

Case ID:	17-0773-EL-BGN
Case Name:	Hardin Solar Energy
Company Name:	Invenergy, LLC
Case Status:	Certificate Approved
Certificate Approval Date:	2/15/2018
Generation Type:	Solar
Capacity (MW):	150 MW
County(s):	Hardin

Case Background

On February 15, 2018, the Ohio Power Siting Board (Board) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Hardin Solar I, LLC (Hardin I) in Case No. 17-0773-EL-BGN for the construction, operation, and maintenance of a solar-powered electric generation facility of up to 150 megawatts (MW) located within an approximately 1115-acre project area in Hardin County.

Construction on the project began on September 17, 2019, and the facility became operational on February 5, 2021.

Summary

On August 18, 2022, Ohio Power Siting Board Staff (Staff) received a concern from a neighboring landowner to the Hardin I facility (Facility) alleging that unkempt vegetation and noxious weeds were present on the facility grounds. The email included an image allegedly taken of the facility on July 14, 2022. This image showed tall vegetation growth which partially shaded the shown solar panels and were described by the neighbor as thistle plants which were eight feet tall. Thistle plants are considered a noxious weed according to Ohio Administrative Code 901:5-37-01. The neighbor stated that these plants would produce seeds which would be distributed via wind to neighboring properties and crop fields. The neighbor expressed concern regarding the distribution of these weeds or their seeds causing a polluting of neighboring properties and ultimately resulting in a reduction of income.

Condition 22 of the Certificate requires the Applicant to have a vegetation management plan that, among other things, describes the steps to be taken to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm.Code 901:5-37 during implementation of pollinator-friendly plantings. On August 30, 2019, Hardin I filed its vegetation management plan, which details the high probability of invasive species during the first two growing seasons, which Hardin I commits to removing when identified.

On August 23, 2022, Staff traveled to the facility to investigate the alleged conditions outlined by the neighbor. Staff inspected a majority of the fence line perimeter accessible by road. Staff found no environment similar to that shown in the image provided by the neighbor. It did appear the facility was mowed in the preceding days or weeks of Staff's visit. Staff did observe very isolated spots of tall weeds rarely exceeding, approximately four feet in height. Outside of the

project area's fence line, minimal identification occurred of plants that would be considered noxious weeds according to Ohio Adm. Code Chapter 901:5-37. These observed plants were sporadic and not concentrated in any specific areas.

Findings and Recommendations

Based upon the above referenced field observations, as well as review of the conditions set forth in the Certificate and the vegetation management plan, Staff has identified no areas of noncompliance with the Hardin I certificate, including the vegetation management plan. Specifically, as detailed in the vegetation management plan, a small amount of noxious weeds are to be expected during this time, as ongoing efforts are in place to monitor and remove noxious weeds as they arise.

However, Staff recommends that Hardin I continue to monitor the project area intently for the propagation of noxious weeds, removal of noxious weeds as called for in its vegetation management plan, as well as ongoing regular maintenance of all vegetation.

Staff will provide the neighbor with the contact information listed in the complaint resolution plan submitted by Hardin I to the Board. This will allow the neighbor to report noxious weeds or other vegetation management issue directly to the facility for facility personnel to address as called for in the vegetation management plan.

Attachment(s): N/A

CC: Christine M. T. Pirik, Counsel for Invenergy, LLC

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 17-0773-EL-BGN

Summary: Report (Compliance Inquiry Report) electronically filed by Mr. Matt Butler
on behalf of Staff of OPSB