



FILE

Ohio Power Siting Board

September 15, 2008

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160 E. Broad Street
Columbus, Ohio 43215-3793

www.OPSB.ohio.gov

The Ohio Power Siting Board
is an Equal Opportunity Employer
and Service Provider

Joe and Linda Hughes
6320 SR 540
Bellefontaine, Ohio 43311

Re: The Ohio Power Siting Board's Certification Requirements for Electric
Generating Wind Facilities
Case No. 08-1024- EL-ORD

Dear Mr. and Mrs. Hughes:

Thank you for contacting the Ohio Power Siting Board regarding the potential installation of wind generation in your area. The OPSB's mission is to support sound energy policies that provide for the installation of energy and transmission infrastructure for the benefit of the Ohio citizens, while promoting the state's economic interests and protecting the environment and land use.

The generating capacity of a wind generation project determines whether the state has jurisdiction over the location of the project. The Ohio Power Siting Board (OPSB) has jurisdiction when an "economically significant" wind turbines and associated facilities with a single interconnection to the electrical grid, operate at an aggregate capacity of five or more megawatts (MW). Unless this threshold is met, jurisdiction will lie within the authority of the local government, typically a zoning board or county commissioners.

In the issue of "setbacks," the law prescribes a minimum setback for a wind turbine of an economically significant wind farm. That minimum shall be equal to a horizontal distance, from the turbine's base to the property line of the wind farm property, equal to one and one-tenth times the total height of the turbine structure as measured from its base to the tip of its highest blade and further, be at least seven hundred fifty feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest, habitable, residential structure, if any, located on adjacent property at the time of the certification application.

The minimum setback shall apply in all cases except those in which all owners of property adjacent to the wind farm property waives the application of the setback to that property. The board will evaluate each application and may determine that a setback greater than the minimum is necessary.

Before construction can begin on any major utility facility within the state of Ohio, a certificate of environmental compatibility and public need must be obtained from the OPSB. Any question about whether a project meets or does not meet the definition should be referred to the OPSB for clarification.

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The Board issued proposed draft rules for wind facilities in Case No. 08-1024-EL-ORD. Comments are due in the docket on September 29, 2008 and reply comments are due October 7, 2008. Please reference the docket number above when filing comments regarding the rules. Should you have additional wind generation facility comments and/or concerns, please contact the Call Centers at (800) 686-PUCO (7826) or (800)270-OPSB (6772) or visit the Web site at www.PUCO.ohio.gov, or the OPSB website at www.OPSB.ohio.gov. We will place your comments in the official docket and share them with members of the Board.

Very truly yours,

Kim Wissman, Executive Director
Ohio Power Siting Board

KW:dgd

From: Linda Hughes [mailto:hugheslinda1@gmail.com]
Sent: Friday, September 12, 2008 2:31 PM
To: Schriber, Alan; Wissman, Kim; Lambeck, Klaus; Siegfried, Stuart; lance mason
Subject: Responsible Regulations for Wind Turbine Siting

September 12, 2008

TO: Ohio Power Siting Board; Public Utilities Commission of Ohio; Ohio House of Representatives Public Utilities Committee; Ohio House of Representatives Alternative Energy Committee; Ohio Senate Energy and Public Utilities Committee

RE: Wind Turbine Siting Regulations for the State of Ohio

To Whom It May Concern:

I am writing to address the approaching process of sighting 500' Industrial Wind Turbines (IWT) throughout the state of Ohio.

I must say that I was astonished as I read the details of HB 521 that established a minimum setback from an inhabited structure of 750' and 1.1 x the total height of the IWT from adjacent property lines.

In the USA setbacks from residences of 1500' to 1 mile are not uncommon.

Examples:

- * McLean Co., IL, setback from an occupied residence is 1500 ft.
- * Town of Wilton, Monroe Co. WI, setback from an occupied residence is 2640 ft.
- * Trempealeau Co., WI. setback from occupied residence 1 mile.

* Vestas (Wind Turbine Mfg.) SAFETY MANUAL STATEMENT
"do not stay within 1300 ft. radius of the wind turbine"

* "Simple Guidelines for Siting Wind Turbines to Prevent Health Risks" (Noise-Con 2008)

By George W. Kamperman, INCE, and Richard R. James, INCE

Recommendation: "Setbacks in the range of one kilometer or greater for the current generation of wind turbines if they are in rural areas where the L90A background levels are 30 dBA or lower"

Did our elected representatives (the authors of HB 521) research this issue? Did they simply ignore established health issues related to living so near to an IWT?

Property rights:

I ask you to please review and evaluate...

My adjacent neighbor has a contract with a wind company to construct a 500' IWT 1.1x the total height from my property line. (500 ft. X 1.1 = 550ft.). However the IWT may be built a minimum of 750 ft. from my residence.

What am I to do with the 200 feet of my property that my contract-holding neighbor is using as his "buffer zone"? **This is property rights infringement.**

Shall I be granted by the State of Ohio the right to demand and collect rent for the 200 feet of property that my neighbor and his wind turbine now has control of and is using?

The safe setback distance must be measured from the property line.

Loss of property value:

For the last 32 years, my wife and I have poured a large portion of earnings into our three plus acres and home. Every inch of our property line is bordered by neighbors/leaseholders with wind company contracts. There is no question that my net worth/property value will decline greatly because my home could be located in the middle of an Industrial Wind Turbine site. The State of Ohio must take responsibility for this loss. How will my family and I be compensated?

With turbine setbacks in line with the Kamperman and James' research, this would not be an issue.

Is fiscal responsibility in Ohio **not** a priority? The number of knowledgeable and credible individuals and organizations that discredit wind energy as a viable and cost-effective partial solution to our energy needs grows daily.

Fiscal responsibility would mean focusing on electric generating facilities that contribute to our ever-growing **base load requirement needs**.

Ohio has marginal wind speed. Deal with the REAL problem of producing base load power. Address the real crisis.

It is not prudent to rush to increase the consumer cost of energy (wind-generated electricity) while failing to address the real looming crisis of a state and nation without adequate base load generating capacity.

MY REQUEST TO YOU.....

Please evaluate the health- related issues related to living less than one kilometer from Industrial Wind Turbines. Please evaluate the tangible value in investing in wind energy. Increase the setbacks to a safe and healthy distance. This will minimize the risk of spending taxpayers' dollars foolishly and will protect the citizens of Ohio.

Respectfully,

Joe Hughes
6320 SR 540
Bellefontaine, Ohio 43311
937 592 1123

Jefferson Township
Logan County, Ohio

From: Linda Hughes [mailto:hugheslinda1@gmail.com]

Sent: Thursday, September 11, 2008 7:32 PM

To: SD07@mailr.sen.state.oh.us; john boccheri; SD01@mailr.sen.state.oh.us; kevin coughlin; jason h wilson; jeff jacobson; tom niehaus; robert spada; district20@ohr.state.oh.us; district62@ohr.state.oh.us; district78@ohr.state.oh.us; district91@ohr.state.oh.us; district06@ohr.state.oh.us; district57@ohr.state.oh.us; district74@ohr.state.oh.us; district11@ohr.state.oh.us; district66@ohr.state.oh.us; district50@ohr.state.oh.us; district17@ohr.state.oh.us; district21@ohr.state.oh.us; district93@ohr.state.oh.us; district31@ohr.state.oh.us; district69@ohr.state.oh.us; district59@ohr.state.oh.us; district29@ohr.state.oh.us; district73@ohr.state.oh.us; district99@ohr.state.oh.us; district55@ohr.state.oh.us; district96@ohr.state.oh.us; district03@ohr.state.oh.us; Andrew.Boatright@westerville.org; chris.korleski@epa.state.oh.us; director@odh.ohio.gov; lt.governor@governor.ohio.gov; governor@governor.ohio.gov; Schriber, Alan; Wissman, Kim; Lambeck, Klaus; Siegfried, Stuart

Subject: Responsible Regulations for Wind Turbine Siting

TO:

Ohio Power Siting Board; Public Utilities Commission of Ohio; Ohio House of Representatives Public Utilities Committee; Ohio House of Representatives Alternative Energy Committee; Ohio Senate Energy and Public Utilities Committee

Re: Wind Turbine Siting Regulations for the State of Ohio

To Whom It May Concern:

I am very concerned that the state-approved 750' setback of an industrial wind turbine from a home is much too close. For safety, the very large turbines must have larger setbacks. We would like to see setbacks not from dwellings, but from property lines so that we can build on, split, sell or remain safe on all parts of our land.

To mitigate wind turbine noise, please read, Messrs. Kamperman & James' noise research (The "How To" Guide to Siting Wind Turbines to Prevent Health Risks from Sound), as well as the National Academy of Science's (Environmental Effects of Wind Turbines) that both recommend ½ mile set-backs. Both are based on facts and figures to ensure safe operation of turbines.

Please reconsider the minimum setbacks and base your rulings on scientific facts.

Thank you.

Linda Hughes
6320 SR 540
Bellefontaine, Ohio 43311