



Power Siting Board

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Power Siting Board Rule Review

Summary of Discussion

Second Stakeholder Meeting: March 11, 2020

Community activists, local elected officials, statewide interest groups

Thank you to all who attended and participated in this workshop. The notes below represent a general summary of the suggestions, comments, and/or guidance provided. The notes are not intended to be an official transcript of the meeting, nor will they take the place of or supersede the detailed written comments that many participants or interested parties/stakeholders are developing relative to the questions we provided prior to the meeting.

General comments regarding rules and process

- The OPSB process should provide for additional public outreach.
- Public engagement should happen as early as possible.
- It was suggested that the process is for the entire state, and it should not be so cumbersome that it's difficult to get a project approved.
- The OPSB was characterized as the zoning board for all Ohio communities for jurisdictional projects, whereas other projects are subject to local zoning with zoning officials who know the area.
- OPSB should allow for fair and reasonable development, recognizing that there are project financing concerns.
- The importance was stressed of looking at natural resources and energy usage from a holistic perspective, examining, and not disrupting, practices that are currently working.
- It was advocated that the while there is a positive economic impact of wind and solar projects for local communities, there is no need to trade industries, such as power generation for agriculture, which is a cornerstone of Ohio's economy.
- The importance of the health and safety of residents was emphasized.
- The OPSB should ensure it has the resources to do independent assessments on project impacts, using actual data from the area. The use of the Jobs and Economic Development Impact Model was mentioned. Related, a concern was raised that independent experts have often not been to Ohio or the project area.

- It was advocated that OPSB should provide clear and consistent guidance on renewable projects, particularly in cases where there have been deferred projects.

Engagement of local governments and the public

- It was urged that the preapplication conference be mandatory, held in the project area, and run by the OPSB with the developer present. It was suggested that local governments, and perhaps community stakeholder groups, should be invited. It was further suggested that the conference involve a description of the project size and scope, providing an opportunity to listen to concerns unique to the community. It was suggested that OPSB could require the developer to have a presentation. The idea was posed of having a question box at the meeting where the OPSB could call the questions out loud at the end of the meeting. Concerns were brought up about OPSB being aligned with utilities and developers. There was also mention of FERC meetings where a court reporter is present; this was contrasted with a townhall type meeting, though both types of meetings were described as beneficial.
- In response to a comment that was made at the March 10, 2020, stakeholder meeting, it was stated that the public does possess the technical expertise for the need determination. Along these lines, the public should participate in the entire process, including the need determination, with the OPSB providing the expertise and evaluating comments relative to need.
- It was suggested that a developer have representatives engage the community, perhaps responding to contacts within 48 hours. The developer could maintain a report on community outreach and engagement to ensure that trends are being addressed. It was suggested that developers could file community outreach plans.
- It was suggested that the public lacks an opportunity to become informed prior to the first public informational meeting. Where the stakeholders in opposition to a project were able to present their perspective at the second meeting, this bolstered public awareness and engagement. As a result, it was suggested that a public-opposition space be designated at the site of the public informational meeting. There was a suggestion of holding an additional, earlier public meeting one year before the application filing.
- There was a discussion regarding the importance of farmland. It was suggested there should be early, transparent communication with counties, regional planning authorities, and agriculture partners, such as the Land Trust Alliance, soil and water conservation districts, and the Ohio Department of Agriculture.
- Concerns were raised about the review and response to public comments. It was advocated that the OPSB and applicant should respond to public comments. There was mention of comments made regarding a shadow-flicker report where no response was received from OPSB. There was further discussion that there is a lack of feedback on public comments—

comments are simply collected. Responses are not made and issues brought up are not addressed.

- It was suggested that there may be a better, more user-friendly way to convey information throughout the process. The volume of information in reports and applications makes it difficult for the public to find things. There was discussion of employing periodic, OPSB-led project review and update meetings, akin to FERC's use of scoping meetings.

Public notices

- It was discussed that the first newspaper notice is too general. The community wants to know what the project is, how tall the turbines will be, the amount of horsepower, whether there will be flashing lights, and turbine locations in degrees, minutes, and seconds rather than GPS coordinates.
- Notices of public meetings from developers often are perceived as junk mail. It was suggested that the contents of notices should be proscribed and that letters should be sent via certified mail.
- It was discussed that the OPSB rules on public notification need to be modernized; local newspapers are no longer the best source for public notice, and perhaps social media makes more sense. Developers should be more active and perhaps have a loop video at the public meeting and a project website that is updated with the information the public needs to be informed and make decisions regarding their land.
- It is difficult for the public to learn their rights in 15 days after receiving the public notification letter. It was suggested that experts (e.g. Dr. John Fulton, The Ohio State University) be involved to explain how projects will impact farmland.
- It was suggested that there should be two notices for informational meetings, one 30-45 days before and a second closer to the meeting date.
- For notice of the public hearing, some expressed satisfaction with timing of the first notice, but it was suggested that a second could be sent at 45-60 days before and a third at 7-21 days before.
- Similar to the discussions summarized under "Lease signing," concerns were raised that notices go out only to a subset of people; it was suggested that there should be a mass mailing to anyone in a township affected, and within a five-mile radius if that boundary exceeds the township.

Lease signing

- There was discussion of leases being signed years in advance with nondisclosure agreements. It was proposed that there be an “intent to develop” informational meeting before leases are signed. The importance of transparent community involvement was stressed, particularly with regard to meetings with local officials. Regarding the “intent to develop” meeting, the concern was brought up that there are competitive aspects to projects and this may inform when such a meeting should occur.
- It was stated that everyone, not just leaseholders, needs an opportunity to provide input, especially on wind projects. A stakeholder said “nonparticipating landowners” want to participate. Along these lines, earlier meetings and notice to the public before leases are signed was advocated, though it was recognized that the authority for this may not be in law.
- Communities believe that when a project is announced, it is already fully developed and leases are signed; local officials may have been primed to support the project and the community has no opportunity for influence.

Safety issues

- It was advocated that OPSB should do more to address public safety, especially for wind turbines and setbacks. It was discussed that the OPSB has authority to require a setback greater than the legal minimum, but the OPSB ignores setbacks in safety manuals. There should be an analysis of how far particles will be thrown and an analysis of the developer’s performance record, including what accidents and incidents need have occurred.
- It was also discussed that developers should ensure that projects operate safely, and that keeping safety information confidential goes against this. It was stated that safety manuals should be public unless there are national-security reasons for confidentiality.

Provision of information and completeness

- Concerns were discussed that project plans are more general outlines, making it difficult to know project impact. Useful detail, which should be a part of the hearing process, would be location of lighting, how borings will affect ground water resources, solar glare, and affects on GPS systems. Some advocated for final designs to be provided, while others said this is difficult for developers. Some mentioned that final designs can be useful though the OPSB could have authority to make minor adjustments. It was discussed that technology evolves quickly, which means developers need flexibility to modify plans, but certain project aspects, such as public viewscape, landforming, cultural resources, land and animal management, geotech, and impacts to agricultural land use need to be reviewed and explained by OPSB.

- It was discussed that applications need to be complete, including information on routes and emergency issues. Such information should be verified for accuracy and completeness by OPSB, which should challenge the developer.
- It was discussed that because a certificate has financial value, there should be a consistent process as to what's in a certificate. Communities need certainty regarding things like emergency risks, which need to be in a plan before certification. Local governments often have financial responsibility for problems, and so it is important for communities to understand things like what chemicals are in solar panels and risks of tornado damage with wind turbines. Communities need to decide who's going to pay for resources; new facilities require fire and police backup.

Process bifurcation

- Combining construction and operation facets of a project is fine as long as all project aspects are fully considered in the adjudicatory process.
- It was advocated that generation substation and transmission lines should not be combined in one application. This may be harder for people to follow, given complex terminology. But if transmission lines are in separate cases, it was suggested that there should be information, such as a website or letter, linking the cases.
- It was suggested that bifurcation would exhaust everyone's resources on the public side.

Post-certificate activities

- It was argued that OPSB should verify that the developer satisfies each condition; this should be docketed and public. Conditions such as interconnection with PJM and road and bridge agreements with the county should be met before construction can begin.
- It was suggested that while OPSB already adequately monitors post-certification compliance, there is no public information that this is taking place.
- It was advocated that OPSB should do inspections out in the field with truly independent inspectors.
- A stakeholder asked what is the penalty for noncompliance with certificate terms? It was suggested that the penalty should be severe. (OPSB note: see Revised Code sections 4906.98 and 4906.99, available at: <http://codes.ohio.gov/orc/4906>.)

Regional and federal implications

- Because projects near the state line impact neighboring power grids, it was suggested that there should be a federal conversation in these situations.
- It was suggested that there is a role for someone to help communities understand the PJM region.
- It was discussed that citizens can and should understand the regional power grid. After H.B. 6 (133rd General Assembly), some localities are looking at what they can do to bolster their region in terms of power sources and regional economies.

Solar projects

- It was discussed that there are no siting regulations for solar projects, whereas there are specific requirements for wind projects. Therefore, it was suggested that similar regulations should be developed for solar projects.
- A stakeholder mentioned a research paper from Cornell University with state policies on solar siting, including the potential to raise animals and plants underneath solar panels, and limiting the scale of solar projects to protect local taxpayers.

Greenhouse gas emissions

- It was advocated that since OPSB is required to review environmental impact, this should include a greenhouse gas emissions report.
- It was suggested that the analysis of the carbon impact of technologies should be holistic, from building the technology to the resources required to operate it.

Decommissioning

- It was advocated that decommissioning plans should be fully developed, giving communities a clear idea of when they will be funded. Communities need to have confidence as to what decommissioning might mean, especially in terms of funding.
- It was suggested that there should be consideration of an escrow program, adjusted five years to allow for decommissioning costs.
- A concern was raised regarding the value of recyclable parts, which changes almost annually. There should be a clear understanding regarding nonrecyclable parts such as blades and panels, so that communities are not responsible for these parts.

Other issues

- It was suggested that OPSB could provide more definition on the process for declaring an alternative energy zone.
- It was suggested that there should be more attention given to subsurface drainage issues.
- It was advocated that the new rules should distinguish an application modification and an amendment to an application.