

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
HARDIN WIND LLC FOR A CERTIFICATE
TO CONSTRUCT A WIND-POWERED
ELECTRIC GENERATION FACILITY IN
HARDIN AND LOGAN COUNTIES, OHIO.

CASE NO. 13-1177-EL-BGN

ENTRY

Entered in the Journal on March 8, 2019

{¶ 1} On March 17, 2014, the Ohio Power Siting Board (Board) issued its Opinion, Order, and Certificate granting the application of Hardin Wind LLC (Hardin or Applicant) for a certificate to construct a wind-powered electric generating facility (Facility) in Hardin and Logan counties, Ohio in Case No. 13-1177-EL-BGN. The Facility as originally certificated was authorized for 172 turbines and up to 82 miles of underground collection lines in support of the turbines. Through subsequent applications, the Facility is currently authorized for the construction of 105 turbines.

{¶ 2} On February 15, 2019, Applicant filed a modification to the Facility pursuant to Ohio Adm.Code 4906-4-09(A)(5)(c). The modification being proposed by the Applicant would reduce the number of collection lines by approximately 36.8 miles and would reduce overall temporary disturbance during collection line installation by approximately 111.6 acres from what was originally certificated in Case No. 13-1177-EL-BGN. In addition, to the extent practicable, underground collection routes have been shifted away from non-participating residential homes. In summary, Hardin states that given the overall improvement in collection line design and significantly reduced impacts, the design changes associated with this modification are minimal in nature and have been adequately addressed by the conditions of the certificate.

{¶ 3} Ohio Adm.Code 4906-4-09(A)(5) states that an applicant may seek review of a proposed modification by filing the proposed modification in the public docket of the certificate case and providing written notice of such filing to Board Staff and all landowners

immediately adjacent to the site of the proposed modification(s). Board Staff or interested persons may file objections to the applicant's proposal within 21 days; however, if no objections are filed within the 21-day time frame, the applicant may proceed with the proposed modification(s). If objections are filed, Board Staff may subsequently docket its recommendation on the proposed modification(s). The Board will process proposed modification(s) under the suspension process set forth for accelerated applications pursuant to Ohio Adm.Code 4906-6-09.

{¶ 4} On March 6, 2019, a petition to intervene and objection to the notice of modification was filed by residents of Hardin and Logan counties, Ohio. Petitioners assert that they reside and/or own property within or near the footprint of the Facility. Petitioners' objections to the proposed modification(s) include that the relocation of collector lines constitutes a substantial change in the Facility and, therefore, constitutes an amendment of Hardin's certificate that now implicates the setback requirements of Amended Substitute House Bill 483 for wind turbines effective September 15, 2014.

{¶ 5} Pursuant to Ohio Adm.Code 4906-6-09, the administrative law judge determines that the modification filed by Hardin on February 15, 2019, should be suspended to permit the Board to weigh in on the modification request, as well as the petition to intervene and objections filed by petitioners. The Board will act to approve, modify, or deny the modification request within 90 days after suspension.

{¶ 6} Memoranda contra and replies to memoranda contra will be processed under the time frames established pursuant to Ohio Adm.Code 4906-2-27.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Hardin's February 15, 2019 modification be suspended in accordance with Paragraph 5. It is, further,

{¶ 9} ORDERED, That this matter proceed under the process requirements identified in Paragraph 6. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

SJP/mef

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in

Case No(s). 13-1177-EL-BGN

Summary: Administrative Law Judge Entry suspending the modification for further consideration electronically filed by Ms. Mary E Fischer on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board