

## OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF HILLCREST SOLAR I, LLC, FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED ISSUED  
TO CONSTRUCT AN ELECTRIC GENERATION  
FACILITY IN GREEN TOWNSHIP, BROWN  
COUNTY, OHIO.

CASE NO. 17-1152-EL-BGN

### ENTRY

Entered in the Journal on August 3, 2017

{¶ 1} On May 4, 2017, Hillcrest Solar I, LLC (Hillcrest) filed a letter with the Ohio Power Siting Board (Board) regarding its proposed 125 megawatt (MW) solar electric generating facility in Green Township, Brown County, Ohio. In the letter, Hillcrest explained that the proposed 125 MW solar electric generating facility will be located within approximately 1,100 acres of privately owned land about three miles north of Mt. Orab, Ohio.

{¶ 2} Thereafter, on June 29, 2017, Hillcrest filed an application with Board for a certificate for environmental compatibility and public need to construct a new 125 MW solar electric generating facility in the above noted location.

{¶ 3} In addition to filing its application, Hillcrest also filed a motion seeking waivers from certain provisions of the Board's rule requirements, contending that good cause exists for granting its request. Specifically, Hillcrest is requesting waivers, in part, from Ohio Adm.Code 4906-4-08(A)(1)(c) (manufacturers' safety manuals or similar documents and any manufacturer recommended setbacks), Ohio Adm.Code 4906-4-08(A)(5)(c) (description of its plan for test borings, including appropriate closure plans), and, to the extent necessary, Ohio Adm.Code 4906-4-08(D)(2) (reduced study area regarding the impact on landmarks).

{¶ 4} Ohio Adm.Code 4906-4-08(A)(1)(c) requires an applicant to provide information on the safety and reliability of all equipment including the generation equipment manufacturer's safety standards, including a complete copy of the manufacturer's safety manual or similar document and any recommended setbacks from the manufacturer. Hillcrest requests that the Board grant its waiver request and allow it to provide the manufacturer's safety manual and any manufacturer's recommended setbacks to the Board's Staff as part of the final construction plans for the project, rather than including them as part of the application. In support of its request, Hillcrest notes that the fact that the project is a solar farm, and that Hillcrest will not be selecting the final panel model until after final engineering of the project is complete, warrants a waiver. Additionally, Hillcrest adds that the solar panels themselves will likely not present any safety concerns and the general public will have limited exposure to the project, with the exception of access roads.

{¶ 5} Ohio Adm.Code 4906-4-08(A)(5)(c) requires an applicant to describe plans for test borings, including closure plans for such borings, as well as a description of subsurface conditions. Rather than including this information in the application, Hillcrest instead requests that the Board allow plans for test borings to be submitted to Staff no more than 30 days prior to the commencing of field work and after the project layout has been finalized, and subsequently requiring any relevant information as to the subsurface conditions to be submitted to Staff within 60 days following the receipt of all relevant data from the borings. Hillcrest argues this waiver is also warranted because the panel layout will not be complete until final engineering drawings are developed and, once again given the nature of the project, the subsurface impact will be very limited as a majority of the equipment consists of solar panels.

{¶ 6} Finally, Ohio Adm.Code 4906-4-08(D)(2) requires the applicant to provide an evaluation of the impact of the proposed facility on the preservation and continued meaningfulness of mapped landmarks within a five-mile radius and describe plans to

avoid or mitigate any adverse impact. While Hillcrest notes that its Cultural Resources Report provides information on the lack of an impact to landmarks within a five-mile radius, the focus of its study was for the effects on landmarks within a two-mile radius of the project. Although Hillcrest does not anticipate any effects on landmarks outside of that two-mile radius, it is requesting a waiver of this rule to the extent that a waiver is deemed necessary to comply with the language of the rule.

{¶ 7} No memoranda contra Hillcrest's motion for waivers was subsequently filed in this proceeding.

{¶ 8} Ohio Adm.Code 4906-4-01(B) provides that the Board may waive any provisions in Ohio Adm.Code Chapter 4906-4 upon an application or a motion filed by a party, other than a requirement mandated by statute.

{¶ 9} Upon consideration of Hillcrest's request for waivers, the administrative law judge (ALJ) finds that the request as to Ohio Adm.Code 4906-4-08(A)(1)(c) and Ohio Adm.Code 4906-4-08(A)(5)(c) is reasonable and should be granted, with a slight clarification as to a portion of its request. The ALJ notes that in its request for a waiver of Ohio Adm.Code 4906-4-08(A)(5)(c), Hillcrest agrees to provide "plans for test borings to be submitted to Staff *no more than 30 days* prior to the commencing of field work and after the project layout has been finalized." (emphasis added). The ALJ would like to clarify that the waiver will allow Hillcrest to provide plans for its test borings to Staff *no less than 30 days* prior to the commencing of field work and after the project layout has been finalized. However, the ALJ finds the request as to Ohio Adm.Code 4906-4-08(D)(2) is not necessary and should be denied, given the information provided in the Cultural Resources Report and the assurances offered by Hillcrest regarding the project's anticipated effect on landmarks within a five-mile radius. Moreover, if deemed necessary, Staff may certainly request additional information pertaining to Hillcrest's study area and the project's anticipated impact on surrounding landmarks during its investigation prior to the filing of its report and recommendations.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That pursuant to Paragraph 9, Hillcrest's motion for waivers is granted, in part, and denied, in part, as set forth in this Entry. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

s/Megan Addison

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By: Megan J. Addison  
Administrative Law Judge

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 17-1152-EL-BGN**

Summary: Administrative Law Judge Entry granting in part and denying in part, Hillcrest's motion for waivers pursuant to Paragraph 9 of this Entry. - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio