

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Hillcrest Solar I, LLC for a Certificate)	
of Environmental Compatibility and)	
Public Need Issued to Construct an)	Case No. 17-1152-EL-BGN
Electric Generation Facility in Green)	
Township, Brown County, Ohio)	

MOTION FOR WAIVERS

Pursuant to Section 4906.06(A)(6), Revised Code and Rule 4906-3-01 of the Ohio Administrative Code, Hillcrest Solar I, LLC (“Hillcrest”) moves the Ohio Power Siting Board (“the Board”) to grant certain waivers from Chapter 4906-4 of the Ohio Administrative Code. Hillcrest will be filing an application to construct the Hillcrest Solar Farm electric generation facility (the “Facility”), a new solar powered generating facility to be located in Green Township, Brown County, Ohio. Although the application is being filed in accordance with Chapter 4906-4 of the Ohio Administrative Code, Hillcrest seeks waivers in part, from Rule 4906-4-08(A)(1)(c) (manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks), Rule 4906-4-08(A)(5)(c) (description of its plan for test borings, including appropriate closure plans) and, to the extent necessary, Rule 4906-4-08(D)(2) (reduced study area regarding the impact on landmarks). A memorandum in support of the requested waivers is attached hereto.

WHEREFORE, Hillcrest Solar I, LLC respectfully requests that the Board grant waivers in part or in whole from Rule 4906-4-08(A)(1)(c), Rule 4906-4-08(A)(5)(c) and, to the extent necessary, Rule 4906-4-08(D)(2) of the Ohio Administrative Code.

Respectfully submitted,

/s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Hillcrest Solar I, LLC (“Hillcrest”) is proposing to construct a 125 MW solar powered electric generating facility in Brown County, Ohio (the “Facility”). In support of its application to construct the Facility, Hillcrest is seeking the following waivers from the Board’s rules: (1) a waiver from Rule 4906-4-08(A)(1)(c) to allow Hillcrest to provide manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks to the Board’s Staff as part of the final construction plans for the project as opposed to being a part of the application; (2) a waiver from Rule 4906-4-08(A)(5)(c) to allow Hillcrest to submit a description of its plan for test borings, including appropriate closure plans, to the Board’s Staff no more than thirty (30) days prior to the commencement of the field work and after the project layout has been finalized as opposed to being a part of the application; and (3) to the extent necessary, a waiver from Rule 4906-4-08(d)(2) with respect to a reduced study area regarding the impact on landmarks outside of the two mile radius of the project.

As more fully explained below, good cause exists to grant the waivers. Moreover, Hillcrest’s application will provide all information necessary for the Board and its Staff to conduct a review and make the determinations required by Section 4906.10, Revised Code.

II. REQUESTED WAIVERS

A. Rules 4906-4-08(A)(1)(c) of the Ohio Administrative Code (Manufacturer’s Safety Manual or Similar Document and any Recommended Setbacks from the Manufacturer)

Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code provides that the applicant shall provide information on the safety and reliability of all equipment including the generation

equipment manufacturer's safety standards including a complete copy of the manufacturer's safety manual or similar document and any recommended setbacks from the manufacturer.

The nature of the project (a solar farm) and timing of panel model selection warrant a waiver. Hillcrest will not select the final panel model until after final engineering of the project is complete. Also, the reliability of the solar panels themselves are highly unlikely to present any safety concerns, and the general public will not be exposed to the components of this project because except for access roads, they all will be either securely fenced or buried. Once the specific panel model and manufacturer is selected, Hillcrest will provide the Board's Staff with the manufacturer's safety standards, including complete copies of its safety manuals or similar documents as part of the final construction plans for this project. Hillcrest also will identify specific setbacks recommended by the manufacturer (if any) once the manufacturer and specific panel model have been selected.

Accordingly, for good cause shown, Hillcrest respectfully requests that the Board grant a waiver from Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code and allow Hillcrest to provide the manufacturer's safety manual or similar documents and any manufacturer's recommended setbacks to the Board's Staff as part of the final construction plans for the project as opposed to being a part of the application.

B. Rule 4906-4-08(A)(5)(c) of the Ohio Administrative Code (Test Borings, Including Closure Plans for such Borings)

Rule 4906-4-08(A)(5)(c) requires the applicant to describe plans for test borings, including closure plans for such borings. Such plans for the test borings are to contain a timeline for providing the test boring logs and certain information to the Board including subsurface soil properties, static water level, rock quality description, percent recovery and depth and description of bedrock contact.

Hillcrest requests this waiver given that the panel layout will not be complete until final engineering drawings are developed and also given the nature of the project (a solar farm). Hillcrest expects that equipment will use the subsurface only to a very limited degree because its subsurface impact will be very shallow and bedrock is not expected to be encountered. Racking piles are expected to reach at most a depth of eight (8) feet below the surface and the AC Collector System and DC Collector System is expected to be installed at a maximum depth of four (4) feet below grade. The available site geology information estimates the depth to bedrock throughout the project area to range from between approximately thirty-eight (38) to one hundred and nine (109) feet below the surface. No feature of the project will be constructed at a depth of more than ten (10) feet, and the vast majority of features consist of solar panels.

Moreover, Hillcrest expects to conduct only limited test borings in connection with the construction of this project. If the waiver is approved, Hillcrest will provide its plan for such borings, including appropriate closure plans, to the Board's Staff no more than thirty (30) days prior to the commencement of the field work and after the project layout has been finalized. Within sixty (60) days following the receipt of all relevant data from the borings, Hillcrest will provide the Board's Staff with all of the information as required by the plan, including subsurface soil properties, status water level, rock quality description, percent recovery, and depth and description of bedrock contact.

Hillcrest respectfully requests a waiver from Rule 4906-4-08(A)(5)(c) of the Ohio Administration Code and requests that such plans for the test borings, including closure plans for such borings, be allowed to be submitted to the Board's Staff no more than thirty (30) days prior to the commencement of the field work as opposed to being a part of this application. Good cause exists for granting this waiver.

C. **Rule 4906-4-08(D)(2) of the Ohio Administrative Code (Study Area Regarding the Impact on Landmarks)**

Rule 4906-4-08(D)(2) requires the applicant to provide an evaluation of the impact of the proposed facility on the preservation and continued meaningfulness of mapped landmarks and describe plans to avoid or mitigate any adverse impact. Hillcrest has evaluated the impact of the project on the preservation and continued meaningfulness of the registered landmarks within the vicinity of the project area in Section 2.3 of the Cultural Resources Report (Exhibit I). As part of its review and because of the project's low profile, as well as screening afforded by vegetation and existing structures, visibility of the planned components is anticipated to be limited to the immediate vicinity of the project. The Cultural Resources Report provides information on the lack of impact to landmarks within a five-mile radius, but also notes that due to the nature of the technology and the setting specific to the project, the effects on landmarks outside of the immediate project area were studied and considered within a two-mile radius of the project (because no effects are anticipated on landmarks outside of that two-mile radius).

To the extent a waiver is deemed necessary, Hillcrest submits that good cause exists for granting a waiver from Rule 4906-4-08(D)(2) to allow for the focused two-mile study area and review of landmark effects in that area. Again, impacts are not anticipated to landmarks, both within and beyond the two-mile study area. However, because Hillcrest focused its formal study on the two-mile study area, Hillcrest respectfully requests a waiver from Rule 4906-4-08(D)(2) to allow for the focused two-mile study area rather than on the five-mile study area.

III. CONCLUSION

As good cause exists for granting the waivers, Hillcrest respectfully requests that the Board grant waivers in part or in whole from Rules 4906-4-08(A)(1)(c), 4906-4-08(A)(5)(c) and, to the extent necessary, from 4906-4-08(D)(2) of the Ohio Administrative Code.

Respectfully submitted,

/s/ Michael J. Settineri

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Summary: Motion for Waivers electronically filed by Mr. Michael J. Settineri on behalf of Hillcrest Solar I, LLC