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Date of Hearing:

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Case No.

09-277-EL-BGN

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PUCO Case Caption:

JW Great Lakes Wind, LLC

List of exhibits being filed:

- Written statement from public hearing
- Sign-up sheet

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Reporter's Signature:

Maria Di Paolo Jones

Date Submitted:

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BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the
Application of JW Great :
Lakes Wind, LLC for a :
Certificate to Construct : Case No. 09-277-EL-BGN
a Wind Powered Electric :
Generation Facility in :
Hardin County, Ohio. :

- - -

PROCEEDINGS

before Ms. Christine Pirik, Administrative Law Judge,
at the Ada Depot, 112 Central Avenue, Ada, Ohio,
called at 6:00 p.m. on Wednesday, January 27, 2010.

- - -

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- - -

Public Hearing

JW GREAT LAKES LLC/HARDIN NORTH PROJECT

Case No: 09-277-EL-BGN

Public Hearing Testimony

Meeting Date: January 27, 2010

Name (Please Print)

Address

Michael Smith

1040 W. Franklin St Kenton, OH 43326

RUSSELL LUDWIG

07865 R68 DUNKIRK OH 45836

JOHN HOTTW

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Steve Poling

2514 CR 75 Ada

Bernadette Poling

Melinda Swartz

4105 Albor Rd., Monroevue OH

HARDIN COUNTY ENGINEER'S OFFICE
WRITTEN TESTIMONY
BEFORE THE OHIO POWER SITING BOARD

Local Public Hearing January 27, 2010, at 6:00 p.m., at the Ada Depot, 112 Central
Avenue, Ada, Ohio 45810

Good Evening. My name is Mike Smith and I am the Hardin County Engineer and am here representing the Engineers Office.

I am here tonight to voice my opinion neither in favor nor against the proposed wind farm but to make the board aware of road issues that would need to be addressed prior to certification of JW Great Lakes Wind, LLC Hardin County North Wind Farm.

I would like to start out by saying that JW Great Lakes Wind, LLC has been very cooperative and forth coming. We have met with representatives of their company on many occasions, the first being almost a year ago. Having said this I feel like we have made some positive progress with them and they have verbally agreed to comply with our regulations.

As part of Hardin County's roadway permit process we are requiring JW Great Lakes Wind, LLC or any other developer to determine the load capacity that will be required to accommodate any increased traffic by the proposed improvement on any county or township road that will be affected. They will then be required to core the existing pavement at intervals determined by their consultant and approved by The County Engineers Office to determine the existing load capacity. If the existing load capacity is less than the required load capacity the company must determine appropriate mitigations to be carried out by them and approved by this office. This is all to be done prior to construction. Failure to do so will result with no overload permits issued.

This issue was addressed by JW Great Lakes Wind LLC in their original application ¹ to the board and they stated "The applicant will work with the County to determine the existing capacity of the pavement to support loads and perform surveys where necessary. If the capacity does not equal the anticipated actual loads, the applicant will work with the county to upgrade the roads as necessary." Mention was also made in the Minimum Adverse Environmental Impact ² consideration in the Staff Report of Investigation that was released on January 12, 2010. It was stated that "The applicant, working with the Hardin County Engineer, will prepare analyses that show where the existing pavement and bridges on the county and township roads along the selected delivery routes have the capacity to support any permit loads, or loads heavier than the state legal loads. The

¹ Application of JW Great Lakes Wind LLC for a certificate to site a wind-powered electric generation facility in Hardin County, OH filed by Richard A.Zachariason.

² Staff Report of Investigation Hardin County North Wind Farm Case Number 09-0277-EL-BGN page 25

Applicant should obtain roadway pavement cores and perform an engineering analysis to determine the allowable load capacity of the roads and bridges, and to determine the required road and bridge capacity based on the permit loads. This analysis will have to be approved by the County and/or the Ohio Department of Transportation." No action plan was discussed though as to what would be done if the existing road capacity was less than the proposed capacity. The OPSB Staff Report went on to state in their recommended conditions³ of the certificate that the applicant was to comply with all of the requirements of the Hardin County Engineer on repairing damage to any roads and/or bridges caused by construction activity and to post a surety bond if an agreement cannot be reached to cover damages and repair impacted roads following construction. The staff report recommended conditions of certificate failed to mention any required actions if the roads did not meet the required load capacities. We would like for the staff to amend their Conditions of Certificate specifically Item # 22 to reflect the applicants intentions and our recommendations. We would also recommend that the OPSB staff amend their Conditions of Certificate to include similar language for decommissioning. If this issue is not resolved prior to construction no over sized load permits will be issued for county roads.

The County appreciates that the OPSB staff has recommended a surety bond for the Applicant. However in the staff report there is no recommendation on how to establish surety bond values. The County feels it is necessary to not only require a surety bond but to determine an accurate surety bond value prior to certification.

We are also requiring that the applicant submit engineered plans and request a permit for any modifications that will be made on ditches under county maintenance. The County maintains all County Ditch records and the Applicant can request information pertaining to any affected ditches.

The County looks forward to continuing our relationship with JW Great Lakes Wind LLC into the future. Thank you for your time and I will continue to make the County available to OPSB staff and JW Great Lakes Wind LLC in the future.

³ Staff Report of Investigation Hardin County North Wind Farm Case Number 09-0277-EL-BGN page 51