

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF HARDIN SOLAR ENERGY III LLC FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 20-1678-EL-BGN

ENTRY

Entered in the Journal on January 25, 2024

{¶ 1} Hardin Solar Energy III LLC (Hardin Solar) is a person as defined in R.C. 4906.01.

{¶ 2} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 3} On September 16, 2021, the Board granted the application filed by Hardin Solar for a certificate to construct a 300 megawatt (MW) solar-powered electric generation facility in Hardin County, Ohio, subject to 33 conditions. Accordingly, Hardin Solar is certified to construct, operate, and maintain a major utility facility.

{¶ 4} On September 18, 2023, Jimmie and Susan Lightner (the Lightners or Complainants) filed a complaint and request for relief.¹ In the filing, the Lightners allege that Hardin Solar violated the conditions for approval and other requirements. Namely, Complainants state that Hardin Solar improperly graded the solar fields, which has caused uncontrolled stormwater runoff on Complainants' land. Further, the Lightners allege that the runoff has damaged the habitat of the endangered blue-spotted salamander. Complainants also state that uncontrolled dust has blown onto their house and land, and

¹ This complaint was filed in the public comment section of the case record, as requested in the document.

lime from the construction blew into their pond and killed numerous fish valued at more than \$100,000. The Lightners also attached numerous pictures and videos to support their allegations.² Complainants request that the Board suspend construction of the facility until the violations have been cured.

{¶ 5} On October 31, 2023, Hardin Solar filed a response to the Lightners' complaint. In its response, Hardin Solar states that the Ohio Environmental Protection Agency has jurisdiction over claims regarding the stormwater permit. Hardin Solar also states that the water flow pattern has not changed as alleged, and the grading has been consistent with what was contemplated in the application. Hardin Solar also states that it is actively seeking resolution with a neighbor who has blocked construction of the sediment basin. Furthermore, Hardin Solar attests that it had no prior knowledge of the blue-spotted salamander and notes that the species has not been seen in the project area.

{¶ 6} On November 13, 2023, the Lightners filed additional comments.

{¶ 7} At this time, the administrative law judge (ALJ) finds it appropriate to schedule a status conference to commence at 10:00 a.m. on March 19, 2024, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 8} If a settlement is reached prior to the status conference, the parties should file a letter informing the ALJs of the settlement so that the status conference may be cancelled.

{¶ 9} It is, therefore,

² These files were uploaded in the case documents section on October 4, 2023.

{¶ 10} ORDERED, That a status conference be scheduled in accordance with Paragraph 7. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Administrative Law Judge

GNS/dr

**This foregoing document was electronically filed with the Public Utilities
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1/25/2024 3:01:03 PM

in

Case No(s). 20-1678-EL-BGN

Summary: Administrative Law Judge Entry scheduling a status conference to commence at 10:00 a.m. on March 19, 2024, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215 electronically filed by Debbie S. Ryan on behalf of Jacky Werman St. John, Administrative Law Judge, Ohio Power Siting Board.