

AUGUST 8TH, 2024 PLANNING COMMISSION MINUTES

VIRGINIA: at the **REGULAR MEETING** of the **Tazewell County Planning Commission** held **August 8th, 2024 at 6:30 p.m. in the Tazewell County Administration Building, Tazewell, Virginia -- 197 Main Street**

PRESENT: **Ann Robinson - Chairperson**
Robert “Bob” Moss - Vice-Chairman
Hayden Lyons - Member
Anthony Ramella - Member
Lance Wimmer - Member
Jason Herndon - Member (Arrived at 6:34)

OTHERS

PRESENT: **Kenneth Dunford, Jr. - Director of County Engineering**
Brad Gibson - Executive Secretary (Interim)
Richard Smith - On behalf of Cedar Bluff Community Church
Robert Carlson - Visitor

ABSENT: **Kyle Cruey - Member**

Chairperson Robinson called the August 8, 2024 regular meeting to order and presided at approximately 6:30 p.m.

She then welcomed all visitors and all those in attendance.

INVOCATION AND PLEDGE

Chairperson Robinson, gave the invocation, followed by the Pledge of Allegiance to the US flag by Member Ramella

APPROVAL OF THE AGENDA FORMAT

Upon motion of Vice-Chairman Moss, seconded by Member Lyons, and adopted by a vote of 5 to 0, with Members: Cruey and Herndon absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the agenda.

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APPROVAL OF THE MAY 9TH, 2024 REGULAR MEETING MINUTES

Upon motion by Vice-Chairman Moss, seconded by Member Ramella, and voted on by a vote of 6 to 0, with Member Cruvey absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the May 9th, 2024 Regular Meeting Minutes as written.

ITEMS FOR DISCUSSION:

SUBDIVISION PLAT OF LOTS 59 & 60 (TAX MAP 57)

Kenneth Dunford, Jr., Director of Engineering, spoke on behalf of Tazewell County regarding the Board of Supervisors owned property shown in the Subdivision Plat of Lots 59 & 60 (Tax Map 57) along Lynn Hollow Road. Lot 60 presently crosses Lynn Hollow Road; the proposed division would remove the approximately 1.57 acre portion that is on the southeastern side of Lynn Hollow Road and give it to Lot 59. Furthermore, Mr. Dunford stated there is a prescriptive easement along that portion of Lynn Hollow Road. No issues have arisen with the subdivision. The subdivision is being pursued by the Board of Supervisors, and since it is property owned by Tazewell County, Chairperson Robinson suggested that the fee be waived.

Upon motion by Vice-Chairman Moss, seconded by Member Lyons and voted on by a vote of 6 to 0, with Member Cruvey absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the Subdivision of Tax Map #57, Lots 59 & 60.

CEDAR BLUFF COMMUNITY CHURCH - HONEY ROCK RD E&S

Richard Smith, the pastor of Cedar Bluff Community Church, spoke on behalf of the project. They have plans to build adjacent to the church. Bundy Architecture was contracted to create the plans and submitted them to Kenneth Dunford, Jr. The new 80' x 90' structure will have a gymnasium, classrooms, and a kitchen. The church has been planning this for years, but had to put it on hold due to the Covid-19 pandemic.

Kenneth Dunford, Jr., said the first variation of the plans were rejected because it did not meet the Erosion and Sediment Control ordinance. Dunford met with an architect from Bundy on site to discuss alterations. The second version of the plans is what's being discussed today, and it meets the necessary standards. Dunford suggested that fees be waived since it is a church, but requested a bond to ensure remedial work can be done at the site, if necessary.

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Upon motion by Member Ramella, seconded by Member Herndon and voted on by a vote of 6 to 0, with Member Crucey absent from the meeting, the Tazewell County Planning Commission does hereby **APPROVE** the Cedar Bluff Community Church - Honey Rock Rd E&S plan, contingent on Mr. Dunford receiving bond.

SUBCOMMITTEE REPORTS

None at this time.

CITIZENS COMMENTS:

Robert Carlson of 1142 Lake Witten Road, North Tazewell, VA 24630, warned the Planning Commission about issues with solar farms in nearby counties. He fears that if solar farms are built in Tazewell County it could cause irreversible damage. Carlson asked the Planning Commission to send a recommendation to the Board of Supervisors to amend the solar ordinance to protect the county from any potential damage. Carlson brought a handout titled **Liability of Solar Panels Containing CdTe** that is attached to the minutes.

MEMBER CONCERNS

Member Herndon: I apologize that I was a few minutes late

Upon motion by Member Herndon, seconded by Vice-Chairman Ramella, and voted on by a vote of 6 to 0, with Member Crucey absent from the meeting, the Tazewell County Planning Commission is hereby adjourned at approximately 6:57 p.m. until the regular meeting time on Thursday, September 12th, 2024 at 6:30 p.m.

Respectfully Submitted:

Brad Gibson

Brad Gibson—Executive Secretary (Interim)



Ann Robinson—Chair

Tazewell County Planning Commission

August 8, 2024

Tazewell County Planning Commission
197 Main Street
Tazewell, VA 24651

Reference: Liability of Solar Panels Containing CdTe

Dear,
Planning Commission Members,

This letter is to express citizen concerns for Tazewell County's short and long term human health, aquatic damage and economic liabilities of utility scale solar panel installations containing EPA Toxic Substances Control Act (TSCA) chemical's Cadmium Telluride and Cadmium.

First Solar, solar panels contain a highly toxic chemical Cadmium Telluride (CdTe) EPA registration number 1306-25-8. It is listed on the EPA Toxic Substances Control Act (TSCA) as **Active**. The Cadmium registration number is 7440-43-9 is also on the same list as **Active**. When CdTe is released the Cadmium separates from the Telluride and breaks down as Cadmium would.

CdTe is extremely hazardous, a known carcinogen, acute toxicity, chronic aquatic toxicity. CdTe is persistent in water, as it does not break down, which is a significant danger to aquatic life. These solar panels will be located next to Lake Witten a primary raw water source for Tazewell County's residents.

Considering the legal liabilities involved with the industrial production sites incorporating Chemical Abstracts Service (CAS) registry number 1306-28-5 Cadmium Telluride a "Risk Management Assessments" should be independently undertaken by any purchaser, reseller or property owner in contractual site storage or production/generation agreements.

The risk assessment must clearly determine and answer the primary question:
"WHAT IS THE VALUE OF A CONTRACT THAT DOES NOT PERFORM"

Because First Solar does not provide a Safety Data Sheet (SDS) for their PV solar panels containing CdTe the Chain of Liability (COL) is broken. First Solar is responsible for providing the SDS with a Corporate signature. The EPA has exempted solar panel manufactures from having to providing a SDS. Without the SDS Tazewell County is responsible for damages. The land owner will have an agreement with Energix to exempt them from liability, as Energix will take responsibility for the contamination. Energix will then fight the case in court.

Without the Chain of Liability and discharge of CdTe Tazewell County would have to seek resolution in a Civil Court Case. This would require an amount of money the County would not be able to afford. The result would be the County paying for the resulting damage caused by CdTe. If there is a Bond to cover this type of failure and contamination, the Bond company will fight paying for the damages and the County is in the same position and will end up being responsible to pay for the cleanup.

A remedy for the lack of an SDS is for First Solar, the manufacture of the solar panels, is to obtain by Corporate Signatory of First Solar the acceptance agreement with the last Chain Of Liability Safety Data Sheet from the chemical company producer.

The Tazewell County Solar Ordinance provides for the sale of Solar Facilities. The purchaser must agree to accept all the terms of the Ordinance. A tactic for the purchaser is to ignore provisions of the Ordinance and the County would have to go to a Civil Court to enforce the Ordinance provisions. Again the County is at risk for amounts of money it can not afford.

These Civil Court cases are complex and require lawyers with expertise and legal experts for both sides to battle in court. The amounts of money, in the millions of dollars, needed to pursue a Civil Court case is more than the County would be able to afford.

Respectfully yours,



Robert E Carlson
276-970-1946