

OHIO POWER SITING BOARD

IN THE MATTER OF THE OHIO POWER
SITING BOARD'S CONSIDERATION OF
OHIO ADM.CODE CHAPTER 4906-4.

CASE NO. 19-778-GE-BRO

ENTRY

Entered in the Journal on April 4, 2019

{¶ 1} In light of recent weather-related incidents involving wind turbines, the Ohio Power Siting Board (Board), through an administrative law judge (ALJ) Entry issued March 29, 2019, initiated this rulemaking proceeding in order to investigate whether to adopt a rule requiring turbine operators to report incidents to the Board. Additionally, the Board is seeking comment on a proposed revision to its rules to make explicit that economically significant wind farms and major utility facilities consisting of wind-powered generation adhere to local building codes.

{¶ 2} Pursuant to the March 29, 2019 Entry, a workshop was scheduled to take place on April 9, 2019. In order to provide interested persons more time to prepare and to better focus the comments for discussion at the workshop, the ALJ now finds that the workshop should be rescheduled as discussed further below.

{¶ 3} The Board has jurisdiction to issue certificates for construction of major utility facilities or economically significant wind farms, and to ensure that such facilities are constructed, operated, and maintained in compliance with the certificate obtained. R.C. 4906.20(A), 4906.98(A)-(B). Ultimately, the Board sets forth certificated conditions directed at, among other things, ensuring the safe operation of major utility facilities.

{¶ 4} This rulemaking is designed, in part, to consider the adoption of a rule that provides, for public safety purposes, the Board, Board Staff, the public, and local responders with timely access to data regarding incidents, which may include blade shear or service failures that result in a shut down of wind turbine facilities. Along those lines, the Board sets forth the following topics to assist interested stakeholders in discussion; however, the Board welcomes all public comment on this matter:

- a. Should notice procedures similar to the requirements for gas pipeline safety incidents as found in Ohio Adm.Code 4901:1-16-05 and 49 C.F.R. 191.5 be adopted?
- b. What types of incidents should be reported?
- c. At what intervals should the reporting occur and to whom?
- d. What content should be required to be reported? For example:
 - the cause of the incident,
 - the time the incident occurred and when it was discovered,
 - if the incident involves a turbine, the distance between debris and the wind turbine base,
 - if the incident involves a turbine, the distance between debris to the habitable structures and property lines,
 - requirements for submission of photographs,
 - a narrative description of the incident and actions taken by the wind farm operator, including a timeline of events,
 - what, if any, damage occurred to the other wind farm facilities,
 - what steps were necessary to repair, rebuild, or replace damage to the wind farm facilities,
 - what, if any, property damage or personal harm occurred due to the incident,
 - what, if any, steps were, or will be, taken to prevent future incidents.
- e. What should trigger notification to local law enforcement, first responders, or local officials?
- f. To what extent can local officials or citizens be of assistance in identifying incidents?
- g. Should ongoing preventative maintenance of wind farm facilities be reported to the Board?
- h. What measures should be taken before the wind farm operator or owner may restart the turbine or affected turbines impacted by the incident?
- i. What types of incidents would more broadly require investigations by the Board?

{¶ 5} Accordingly, a transcribed workshop should be scheduled for Tuesday, April 30, 2019, at 10:00 a.m., 11th Floor, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-B, Columbus, Ohio, regarding how incident reporting and incident remediation should be addressed by the rules, as well as making explicit that economically significant wind farms and major utility facilities consisting of wind-powered generation adhere to local building codes. All persons wanting to participate in the workshop should register at the lobby desk and then proceed to the 11th floor. The workshop is intended as an opportunity for Staff to receive feedback from interested stakeholders before it issues the draft rules and opens them up for formal comment. Any interested stakeholder that cannot or does not choose to participate in the workshop may file formal comments with the Board once the draft rules and draft rule amendments have been issued.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That, in accordance with Paragraph 5, a workshop be scheduled for April 30, 2019. It is, further,

{¶ 8} ORDERED, That notice of this Entry be served upon the persons filing comments in Case No. 16-1109-GE-BRO, Greenwich Neighbors United, the county commissioners of Champaign, Crawford, Cuyahoga, Erie, Hardin, Huron, Logan, Paulding, Richland, Seneca, and Van Wert counties, Ohio Environmental Council and Ohio Environmental Defense Fund, Seneca County Park District, and parties of record in Case Nos. 18-488-EL-BGN, 17-2295-EL-BGN, 16-1871-EL-BGN, and 18-1607-EL-BGN.

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

SJP/mef

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Case No(s). 19-0778-GE-BRO

Summary: Administrative Law Judge Entry rescheduling the workshop for 4/30/19 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board