

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting)	
Board's Consideration of Ohio)	Case No. 19-778-GE-BRO
Administrative Code Chapter 4906-4)	

Comments of the Ohio Farm Bureau Federation

On March 29, 2019 the Ohio Power Siting Board (“OPSB” or “Board”) initiated Case Number 19-7788-GE-BRO to consider the adoption of a rule that provides, for public safety purposes, the Board, Board Staff, the public, and local responders with timely access to data regarding incidents, which may include blade shear or service failures that result in a shutdown of wind turbine facilities. The new rule would require turbine operators to report incidents to the OPSB, and would be incorporated into Ohio Administrative Code (“OAC”) Chapter 4906-4.

The Ohio Farm Bureau Federation (“OFBF” or “Farm Bureau”) welcomes the opportunity to share and examine suggestions submitted by other stakeholders and provides the following initial comments:

Use of the Terms *Facility, Facilities and Facility Components*

OFBF’s only comment as to these rule amendments relate to the use of the word “facility” or “facilities,” and ensuring there is clarity as to what that word means. “Facility” is defined in O.A.C. 4906-1-01 (W), as “the proposed major utility facility and all associated facilities.” “Associated facilities” for purposes of a wind farm include: “rights-of-way, land, permanent access roads, structures, tanks, distribution lines and substations necessary to interconnect the facility to the electric grid, water lines, pollution control equipment, and other equipment used for the

generation of electricity.” O.A.C. 4906-1-01(F)(3). We are concerned that the use of the word “facilities” in proposed 4906-4-10(C)(6) and (7) creates some confusion when read with other portions of the rule as to what the term “facility” is intended to mean.

In OAC 4906-4-9 where no additions or revisions are required, we understand the term *facility* to mean the collection of all infrastructure (turbines, substations, maintenance facilities, access roads, transmission lines, etc.) within a project. Examples can be found in 4906-9-09 (A)(2)(ii): “The applicant shall maintain a copy of this safety manual in the operations and management building of this *facility*,” and 4906-9-09 (A)(2)(b)(i): “Sixty days prior to the preconstruction conference, the applicant shall provide a fully detailed geotechnical exploration and evaluation to confirm that there are no issues to preclude development of the *facility*.”

An example where *facility* is used to describe all infrastructure within an entire project, and individual parts of the project are identified as *facility components* can be found in 4906-9-09 (A)(4)(b):

The applicant shall have a construction and maintenance access plan based on final plans for the *facility*, access roads, and types of equipment to be used. The plan shall consider the location of sensitive resources, as identified by the Ohio department of natural resources, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan shall include locations of erosion control measures. The plan shall provide specific details on all wetlands, streams, and/or ditches to be impacted by the *facility*, including those where construction or maintenance vehicles and/or *facility components* such as access roads cannot avoid crossing the waterbody. In such cases, specific discussion of the proposed crossing methodology for each wetland and stream crossing, and post-construction site restoration, must be included. The plan shall include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes.

New draft rules being considered in 4906-4-10 focus mainly on filing reportable incidents (including, but not limited to tower collapse, turbine failure, thrown blade or hub, collector or feeder line failure, damaging ice throw, nacelle fire) involving, in most cases, one facility

component: a wind turbine. References to damage involving a *wind turbine* or *turbine* can be found in 4906-4-10(A)(1), (C)(3) and (4).

However, 4906-4-10(C)(6) and (7) discuss reporting damage to other wind farm *facilities*. In context with the rest of the proposed rule, it is unclear whether this reference is to the wind farm as a whole, or individual components, or both. Furthermore, (D) details provisions for OPSB Staff investigation and restart:

- (1) Staff shall investigate every incident that results in a report being submitted pursuant to this rule. Except as necessary for public safety, a wind farm operator shall not disturb any damaged *facilities* or the site of a reportable incident until after staff has made an initial site visit.
- (2) A wind farm operator shall not restart *facilities* involved in a reportable incident until such restart is approved by the board's executive director or executive director's designee.

Again, it is unclear in the context of the proposed rule whether the intent of this newly proposed text was to apply to the entire "facility" in whole, or the individual components (i.e. turbines) that were involved in an incident.

How *facility* or *facilities* is used while interpreting and applying rules referenced in both 4906-9-09 and 4906-9-10 could mean shutting down an entire wind farm, or it could mean shutting down only those components involved in an incident. This lack of clarity could lead to conflicting and unclear interpretations and expectations.

OBBF respectfully suggests that the Board provide additional clarification on how the terms *facility*, *facilities* and *facility components* are defined in the entire set of draft amended rules under consideration in this proceeding, and ensure there is clarity in the language of this rule and throughout OAC Chapter 4906, given the repeated use of these words. As we respect and appreciate OPSB's judgement in determining what should be shut down during an investigation

(specific components or the entire wind farm), OFBF makes no suggestion as to whether it should be specific components or the entire wind farm. However, OFBF does feel that additional clarity on these provisions will help energy service providers, local governments, and our members know exactly what standards are in place.

Conclusion

For the foregoing reasons, the Ohio Farm Bureau Federation recommends that the above comments be considered by the Ohio Power Siting Board as it finalizes rules in OAC 4906-4.

Respectfully Submitted,

/s/ Leah F. Curtis

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Summary: Comments of the Ohio Farm Bureau Federation electronically filed by Amy M Milam on behalf of Ohio Farm Bureau Federation