

Case ID - Case Name: 18-1334-EL-BGN - Hecate Energy Highland Solar Farm
Company Name: Hecate Energy Highland LLC
Case Status: Under Construction
Certificate Approved Date: May 16, 2019
Construction Start Date: January 14, 2022
Case Type: Solar Generation
Capacity, Acreage: 300.0 MW, 2,800 acres
County(s): Highland
Township(s): Clay, Whiteoak
Report Number: CI24-18-1334-001

Background

On May 16, 2019, the Ohio Power Siting Board (Board) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Hecate Energy Highland, LLC (Highland or Certificate Holder) in Case No. 18-1334-EL-BGN for the construction, operation, and maintenance of a 300 megawatt (MW) solar-powered electric generation facility (Project), subject to the conditions set forth in the Stipulation and consistent with the Opinion, Order, and Certificate. Of the 2,800 acres leased, Highland’s footprint occupies 1,919 of those acres located in Clay and Whiteoak townships in Highland County. The project is currently owned and operated by D. E. Shaw Renewable Investments (DESRI). The general contractor onsite is SOLV Energy (SOLV). Construction began on January 14, 2022, and is still ongoing, as of the date of this report.

Summary

On July 31, 2023, Ohio Power Siting Board Staff (Staff) visited Highland to review the overall progress of construction as well as to evaluate several outstanding HDD bore locations after learning about an inadvertent return that occurred onsite May 9, 2023. Among various issues observed during the construction review, Staff was concerned regarding Highland’s soil preservation efforts as required by the Certificate, associated permits, and the Ohio Environmental Protection Agency’s (OEPA) Rainwater and Land Development manual¹ (RLD Manual). These concerns were raised due to a lack of minimizing² traffic³ and failure to de-compact, reseed, and stabilize affected areas. Though a number of other compliance issues were adequately addressed, this same concern was again brought up on subsequent site inspections which occurred on October 25, 2023, and November 16, 2023. Most recently, Staff inspected Highland on December 20,³2023³ to DESRI on December 26, 2023. Soil preservation was the most prominent issue addressed in the Compliance Request. Staff requested satisfactory action be taken to stabilize bare soil and protect soil integrity by no later than January 05, 2024. Staff received Highland’s response on January 05, 2024. Based on Staff’s review of the information and in response to continuing stabilization concerns, Staff directed that Highland take further remedial actions. On January 18, 2024, Staff received a complaint received through OEPA’s online complaint tracker stating that all project accesses on Gath North Road, Edwards Road, New Market Road, and SR 138 have mud, dirt, gravel, and debris tracking onto the road. This complaint is currently being investigated by Staff.

Over the past 6 months, Staff and Highland have collaborated to successfully remedy a variety of compliance issues. These issues include invasive weed mitigation, truck routing, construction waste management, and document and data submittals. However, Staff is not currently satisfied with Highland’s response on January 05, 2024, to Staff’s most recent Compliance Request due to continuing

¹ The Rainwater and Land Development manual defines Ohio's standards and specifications for stormwater management practices implemented during land development and is incorporated into construction compliance through certificate conditions 1 and 8.
² Off-road traffic refers to construction traffic that travels anywhere other than directly on top of stabilized access roads. Excessive amounts de-vegetate and compact the soil. De-vegetated soil is prone to erosion and compacted soil impedes stormwater infiltration and vegetative growth.
³ A Compliance Request is a document which details Staff’s compliance expectations for a project not responding in an adequate capacity to Staff’s previous, less formal correspondence.

soil preservation and surface water management concerns. Therefore, Staff is providing recommendations intended to assist Highland with achieving compliance.

Findings and Recommendations

- Highland submitted evidence to Staff of mulching applied to two bare, inactive areas. In comparing this evidence to the dozens of acres of bare areas onsite which were not stabilized, a substantial increase in resources devoted to mulching bare areas is needed to achieve compliance with the Storm Water Pollution Prevention Plan in an acceptable timeframe. According to the RLD Manual, mulch should be used liberally throughout construction to limit the areas that are bare and susceptible to erosion. Further, where straw mulch is applied, crimping the straw is suggested on gentle slopes that are less than 2:1 and in areas of higher flow rates but less than 3.5 feet/second. Straw mulch should not be used on steep slopes or higher flow rate areas as it will just wash away. On flat areas straw can be “punched” into the soil. This can be accomplished by track walking or rollers. It is not necessary to crimp all areas where straw is applied. Moisture will also assist with keeping straw in place. Staff expects to see near 100% coverage of bare areas with mulch in accordance with these standards within 4 weeks of Highland receiving this notification. The expectation is that this mulching activity will take place when site conditions are conducive for doing so, and that no construction activities occur in these bare areas until stabilization is achieved. Staff also requests evidence that all areas utilized as off-road shortcuts have been restricted from further through traffic, and detail what is being communicated to the labor staff to achieve this.
- Highland did not respond to Staff’s request to relocate construction materials stored⁴ on un-stabilized ground as well as vegetated ground. Construction materials stored in this manner for extended periods prevent vegetative growth, obstruct soil stabilization efforts, and encourage off-road travel. All dumpsters identified as being located on un-stabilized surfaces must be relocated to stabilized areas that include a stable route leading to and from the dumpsters. Staff expects these materials and dumpsters to be relocated to stabilized storage areas within 4 weeks of receiving this notification. This request does not include skids containing modules positioned for installation or materials about to be installed that are staged at the end of rows.
- Restricting off-road travel in accordance with the RLD Manual, maintaining access roads in accordance with the Civil Plans, regularly rehabilitating egress rip rap zones in accordance with the SWPPP and Civil Plans, stabilizing bare soil areas in accordance with the SWPPP and RLD Manual, and sweeping entrances when needed in accordance with the SWPPP are all necessary to prevent hazardous conditions for the traveling public in the vicinity of the project. Staff expects all these requirements to be in place and in good working order within 4 weeks of receiving this notification.
- Highland submitted photos of new remediation efforts as supporting evidence in the response to Staff’s Compliance Request. While 10 photos were submitted, only 4 had the date and location stamps. Staff cannot rely on photos for compliance purposes that do not contain these stamps. Staff requests photos evidencing remedial work to be stamped with the date and degree decimal locations.
- Highland shall (1) maintain a record of its temporary and permanent soil stabilization work in a weekly monitoring report and (2) maintain a Weekly Straw Mulch Stabilization Log.

⁴ Stored construction materials are idle items which have no immediate intention of being used or are not strategically placed with the express intent of reducing the occurrence of de-vegetation.

Staff expects Highland to resolve all the above-listed requests by no later than 4:00pm Friday, February 20, 2024. Additionally, Staff requests all compliance communications pertaining to this C.I. report be filed to the public docket.

Eric Morrison

Public Utilities Commission of Ohio
Power Siting Department
Field Compliance Investigator

Attachment(s)

CC:

Photo 1: Example of material improperly stored in the middle of an un-stabilized area.

Photo 2: An example of an un-stabilized, inactive area. Improperly stored material visible on the left. Stored material and dumpster located on un-stabilized ground in the background.

Photo3: Dumpsters and material stored on un-stabilized ground.

Photo 4: Example of a heavily traveled off-road shortcut.

Thomas Lindgren, Ohio Attorney General's Office
Nicholas Walstra, Attorney Examiner
Sean Gorey, DESRI
Michael Settineri, Vorys
Daniel Hoit, OPEA

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Photo3: Dumpsters and material stored on un-stabilized ground.



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Case No(s). 18-1334-EL-BGN

Summary: Report detailing Compliance Inquiry CI24-18-1334-001 with regard to Hecate Energy Highland LLC solar project. electronically filed by Eric R. Morrison on behalf of OPSB Staff.