

FILE

HOAGLIN TOWNSHIP TRUSTEES

4

Sally Snyder, Fiscal Officer

TRUSTEES

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MILO SCHAFFNER, JR.
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Phone-419-587-3562

Friday, June 22, 2012

Re: Case Number 09-1066-EL-BGN

RECEIVED-DOCKETING DIV
2012 JUN 27 PM 2:07
PUCO

Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215-3793

Van Wert County Engineer Kyle Wendel and Hoaglin Township Trustees agree, Iberdrola has yet to comply with ORC 5727.75 (F) 4, and condition 41 (c) of the stipulation agreement.

Enclosed you will find two letters, one from Chairman of the Ohio Power Siting Board, Todd Snitchier to Van Wert County Engineer Kyle Wendel, the second from Kyle Wendel to the Hoaglin Township Trustees.

Mr. Todd Snitchler's letter quotes condition 41 of the stipulation agreement. 41(c) "An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction." Mr. Snitchler wrote and We quote " To meet your professional standards, the Board expects the Applicant to cooperate fully with your office to ensure compliance with condition 41 and the road use agreement for the life of the project."

Mr. Wendel's letter states Iberdrola has refused to repair Hoaglin Township roads to Mr. Wendel's professional standards.

Mr. Litchfield in a letter to the OPSB on August 12, 2010 states, " Furthermore, Condition 41 in the Joint Stipulation filed with the OPSB specifically requires the Company to repair damage to public roads and bridges that occurs during construction. More specifically, this condition requires the Company to: comply with all of the requirements of the county engineers on upgrading and/or repairing damage to roads and bridges caused by construction activity. Any roads and bridges that are not adequate for construction traffic must be improved to handle those loads. Any damage will be repaired promptly to its pre-construction state by the Applicant, under the guidance of the appropriate regulatory agency. Any temporary improvements will be removed unless the county engineer(s) request that they remain. The Applicant will provide financial assurance to the counties that it will restore the public roads it uses to their preconstruction

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Technician *ja* Date Processed JUN 27 2012

condition. The Applicant will, in conjunction with the County Engineers, develop a compliance strategy that will contain three main components: (a) A pre-construction survey of the conditions of the roads; (b) A post-construction survey of the condition of the roads; (c) An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction.

This condition only reinforces the Company's commitment to restoring public roads to their pre-construction condition. Furthermore, in addition to the condition which the Company agreed to and will be held to for compliance purposes, a new law (commonly known as Senate Bill 232), effective June 18, 2010, created Ohio Revised Code Section

5727.75. Pertinent to your concerns, paragraph (FX4) of that section states that owners of wind farms such as ours shall

repair all roads, bridges and culverts affected by construction as reasonably required to restore them to their preconstruction conditions, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges and culverts.

With the passage of Section 5727.75, the Company now has a statutory obligation to restore roads."

These are Mr. Litchfield's words that he used to prevent Hoaglin Township from intervening. Those words were to assure not only Hoaglin Township but the OPSB that Iberdrola would abide by the ORC and the stipulation agreement.

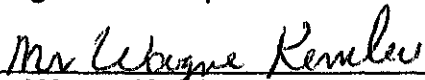
Why does Iberdrola now refuse to repair Hoaglin Township roads when Mr. Litchfield in his letter to the OPSB has acknowledged they must return the roads to preconstruction condition?

Mr. Kyle Wendel Van Wert County Engineer's letter makes it very clear what is required to fulfill 5727.75(F)4, and section c of condition 41.

We respectfully ask for the Ohio Power Siting Board require Iberdrola to repair Hoaglin Township roads to preconstruction condition as required by stipulation 41 and ORC 5727.75.

Regards,

Hoaglin Township Trustees


Mr. Wayne Keyner


Mr. Al Osting


Mr. Milo Schaffner

cc: Kyle Wendel, Van Wert County Engineer
John Jones, OPSB Attorney
John R. Kasich, Governor

FILE

Ohio

Power Siting Board

John R. Kasich, Governor
Todd A. Snitchler, Chairman

RECEIVED-DOCKETING DIV

2012 APR 19 PM 3:44

PUCO

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April 19, 2012

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Jay Doyal
Ohio House of Representatives

Shannon Jones
Ohio Senate

Tom Sawyer
Ohio Senate

Kyle J. Wendel
Van Wert County Engineer
220 South Market Street
Van Wert, Ohio 45891

Re: Blue Creek Wind, LLC
Wind-Powered Electric Generation Facility
Case No. 09-1066-EL-BGN

Dear Mr. Wendel,

Thank you for contacting the Ohio Power Siting Board (Board) regarding Blue Creek Wind, LLC's wind farm located in Van Wert and Paulding counties, Ohio.

I appreciate your concerns regarding impacts of heavy construction equipment to roadways under your authority. I understand that you and Blue Creek Wind, LLC (Applicant) entered into a road use agreement to address these issues. The Board approved Condition 41 as part of the certificate that obligates the Applicant to work closely with your office regarding road repair. Condition 41 reads as follows:

That the Applicant comply with all of the requirements of the county engineers on upgrading and/or repairing damage to roads and bridges caused by construction activity. Any roads and bridges that are not adequate for construction traffic must be improved to handle those loads. Any damage will be repaired promptly to its pre-construction state by the Applicant, under the guidance of the appropriate regulatory agency. Any temporary improvements will be removed unless the county engineer(s) request that they remain. The Applicant will provide financial assurance to the counties that it will restore the public roads it uses to their pre-construction condition. The Applicant will, in conjunction with the County Engineers, develop a compliance strategy that will contain three main components:

- (a) A pre-construction survey of the conditions of the roads.
- (b) A post-construction survey of the condition of the roads.
- (c) An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction.

To meet your professional standards, the Board expects the Applicant to cooperate fully with your office to ensure compliance with Condition 41 and the road use agreement for the life of the project. Unless the Applicant has not met the condition above, the Board does not have a role in road impact complaint resolution.

Again, the Board thanks you for the opportunity to provide clarification on its role in enforcing this condition.

Sincerely,


Todd A. Snitchler
Chairman

180 East Broad Street
Columbus, Ohio 43216-3793

(606) 270-6772
www.OPSB.ohio.gov

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220 South Market Street
Van Wert, Ohio 45891
PH: (419) 238-0210
FAX: (419) 238-6372

June 6, 2012

Hoaglin Township Trustees
3975 Hoaglin Center Road
Van Wert, OH
45891

RE: Iberdrola Post-construction Repairs

Dear Trustees,

The following is a summary of work done for post construction repairs, as well as the current status from the Blue Creek Wind Farm Project within Hoaglin Township.

Feasby Wisener, Fife, and Rumble roads had pre construction overlays performed. At post construction, repairs were needed where the roads suffered damage from heavy traffic. At these locations, Shelly Company was contracted by the developer to mill out the damaged areas, and then apply hot mix patches.

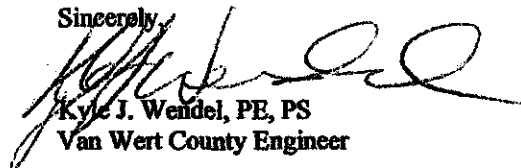
After discussion, both the Township Trustees and the County Engineer agree that the condition of the road surfaces where patching occurred do not provide the same quality of ride as before construction began. Because of this, it was requested of Iberdrola to provide an asphalt overlay covering Fife road from US 127 to Rumble (1mi), Feasby Wisener road from US 127 to Rumble (1mi), and Rumble road from Feasby Wisener to Wetzel (1mi). Asphalt was also requested on Fife road east to T-E9 (approx. ¼ mile) to cover patches in that section.

After the request for this work was made to Iberdrola, they agreed to work with Shelly Company, the paving contractor, to pave the Rumble road section due to poor asphalt conditions at the time of the pre-construction overlay. The sections in question on Fife and Feasby Wisener roads were denied for post-construction overlay as the developer felt that the repairs made were adequate.

Iberdrola also performed improvements to their operations and maintenance facility on Fife road. Since the property was located in a relatively low elevation area, the developer brought in large amounts of fill material to alleviate flooding problems on their site. At the time, the Trustees, along with the County Engineer spoke with the developer about drainage improvements, namely a tile installation along Fife road to the Maddox Creek. The developer has since decided to grade and shape the ground to provide relief in the form of drainage swales to re-route the water away from the road and outlet in a different location. Iberdrola has stated that this work is not yet complete, but is scheduled.

These requests for additional work to Iberdrola were made on May 15, 2012

Sincerely,



Kyle J. Wendel, PE, PS
Van Wert County Engineer