goes to the state. Once the business is open we will need a copy of the depreciation schedule listing all the equipment with the purchase date and cost.

Thank you,
Marsha

From: Jayne Guthorn [<mailto:jguthorn@eastpointenergy.com>]
Sent: Wednesday, December 11, 2019 2:18 PM
To: Marsha Bishop <mbishop@sussexcountyva.gov>
Cc: Andre Greene <amgreene@sussexcountyva.gov>; Lorenzo Turner <lturner@sussexcountyva.gov>; Ellen Boone <e.boone@sussexcountyva.gov>
Subject: Re: Shands Energy Center Tax Breakout

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Marsha,

The formula on that seems correct except that I believe you are using the Cap Ex Amount instead of the equipment cost. The breakout should start with the \$13,582,800 amount and degrade from there. Would you might adjusting those numbers and sending that excel doc over? We do not believe any equipment will be tax exempt.

Additionally, per the planning board's request, could you please provide what percentage/amount of the M&T tax goes to the state and how much goes to the county. If 100% of the M&T tax goes to the county, can you please confirm that back in writing.

We appreciate all of your help throughout this process. Thanks

Cheers,
Jayne Guthorn, Development Engineer
East Point Energy
(434) 270-8446

From: Marsha Bishop <mbishop@sussexcountyva.gov>
Date: Wednesday, December 11, 2019 at 12:48 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Cc: Andre Greene <amgreene@sussexcountyva.gov>, Lorenzo Turner <lturner@sussexcountyva.gov>, Ellen Boone <e.boone@sussexcountyva.gov>
Subject: RE: Shands Energy Center Tax Breakout

Jayne,

I have attached a copy of the new calculations. Is any of this equipment tax exempt? I'm not sure what kind of energy your company will be producing. Also be sure and send a carbon copy of all future correspondence to Andre Greene, Director of Planning and Community Development and Ellen G. Boone, Commissioner of the Revenue.

Thanks,
Marsha Bishop

From: Jayne Guthorn [<mailto:jguthorn@eastpointenergy.com>]

Sent: Wednesday, December 11, 2019 10:02 AM

To: Marsha Bishop <mbishop@sussexcountyva.gov>

Subject: Shands Energy Center Tax Breakout

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Dear Marsha,

I hope you are doing well. We are reviewing again the tax calculation spreadsheet for the Shands Energy Center that you sent us on 10/2/19 and is attached to this email. We are unclear on the calculation for the "County Amount" of the M&T tax, found in Column E of the spreadsheet. Could you please provide more context on how you arrived at the county receiving \$2.43/100 of the assessed M&T tax? To be clear, we understand that the M&T tax rate is assessed at \$2.43/100 of the capital cost of the equipment. However, we are unclear as to how you arrived at the county's share of the M&T being \$2.43/100 of the assessed M&T. Any help you could provide as soon as possible, would be much appreciated. We are scheduled to meet with the county commissioners on 12/19/19.

Sincerely, Jayne

Jayne Guthorn, Development Engineer

East Point Energy

200 Garrett Street, Suite J

Charlottesville, VA 22902

W: (434) 270-8446

jguthorn@eastpointenergy.com | www.eastpointenergy.com



Assumptions		Amount	
Cap Ex		275,000/MWh	\$ 19,404,000
Equipment		70% of Cap Ex	\$ 13,582,800
VA Sales Tax		5.30%	\$ 719,888
MWh		70.56MWh	

Tax Calculations		
Sales Tax	\$	719,888
1% to County	\$	7,199
1.08% to Schools	\$	7,775
Total Sales Tax to County	\$	14,974

Machinery+Tools Tax Rate
Year 2.43

1	\$13,582,800	100%	\$	330,062.04
2	\$13,582,800	100%	\$	330,062.04
3	\$13,582,800	100%	\$	330,062.04
4	\$13,582,800	100%	\$	330,062.04
5	\$13,582,800	100%	\$	330,062.04
6	\$10,866,240	80%	\$	264,049.63
7	\$10,866,240	80%	\$	264,049.63
8	\$10,866,240	80%	\$	264,049.63
9	\$10,866,240	80%	\$	264,049.63
10	\$10,866,240	80%	\$	264,049.63
11	\$10,866,240	80%	\$	264,049.63
12	\$10,866,240	80%	\$	264,049.63
13	\$10,866,240	80%	\$	264,049.63
14	\$10,866,240	80%	\$	264,049.63
15	\$10,866,240	80%	\$	264,049.63
16	\$10,866,240	80%	\$	264,049.63
17	\$6,791,400	50%	\$	165,031.02
18	\$6,791,400	50%	\$	165,031.02
19	\$6,791,400	50%	\$	165,031.02
20	\$6,791,400	50%	\$	165,031.02
21	\$6,791,400	50%	\$	165,031.02
22	\$6,791,400	50%	\$	165,031.02
23	\$6,791,400	50%	\$	165,031.02
24	\$6,791,400	50%	\$	165,031.02
25	\$6,791,400	50%	\$	165,031.02

Total Machinery & Equipment Tax Value **\$248,565,240**

Total Machinery & Equipment Tax Amount **\$ 6,040,135.33**

Third Party Decommissioning Cost Estimate
One Environmental Group

Lorenzo Turner

From: Drew Lucas <dlucas@oneenv.com>
Sent: Friday, January 10, 2020 2:45 PM
To: Lorenzo Turner
Cc: Andre Greene; Rusty Field
Subject: Re: Battery Recycling Letter
Attachments: Sussex County - Decomissioning Estimate - FINAL - 010820.pdf

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Lorenzo and Andre,

Please find attached a copy of the final decomissioning cost estimate report for the East Point Energy Center Project. I have added the additional documentation provided by the Applicant and updated the document to ensure it reflects the most accurate information to support this estimate.

Please let me know if you have any questions, comments or should you need any additional information regarding this estimate. It has been a pleasure working with you on this project and we appreciate your business!

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| **m.** (336) 613-1665 | **e.** dlucas@oneenv.com

| **w.** www.oneenv.com

| **a.** P.O. Box 4189, Eden, NC 27289

On Jan 10, 2020, at 9:56 AM, Lorenzo Turner <lturner@sussexcountyva.gov> wrote:

Thank you Drew.

From: Drew Lucas <dlucas@oneenv.com>
Sent: Thursday, January 9, 2020 4:39 PM
To: Lorenzo Turner <lturner@sussexcountyva.gov>
Subject: Re: Battery Recycling Letter

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Thanks Lorenzo. I think this is sufficient as I will add some language to the document that states the manufacturer has guaranteed the recovery of these batteries. I will also discuss that we have done some additional research and discussions took place with other suppliers that manufacturer recovery is currently a standard practice in the industry and can be relied on for accurate cost estimates should the facility ever need to be decommissioned. I should be able to get this to you by end of day tomorrow in the final report.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| **m.** (336) 613-1665 | **e.** dluca@oneenv.com
| **w.** www.oneenv.com
| **a.** P.O. Box 4189, Eden, NC 27289

On Jan 9, 2020, at 1:22 PM, Lorenzo Turner <lturner@sussexcountyva.gov> wrote:

Hello Drew:

I am forwarding this email attachment to you. It is a Battery Recycling letter from East Point.

From: Jayne Guthorn <jguthorn@eastpointenergy.com>
Sent: Thursday, January 9, 2020 8:40 AM
To: Lorenzo Turner <lturner@sussexcountyva.gov>
Subject: Battery Recycling Letter

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hi Lorenzo,

Please find attached the battery recycling letter from Powin stating they will recycle the spent batteries. Please let me know if this letter is sufficient to move forward with February's meeting. Thank you.

Best,
Jayne Guthorn, Development Engineer
East Point Energy



January 8, 2020

Lorenzo Turner
Assistant to the Director of Community Development
County of Sussex Planning Department
20135 Princeton Road
Sussex, VA 23884

Re: *Decommissioning Cost Estimate for Proposed Battery Energy Center*
Sussex County, VA – CUP Application #2019-04 – Shands Energy Center, LLC

Dear Mr. Turner,

ONE Environmental Mid-Atlantic, LLC (ONE) submits this final report to the Community Development Office of Sussex County, Virginia. (“County”). Specifically, this report was developed in response to the County’s need to verify information provided and to further estimate decommissioning costs for a proposed battery storage center to be located near Stony Creek, VA located in Sussex County per Conditional Use Permit Application #2019-04. A summary of the proposed improvements, specifications and cost estimates for future, potential decommissioning of these improvements is included in this report.

Introduction

The County requested assistance from ONE to develop a third-party estimate for decommissioning of a proposed Battery Energy Storage Facility. Based on information provided by the County and East Point Energy (“Applicant”), the proposed project will consist of the following: a two to three-acre facility with concrete storage pad, placement of 21 storage containers which will contain lithium ion batteries, inverter/transformers, 7-foot tall fencing around the site, security lighting, and various other improvements required to operate the facility as seen in Figure 1 of this report. In order to verify information provided by the Applicant and to provide additional estimates of decommissioning costs, the following tasks were performed:

- Specifications and associated documents were obtained from the Applicant on the type, size, weight and additional details regarding the Lithium-Ion batteries and shipping / storage containers.
- Reviewed information and available outlets and costs for Lithium-Ion battery recycling and/or disposal. Discussed and researched availability of future battery recycling opportunities to verify proposed disposal costs upon decommissioning.

- Estimated costs for disconnection, removal, transportation and disposal of batteries and shipping containers from the site including labor for preparing shipment(s) and equipment rental for loading, rigging and shipping.
- Reviewed specifications from information provided by Applicant on concrete pad including depth, height, and total proposed surface area.
- Obtained estimates for demolition of the concrete pad and disposal of concrete debris and other associated materials of construction (see Attachment A).
- Obtained estimates for decommissioning of ancillary equipment associated with operation of the proposed facility including fencing, electrical cable and conduits, inverter/transformers, security lighting and other associated materials of construction (see Attachment A).
- Obtained estimates for site restoration including grading and seeding for up to a 3-acre site disturbance (see Attachment A).
- Estimated project management and oversight costs for total decommissioning of improvements at the Stony Creek Site.
- Estimated costs for engineering and Erosion and Sediment Control planning, labor and materials for future decommissioning project.
- Finalized information for submission of final report with requested information.

Verification of Provided Application Information

In order to verify information related to the project, discussions with the Applicant took place via telephone and e-mail correspondence between ONE and Jayne Guthorn, Development Engineer of East Point Energy. Specifications related to the Stony Creek Project were reviewed and additional information was obtained regarding the size and dimensions of the battery storage area, concrete and electrical improvements, ancillary equipment and site infrastructure. As the project concept has not been fully developed into the detailed engineering phase, specific information on actual project size and details is not available at the present time. All cost estimates within this report are based on information provided by the Applicant as typical information related to past projects and industry experience.

All costs related to the project were reviewed including the proposed shipping and demolition costs of \$103,000.00. A breakdown of this cost was provided as \$63,000 for shipping of 21 containers @ \$3,000.00 each and an additional \$40,000.00 for removal, restoration and disposal of the concrete padding, fencing and all other improvements. The recycling costs are assumed to be zero based on further discussions with the Applicant as the potential battery supplier for this project has confirmed they would, in the future, recycle the batteries at zero cost. This information was provided by Powin Energy to the Applicant as can be seen in Attachment B.

With regards to future battery recycling or disposal, ONE reviewed information provided by the Applicant and confirmed these assumptions through further research and discussions with additional battery manufacturers and recycling outlets. Based on current information available

regarding this topic and, at the present time, it is agreed that potential, future battery disposal costs would be at zero cost for this project.

There are multiple industrial suppliers available that currently provide battery recycling programs for typical Lithium-Ion batteries used in energy storage centers and additional outlets exist for recycling of these industrial-type batteries. Therefore, it is assumed that this cost would be at zero cost to East Point Energy and subsequently the County, to not incur this cost upon decommissioning.

Additionally, shipping cost estimates were provided by the potential supplier, Powin Energy, and are based on typical shipping costs for each battery storage container. These costs were verified as accurate based on likely shipping distances and after further discussion on the basis of these costs within the industry from prior projects. Therefore, the shipping cost of \$3,000 per container is accurate at the present time. This cost would be variable in the future and is dependent upon distance, fuel pricing and other transportation-related complexities, therefore, this cost is difficult to forecast over the lifespan of the project.

ONE also discussed proposed demolition costs with the Applicant to verify information provided in the Conditional Use Permit Application. The Applicant was unable to provide specific details regarding the basis of the \$40,000.00 estimate for demolition and restoration of the site. Therefore, a detailed cost estimate of this portion of the decommissioning was then developed by ONE to ensure an accurate estimate for future bond value or other agreement.

This information provided by the Applicant to ONE is based on an assumed project size and dimensions based on their design concept. The assumed current and worst-case specifications are as follows:

1.) Typical Project Size (provided and based on prior projects by Applicant)

- a. Concrete Storage Pad = ~11,480 ft²
- b. Underground Electrical Cabling and Conduit = 400 linear ft. (PVC)
- c. Perimeter Fence = 7 ft. high, chain-link perimeter of 1.2 acres
- d. Grading and Re-Seeding of up to 2 acres of land

2.) Worst-Case Project Size (based on CUP Application)

- a. Concrete Storage Pad = ~55,000 ft²
- b. Underground Electrical Cabling and Conduit = 400 linear ft. (PVC)
- c. Perimeter Fence = 7 ft. high, chain-link perimeter of 1.2 acres
- d. Grading and Re-Seeding of up to 3 acres of land

Third-Party Cost Estimates for Project

The above-mentioned cost estimates are provided in Tables 1 and 2 of this report. Estimates are based on typical labor, materials, equipment rental, project management, oversight, environmental and loading costs for projects in similar size to this proposed decommissioning. A third-party contractor with expertise in demolition, DH Griffin Wrecking Company Inc. of Greensboro, North Carolina with offices located in Richmond, Virginia was requested to provide detailed proposal for demolition activities at the site. DH Griffin Wrecking Company Inc. has over 50 years of experience in industrial and commercial demolition and wrecking projects including demolition of the World Trade Center (New York, New York) and currently, the recent Hard Rock Hotel implosion (New Orleans, Louisiana).

The demolition contractor was provided all necessary information and details of discussions on project specifications to submit a proposal based on present day costs associated with this activity. Information from this proposal has been included in the overall cost estimate and is also included in Attachment A of this report. Decommissioning costs could be reduced in the future by using local labor and contractors, however, a turnkey demolition contractor was approached on the County's behalf to ensure all potential costs are included without additional effort or costs incurred by the County.

This detailed estimate of labor, materials, equipment, management and ancillary costs for the decommissioning estimate includes the following line items:

- 1.) *Mechanical and electrical disconnections*
- 2.) *Shipment preparations*
- 3.) *Rigging and loading of flatbed trailers*
- 4.) *Crane and/or Forklift Operation*
- 5.) *Project cleanup and preparations for demolition*
- 6.) *Project management and oversight*
- 7.) *Equipment Rental and materials*
- 8.) *Demolition of all improvements*
- 9.) *Grading and Re-Seeding of entire site*
- 10.) *Additional Expenses:*
 - a. *Demurrage*
 - b. *Engineering, erosion and sediment controls*
 - c. *Mobilization and demobilization of equipment and materials*
 - d. *Shipping of containers*
 - e. *Miscellaneous supplies and Personal Protective Equipment (PPE)*

Mr. Lorenzo Turner
January 8, 2020
Page 5 of 5

Based on contractor proposal and typical cost information for this industry and geographic region, the decommissioning cost for the total project is estimated to be **\$175,108.00**. This cost is based on the specifications provided by East Point Energy, their Suppliers and the County as of December 10, 2019. If the project is larger in scope than the Applicant's current assumptions, a worst-case cost estimate would be approximately \$343,680.00 for decommissioning up to a 1.2-acre concrete improvement.

Conclusion and Recommendations

A recommendation to Sussex County, based on these estimates and assumptions, is to increase the value of bond or other contractual agreement with the Applicant prior to site development to better reflect the additional costs that would be incurred for decommissioning of this proposed project. As the project remains in the concept phase at the present time and without detailed engineering having taken place, it is difficult to obtain an exact value for future decommissioning. However, the value proposed in the CUP Application and subsequent documentation is lower than the actual estimated costs for labor, materials, mobilization and demolition to restore the site to its prior state at the present time. All figures, tables and attachments containing information supporting this conclusion have been attached to this report as follows:

- 1.) *Figure 1 – Site Concept Plan*
- 2.) *Table 1 – Current Cost Estimate for Decommissioning*
- 3.) *Table 2- Worst-Case Cost Estimate for Decommissioning*
- 4.) *Attachment A – Demolition Proposal – DH Griffin Wrecking Company*
- 5.) *Attachment B – Battery Recycling Information – Powin Energy / CATL*
- 6.) *Attachment C – Conditional Use Permit #2019-04 - Staff Report*

Please contact Drew Lucas at dllucas@oncenv.com or at (336) 613-1665 or myself at (804) 303-8784 or rfield@oncenv.com should you have any questions regarding this information.

Sincerely,
ONE Environmental Mid-Atlantic, LLC



J. Rusty Field, PE
Principal



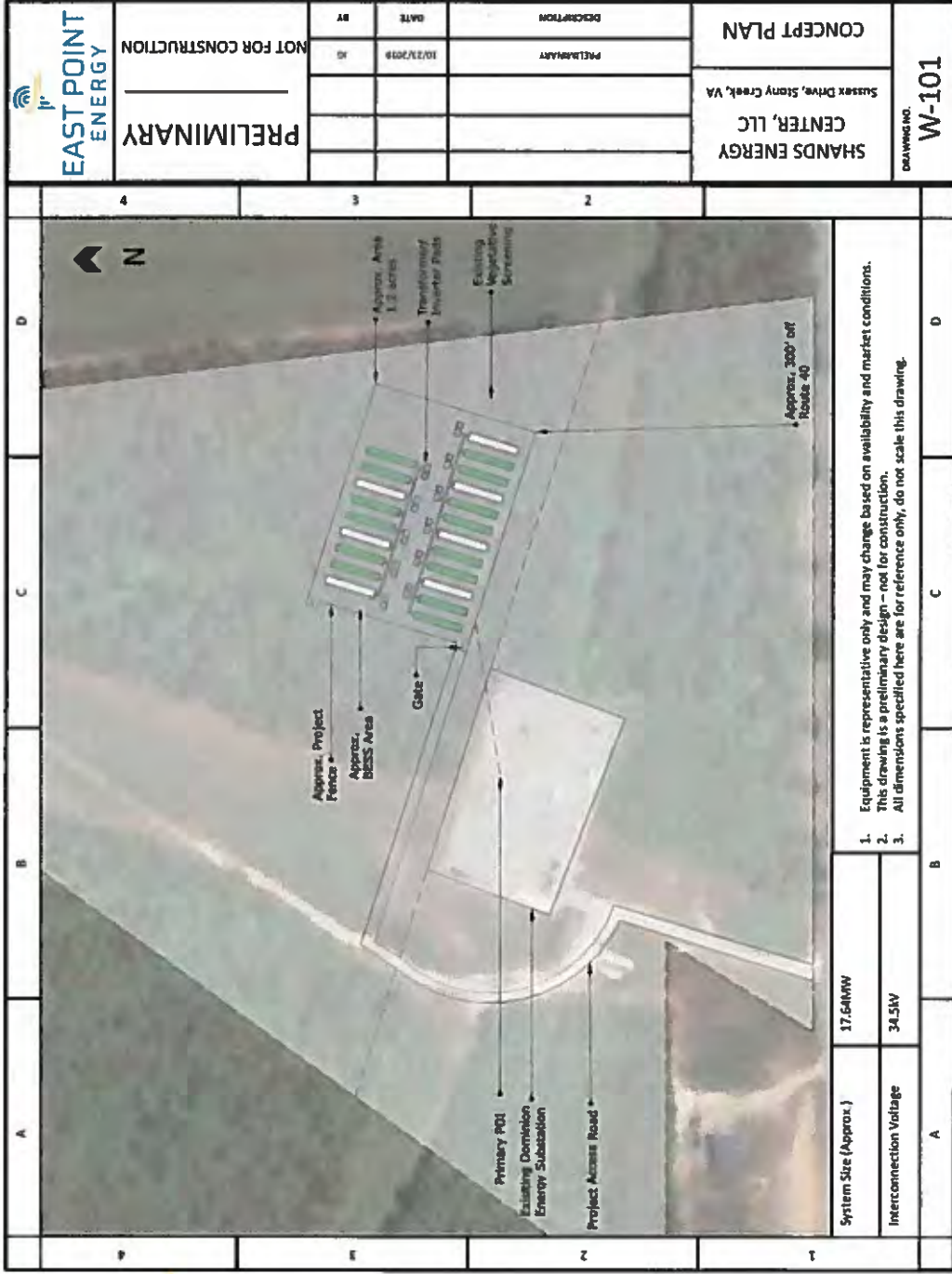
Andrew C. Lucas
Senior Project Manager

FIGURES

FIGURE 1

CONCEPT PLAN, STONY CREEK, VA

Site Plan



1. Equipment is representative only and may change based on availability and market conditions.
2. This drawing is a preliminary design – not for construction.
3. All dimensions specified here are for reference only, do not scale this drawing.



TABLES

TABLE 1

ESTIMATED ACTUAL COSTS - DECOMMISSIONING

BUDGET WORKSHEET - Battery Storage Area Decommissioning - Sussex County, VA
Estimated Actual Costs

Level/Item	Rate	Units	# of Units	Extended # of Events	Total Labor	Total Subcontractor	Total Expenses	Subtotals:
Labor:								
Mechanical and electrical disconnection of batteries	\$80	hr	24	3	\$5,760			
Preparation for shipment	\$65	hr	16	5	\$5,200			
Rigging and Loading of Trucks (@ 4 / day)	\$65	hr	40	3	\$7,800			
Crane / Forklift Operation	\$120	hr	40	1	\$4,800			
Cleanup of area and prep for demolition	\$65	hr	16	3	\$3,120			
Project Management and Oversight	\$150	hr	80	1	\$12,000			\$38,680
Subcontractor:								
Equipment Rental for removal of containers and loading	\$15,000	ea	1	1		\$15,000		
Demolition of Concrete, Pad, Cable, Conduit, Fencing (see Attachment A)	\$4	ft ²	11480	1		\$41,328		
Grading and Re-Seeding	INCLUDED	ea	1	1				
Demurrage	\$100	hr	21	1	\$2,100			
Engineering (Erosion Sediment Control Plan)	\$3,000	ea	1	1	\$3,000			
Erosion Control - installation and materials	\$2,500	ea	1	1		\$2,500		\$63,928
Expenses:								
Mobilization and Demobilization	\$6,000	ea	1	1			\$6,000	
Per diem	\$150	week	5	2			\$1,500	
Shipping of containers (see Attachment B)	\$3,000	ea	21	1			\$63,000	
Misc., PPE, etc.	\$2,000	ea	1	1			\$2,000	
Task Total:					\$ 38,680.00	\$ 63,928.00	\$72,500	\$175,108

TABLE 2

ESTIMATED WORST-CASE COSTS - DECOMMISSIONING

BUDGET WORKSHEET - Battery Storage Area Decommissioning - Sussex County, VA
Estimated Worst-Case Costs

Level/Item	Rate	Units	# of Units	Extended # of Events	Total Labor	Total Subcontractor	Total Expenses	Subtotals:
Labor:								
Mechanical and electrical disconnection of batteries	\$80	hr	24	3	\$5,760			
Preparation for shipment	\$65	hr	16	5	\$5,200			
Rigging and Loading of Trucks (6' - 4' / day)	\$65	hr	40	3	\$7,800			
Crane / Forklift Operation	\$120	hr	40	1	\$4,800			
Cleanup of area and prep for demolition	\$65	hr	16	3	\$3,120			
Project Management and Oversight	\$150	hr	80	1	\$12,000			\$38,680
Subcontractor:								
Equipment Rental for removal of containers and loading	\$20,000	ea	1	1		\$20,000		
Demolition of Concrete, Pad, Cable, Conduit, Fencing (see Attachment A)	\$4	ft ²	\$5,000	1		\$198,000		
Grading and Re-Seeding	INCLUDED	ca	1	1				
Demurrage	\$100	hr	50	1	\$5,000			
Engineering (Erosion Sediment Control Plan)	\$4,500	ca	1	1		\$4,500		
Erosion Control - installation and materials	\$5,000	ca	1	1		\$5,000		\$232,500
Expenses:								
Mobilization and Demobilization	\$6,000	ca	1	1			\$6,000	
Per diem	\$150	week	5	2			\$1,500	
Shipping of containers (see Attachment B)	\$3,000	ca	21	1			\$63,000	
Misc. PPE, etc.	\$2,000	ca	1	1			\$2,000	
Task Total:					\$18,680.00	\$232,500.00	\$72,500	\$343,680

ATTACHMENTS

ATTACHMENT A

*DEMOLITION COST PROPOSAL – D.H. GRIFFIN WRECKING
COMPANY INC.*



BUDGET PROPOSAL
D. H. GRIFFIN WRECKING CO., INC.
1401 Valley Road, Richmond, VA. 23222
PHONE/FAX (804) 254.1033

PROPOSAL SUBMITTED TO:		DATE: 12/11/19
Mr. Andrew Lucas		
One Environmental Group Of Carolina, PLLC		PROJECT NAME/LOCATION:
Eden, NC		East Point Energy
		Stony Point Va
PHONE:434.348.4331	FAX:	EMAIL: dluкас@oneenv.com

Proposal is based on email dated 12/14/19. D. H. Griffin Wrecking Co., Inc. (DHG) proposes the following scope of services: Base Bid includes complete demolition of the concrete slab 55,000 SF 1.5' thick, perimeter fencing, PVC conduit, 11 pieces of equipment / transformers.

1. Provide necessary labor, equipment, materials, insurance and permits associated with demolition only.
2. Dispose of concrete materials off site in accordance with local, state and federal regulations.
3. DHG retains salvage rights to materials located in the proposed areas at the time of proposal as part of this contract.
4. Estimated time of completion – (4) weeks.
5. Rough grade disturbed areas, seeding and straw to existing contours.
6. Price excludes cut or cap fire water, electrical etc. Erosion control measures, SWIPP, underground, relocation of any appurtenances, earthwork / grading temp./ permanent soil stabilization, dewatering, protection of asphalt, utility disconnection, capping or rerouting; identification or removal of underground storage tanks (USTs) or their contents; new construction or patching; or hazardous materials removal including, universal waste, oil, Freon or other refrigerants, paint, etc.
7. Electrical disconnects and rerouting is not included in this proposal.

We propose hereby to perform the work as listed above, in accordance with above specifications, for the sum of:

Base Bid: \$198,200.00

Payment to be made as follows: Upon Completion

We hereby exclude the following: Relocation and disconnection of utilities, responsibility for locating and marking utilities within the demolition limits; protection of utilities which are not marked within the limits of demolition; shoring and bracing of structures to remain; cost of performance and payment bonds; removal and disposition of any hazardous or asbestos materials except those items, if any, which are described and itemized above, whether concealed or not.

All payments are due and payable as noted. Whenever retainage is required to be withheld, upon completion of D.H. Griffin Wrecking Company, Inc.'s (DHG) scope of work (contract or sub-contract) DHG will issue an invoice for work performed and a separate final invoice for retainage. All retainage is to be paid in full no later than ninety (90) days from date of final invoice. The undersigned further agrees to pay to D.H. Griffin Wrecking Company, Inc., a reasonable attorney's fee if the obligation evidenced hereby be collected by an attorney-at-law after maturity. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.

Authorized Signature: 	<i>NOTE: This proposal may be withdrawn by DHG if not accepted within 30 days.</i>
Harrison Hubbard III, Division Manager-- (804) 477-4552 or hhubard@dhgriffin.com	

PLEASE SIGN, DATE AND RETURN ORIGINAL

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature	Name and Title	Date of Acceptance
-----------	----------------	--------------------

ATTACHMENT B

CONTAINER SHIPPING COST ESTIMATE – POWIN ENERGY



January 8th, 2020

Jayne Guthorn
Development Engineer
East Point Energy
Phone: (434) 270-8446
jguthorn@eastpointenergy.com

Re: Battery Recycling

Dear Jayne Guthorn:

Powin agrees to recover the battery cells for the 5-20 MW/4-hour project, at no cost to East Point Energy, other than the cost of shipping the retired batteries back to a destination of Powin's choosing.

Kind Regards,

Mitch Boeh | Northeast Sales Manager



Tuesday, October 22, 2019 at 3:04:50 PM Eastern Daylight Time

From: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Sussex County VA - Decommissioning Costs
Date: December 11, 2019 at 10:18 AM
To: Drew Lucas <dylucas@oneenv.com>

JG

Hi Drew,

I hope all is well. I have reached out to Powin regarding documentation that states they will recycle spent batteries. With the holidays and end of the year approaching, they are unsure if they can get a formal document over by Friday but have again assured us that they will recover the spent batteries. I will send that document over if we receive it in the next few days, but wanted to keep you in the loop that we might not get it in time. Let me know if you have any questions. Thank you.

Best,
Jayne Guthorn, Development Engineer
East Point Energy
(434) 270-8446

From: Drew Lucas <dylucas@oneenv.com>
Date: Wednesday, December 4, 2019 at 3:18 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Subject: Re: Sussex County VA - Decommissioning Costs

Thanks Jayne, I appreciate the info.

One point of clarification, is the concrete pad for battery storage ~1.2 acres in size (as seen in the PowerPoint) or is it ~2-3 acres (as seen in the CUP Application Staff Report).

Also, on the internal estimate of \$40K, is there a breakdown of these costs? Any additional detail here will be helpful as I will need to wait on demolition contractor(s) for budgetary estimates without it.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

| m. [\(336\) 613-1665](tel:3366131665) | e. dylucas@oneenv.com

| w. www.oneenv.com

| a. P.O. Box 4189, Eden, NC 27289

On Dec 3, 2019, at 4:39 PM, Jayne Guthorn
<jguthorn@eastpointenergy.com> wrote:

Hi Drew,

Please find the responses to your questions below as well as the ppt presentation and decommissioning email from Powin. All of these measurements are internal estimates and are subject to change.

- 1.) Please provide the updated Power Point presentation describing the project and specifications, the current PDF version is unreadable in some areas
 - Please see attached updated Power Point Presentation
- 2.) What is the proposed depth of the concrete pad and is it uniform in depth?
 - Depth of concrete pads will be approximately 1.5 feet.
- 3.) Fencing - proposed type and height
 - The fence will be chain link and approximately 7 feet tall.
- 4.) Information on any underground utilities - type / size of conduit, cable and approximate length
 - PVC plastic conduit. Approximately 150 feet of conduit from project area to substation, and approximately 10 feet of conduit between each of the containers.
- 5.) Information on other electrical components including transformers (including type, number and estimated sizes)
 - Approximately 11 inverter/transformer pads. Pads are approximately 20x14 ft.
- 6.) Material of construction for access road(s), sidewalks, or additional pathways and approximate length
 - Access road to project will be a continuation of the access road to the already existing Dominion substation. The access road will lead into gravel service road around battery energy storage system area. The access/service road will be 12 feet wide.
- 7.) Information on battery return/recycling back to supplier including any agreement, contract or other documentation to ensure future removal and disposal from site
 - Please see attached email from Powin.
- 8.) Basis for the \$40K demolition estimate and description of labor cost, material cost, equipment rental or other costs associated with this estimate
 - This is an internal estimate that includes labor costs, material costs, equipment rental and other demolition costs.
- 9.) Please verify the battery container size at 8'X10'X40' for the 21 proposed containers
 - Yes, this is the standard size of current battery container technology.

Please let me know of any additional information you may need. Thanks!

Cheers,
Jayne Guthorn, Development Engineer
East Point Energy
(404) 878-8110

(434) 270-8446

From: Drew Lucas <dlucas@oneenv.com>
Date: Monday, December 2, 2019 at 4:29 PM
To: Jayne Guthorn <jguthorn@eastpointenergy.com>
Cc: "lturner@sussexcountyva.org" <lturner@sussexcountyva.org>
Subject: Sussex County VA - Decommissioning Costs

Jayne,

Thanks for your time today to review the Sussex County battery project. As discussed, I am working with Sussex County Economic Development on your CUP Application to verify costs and provide third-party estimate for decommissioning of the proposed project. Understanding there is a tight deadline for submittal, I have a few questions / needs that will help expedite the process, as follows:

- 1.) Please provide the updated Power Point presentation describing the project and specifications, the current PDF version is unreadable in some areas
- 2.) What is the proposed depth of the concrete pad and is it uniform in depth?
- 3.) Fencing - proposed type and height
- 4.) Information on any underground utilities - type / size of conduit, cable and approximate length
- 5.) Information on other electrical components including transformers (including type, number and estimated sizes)
- 6.) Material of construction for access road(s), sidewalks, or additional pathways and approximate length
- 7.) Information on battery return/recycling back to supplier including any agreement, contract or other documentation to ensure future removal and disposal from site
- 8.) Basis for the \$40K demolition estimate and description of labor cost, material cost, equipment rental or other costs associated with this estimate
- 9.) Please verify the battery container size at 8'X10'X40' for the 21 proposed containers

Thanks in advance for your help with this information. Please let me know if any questions or clarifications, I appreciate it.

Thanks,
Drew

Andrew C. Lucas | Senior Project Manager
ONE Environmental Group of Carolina, PLLC

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<CUP_Presentation_Shands_VA_19.11.4.pptx><Decomissioning
Costs_Powin_Shands_19.10.22.pdf>

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ATTACHMENT C

*CONDITIONAL USE PERMIT APPLICATION #2019-04 – STAFF
REPORT – SUSSEX COUNTY PLANNING DEPARTMENT*

STAFF REPORT - Conditional Use Permit Application #2019-04

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT: Shands Energy Center, LLC (East Point Energy, LLC)

OWNER: Ruth Pride

REQUEST: Pursuant to Section 34-217§18b of the Zoning Ordinance a Conditional Use Permit is requested to construct and operate a battery energy storage facility.

PROPERTY LOCATION: The site in question located on the north side of Route 40 (Sussex Drive) adjacent to an existing Dominion Energy Substation.

PROPERTY IDENTIFICATION: Tax Map Numbers 64-(A)-21 and 64-(A)-23

ELECTION DISTRICT: Stony Creek

PARCEL SIZES: 64-(A)-21 - 11.48 acres
64-(A)-23 - 20.80 acres

TOTAL ACREAGE: Approximately 32.28 acres

PARCEL CHARACTERISTICS: The topography of the site is gently rolling. The site consists of woodlands and open land.

SURROUNDING LAND USES: Surrounding land uses include farmland, woodlands, a Dominion Energy Substation, overhead electrical power transmission lines and single-family dwellings.

EXISTING ZONING: A-1, General Agricultural

DESIGNATED COMP PLAN AREA: Stony Creek/I-95/U.S. Route 301/VA Route 40

COMP PLAN FUTURE LAND USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone X – The site is not located in a 100-year Flood Zone

SUMMATION

The applicant, Shands Energy Center, LLC (wholly owned by East Point Energy, LLC) is requesting issuance of a Conditional Use Permit to construct and operate a grid scale stand-alone battery energy storage facility. The properties in question are tax map number 64-A-21 (consisting of 11.48 acres) and tax map number 64-(A)-23 (consisting of 20.80 acres). A summary of the application as follows:

- The batteries will consist of Lithium-Ion. The batteries will be NFPA (National Fire Protection Agency) compliant.
- The battery energy storage area will be located on tax parcel 64-A-21 (approximately 300 feet off Route 40) just behind an existing Dominion Energy Substation.
- The battery storage area will be approximately 2-3 acres in size.
- The existing trees/vegetation adjoining the proposed 2 battery storage area will be preserved to serve as natural buffer.
- The batteries will be stored in approximately twenty-one (21) modular containers. The containers will be anchored to a concrete pad. The concrete pad will be constructed in adherence to the building code. The containers will be designed to contain any leakage from worn batteries. No diversion dikes will need to be constructed.
- The containers will be transported to the site via flatbed trucks.
- The facility will take approximately 3-5 months to construct. Hours of construction will be Monday-Friday from 7am to 7pm in adherence to the County's Noise Ordinance.
- Anticipated traffic impact – Temporary and minimal during construction.
- For security and public safety, the applicant is willing to construct a seven (7) foot high galvanized security fence around the perimeter of the battery storage area
- Security lighting will be installed.
- The applicant is willing to provide specialized training to the County's EMS staff to deal with possible incidents.
- The applicant has stated that the life expectancy of the facility is perpetuity with the life expectancy of the batteries to be 20-25 years. Worn or degraded batteries will be replaced as necessary.
- Estimated local tax revenues from the project are as follows:
 - Sales Taxes in the amount of \$14,974 (\$7,199 to the County and \$7,775 to the Schools)
 - Machinery and Tools Taxes in the amount of \$146,775.85 over a 25 year period (roughly \$5,871 per year). Real Estate Taxes paid in 2019 on the 32.28 acres were \$299.28.

- The estimated jobs to be created during construction is between 15-20 persons.
- The applicant has estimated that the cost of de-commissioning the facility if it ceases operation is approximately \$103,000.00. \$63,000.00 for removal of the containers (21 @ \$3,000 per container) and \$40,000.00 for removal and disposal of the concrete padding, fencing and all other improvements.

RECOMMENDATION: APPROVAL WITH CONDITIONS

LAND USE RATIONALE

Staff recommends approval for the following reasons:

- 1) The proposed project will be sited on primarily timberland. Of the 32.28 acres in question, only 2-3 acres will be disturbed. Existing vegetation (trees), and the setback of 300' feet off Route 40 (Sussex Drive) will minimize visual impacts of the proposed facility.
- 2) The proposed facility will not impair the integrity or character of the surrounding community as it will be located next to an existing Dominion Energy sub-station.
- 3) The proposed battery storage facility is passive in nature and will not cause any nuisances to the surrounding community as it does not produce emissions to the air, it does not produce any glare or foul odor. Also, noise emitted from the facility will be minimal and equivalent to the low humming noise generated by the existing sub-station.

PROPOSED CONDITIONS:

Staff recommends approval subject to the following conditions:

1. All requirements and obligations of this Conditional Use Permit ("CUP") shall become a part of the zoning regulations and shall therefore be binding on the Applicant, and any future owner or operators (which shall include, but not be limited to, any successors, assignees, current or future lessee, or sub-lessees).
2. The Applicant shall install a standard galvanized security fence around the battery storage Facility that is a minimum of seven (7) feet in height.
3. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered to including but not limited to:
 - a. US Army Corps of Engineers
 - b. The Virginia Department of Transportation (VDOT)
 - c. Virginia Department of Environmental Quality – Virginia Storm-water Management Program (VSMP)
 - d. State building code and shall be inspected by either the county building inspector or a third-party inspector through the building permit process.
 - e. The Applicant is required to obtain a County Land Disturbance permit after submittal and approval of an Erosion and Sediment Control Plan prior to any land disturbance.
 - f. The site shall fully comply with all applicable provisions of the Sussex County Zoning

Ordinance, throughout the life of this CUP.

4. The Applicant is required to obtain approval of a decommissioning plan by the Director of Community Development Department prior to approval of any building permits for the battery energy storage facility. The battery energy facility shall be decommissioned and removed within eighteen (18) months after the facility ceases operation for a continuous twelve (12) month period.

The costs of decommissioning shall be secured by adequate surety in a form agreed to by the County Attorney, including but not limited to a surety or performance bond, certified check, or letter of credit, which shall be provided to the County Attorney, the County Administrator and the Director of Community Development prior to the issuance of the land disturbance permit and building permit from the County. The performance bond, certified check or letter of credit shall be in an amount of no less than One Hundred Thousand Dollars (\$103,000) while the battery energy storage facility remains on the Property. If the battery energy storage facility is sold, the CUP shall not transfer to the purchaser until such time as the adequate surety is provided.

The cost estimates of the decommissioning shall be updated every five (5) years by an independent consultant ("consultant") retained at the expense of the Applicant, or any future owner or operator, and provided to the County. The consultant shall be a professional engineer licensed in Virginia with expertise in the subject of decommissioning solar projects. The Applicant, or future owner or operator, is required to obtain approval of the independent consultant by the Director of Community Development prior to being engaged by the Applicant, or future owner or operator, which approval shall not be unreasonably withheld. The consultant's reports will identify the cost of decommissioning. The surety amount will be increased or decreased based on such updated cost of decommissioning, but the surety shall not be below the minimum amount required by this condition. The Applicant, or future owner or operator, shall be liable to the County for any deficiency if the bond amount does not fully fund the costs of decommissioning.

Decommissioning shall include, but not be limited to, the removal of all fencing, posts, foundations, battery storage containers, underground cables and conduits, transformers, other electrical components, and other accessory equipment/structures from the Property and properly disposed of as part of the decommissioning.

If the Applicant, or future owner or operator, intends to cease operations, or to shut down the battery storage energy facility, it shall send the County Administrator and Director of the Community Development Department written notice at least ninety (90) days prior to such action and will provide, with such notice, a revised consultant's report. The Applicant, or future owner or operator, shall remove the facilities ("decommissioning") within six (6) months of receipt of notice from the County. If the solar energy facility is not removed within the time provided in the notice to the County, the County may cause the removal of the solar energy facility with costs being borne by the Applicant, future owner or operator.

5. Prior to the end of construction of the battery energy facility, the Applicant, shall hold a series of training classes with the County's first responders (Fire and Rescue) to provide materials, education and training to the departments serving the solar energy facility in regard to how to safely respond to on-site emergencies. The training classes shall be scheduled with the assistance of the County Public Safety Coordinator. The Applicant, future owner or operator, shall provide on-going training as deemed necessary by the Public Safety Coordinator.
6. The existing vegetation surrounding the battery storage area shall be preserved for the life of the project. Any removal of existing vegetation shall require the approval by the County. If any existing vegetation (trees) die or are destroyed by a natural disaster and the project becomes visible to adjoining properties and from the road, the applicant shall replace the damaged trees at their expense to make the project area again non-visible.
7. If the applicant plans to use herbicides for existing vegetative weed control along the fence surrounding the facility, only EPA approved herbicides shall be used. The applicant shall submit herbicide land application plan prior to approval of the certificate of occupancy (or equivalent). The plan shall specify the herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams and the distances from land application areas to features such as wells, wetlands, streams and other bodies of water.