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BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of)
of Angelina Solar I, LLC, for a)
Certificate of Environmental) Case No. 18-1579-EL-BGN
Compatibility and Public Need)

**SUPPLEMENTAL DIRECT TESTIMONY OF RACHAEL VONDERHAAR
ON BEHALF OF THE CONCERNED CITIZENS OF PREBLE COUNTY,
LLC, ROBERT BLACK, MARJA BRANDLY, CAMPBELL BRANDLY
FARMS, LLC, MICHAEL IRWIN, KEVIN AND TINA JACKSON,
VONDERHAAR FAMILY ARC, LLC, AND VONDERHAAR FARMS INC.**

Q.1. Please state your name.

A.1. Rachael Vonderhaar.

Q.2. On whose behalf are you offering this supplemental testimony?

Q.2. I am offering testimony on behalf of the Concerned Citizens of Preble County, LLC
("CCPC"), Robert Black, Marja Brandly, Campbell Brandly Farms, LLC, Michael Irwin,
Kevin and Tina Jackson, Vonderhaar Family ARC, LLC, and Vonderhaar Farms Inc.
Throughout my testimony, I will refer to these intervenors collectively as the "Concerned
Citizens."

Q.3. Have you reviewed the Stipulation filed in this case?

A.3. Yes.

**Q.4. Does the Stipulation adequately address the concerns that the Concerned Citizens
have expressed in their initial direct testimony about the Project?**

A.4. No, it has not even attempted to address in any manner most of the concerns we
expressed in our testimony. Even where the Stipulation provided conditions related to
some of our concerns, it only partially addressed the problems we identified:

1 **Q.5. Does the Stipulation satisfactorily address your concerns about noxious and invasive**
2 **plant species?**

3 A.5. No. The Stipulation does not sufficiently compensate for the Application’s failure to
4 protect against noxious and invasive plant species. The Stipulation only requires the
5 Applicant to consult with the Ohio Seed Improvement Association regarding reputable
6 vendors of seed stock and to purchase seed stock from such recommended sources to the
7 extent practicable and to the extent seed stock is available from such vendor(s). The
8 Stipulation does not identify any actions that will be taken to prevent the growth of
9 noxious and invasive plants from the Project Area or to remove these plants if they take
10 root there, but only requires the Applicant to submit a plan for such actions in the future.

11 **Q.6. Does proposed Condition 16 of the Stipulation adequately address the**
12 **threat to field tiles posed by the Project?**

13 A.6. No, the Stipulation is inadequate for seven reasons. First, to establish accurate
14 and complete benchmark conditions for the existing drainage systems, the
15 Stipulation must require the Applicant to consult with all landowners (whether
16 or not they are adjacent to the Project Area) whose land drains into the Project
17 Area and all landowners whose land receives drainage from the Project Area to
18 make sure all underground tiles and surface drainage ways are found. The
19 upstream and downstream landowners may be aware of tiles in existence about
20 which the Applicant and the owner of the land in the Project Area are not aware.
21 Second, while the Applicant states that it will repair tiles broken during solar
22 panel construction, the construction crew will not be able to tell that a tile has
23 been broken if the posts for the panels are driven into the ground. Clay or

1 plastic tiles offer little resistance to heavy pressure. The construction workers
2 will not be able to hear the tiles break over the noise resulting from pounding
3 the metal posts into the ground. Third, the Stipulation allows the Board's Staff
4 to overrule the County Engineer's recommendations about tile repairs, even
5 though the County Engineer is entrusted with the responsibility to maintain
6 county tiles and ditches. The County Engineer should have final authority to
7 determine how tiles will be repaired. Fourth, in situations where the Applicant
8 damages or blocks a tile, the Stipulation does not require the Applicant to
9 consult with landowners whose land may be affected by the tile damage or
10 blockage. Consultation with all potentially affected upstream and downstream
11 landowners (both adjacent and non-adjacent to the Project Area) is essential to
12 make sure that the Applicant and County Engineer have all of the information
13 they need to address the problem. This consultation also is necessary to make
14 sure the tile repairs or replacement are effective to correct any drainage problem
15 on the affected landowners' land. Fifth, the Stipulation also does not provide
16 for tile repairs quickly enough to avoid flooding to affected landowners outside
17 of the Project Area. By requiring repairs "no later than 30 days after such
18 damage is discovered," the Stipulation would allow up to 30 days of flooding to
19 occur. For example, corn seeds planted in a field or small corn plants will die if
20 they are flooded for 24 to 48 hours. Damaged tiles must be repaired
21 immediately to prevent this damage. If they are not repaired early enough to
22 prevent damage, the Stipulation must provide that the Applicant will reimburse
23 the affected landowner for the resulting loss based on an estimate of loss

1 provided by a Certified Crop Advisor. Sixth, broken tiles must be replaced;
2 they cannot be repaired by patching them. Replacing tiles requires a
3 considerable amount of effort using heavy tile installation equipment that takes
4 considerable space. The Stipulation does not provide for a procedure explaining
5 how the tiles will be repaired or replaced amidst all of the solar panels in the
6 future when tile damage becomes known and repair or replacement is necessary.
7 Seventh, the Stipulation fails to account for the reality that some of the tiles in
8 the Project Area may have reached or are close to reaching their life expectancy
9 and need to be replaced completely. A clay tile has a life expectancy of 70 to
10 80 years. The Stipulation does not provide procedures for these replacement
11 activities, which will necessitate the temporary removal of solar panels to
12 provide room for the equipment used to replace the tiles.

13 **Q.7. Does proposed Condition 28 of the Stipulation adequately address the need**
14 **for adequate emergency services related to the Project?**

15 A.7. No, the Stipulation is inadequate for four reasons. First, emergency training for
16 local fire and EMS service providers should be held annually during the
17 Project's construction and operation, not just prior to the commencement of
18 construction, due to the large turnover of emergency personnel in this area.
19 Most of the local fire and EMS personnel that serve the Project Area are
20 volunteers, so their turnover rate may be high. Second, the Applicant should be
21 required to prepare an emergency management plan prior to the Board's action
22 on the certificate, so that the Applicant and emergency response personnel
23 understand their responsibilities in an emergency and so that any necessary

1 protective measures can be incorporated into the certificate. Third, the
2 Applicant should be required to provide the fire departments and EMS services
3 that serve the Project Area with funding to hire enough personnel to adequately
4 service the area. The emergency management plan should evaluate and identify
5 the number of additional personnel necessary to provide these services. Fourth,
6 because the county lacks the funding necessary to hire the deputies necessary to
7 patrol the Project Area, the Applicant should be required to provide the county
8 with the funding necessary to hire a deputy for that purpose.

9 **Q.8. Does this conclude your supplemental testimony?**

10 A.8. Yes.

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board’s e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on July 12, 2019, a copy of the foregoing document also is being served by electronic mail on the following: Michael Settineri at mjsettineri@vorys.com, MacDonald Taylor at mwtaylor@vorys.com, Kathryn West at kwest@prebco.org, Dylan Borchers at dborchers@bricker.com, Chad Endsley at cendsley@ofbf.org, Leah Curtis at lcurtis@ofbf.org, Amy Milam at amilam@ofbf.org, Jodi Bair at Jodi.bair@ohioattorneygeneral.gov, Thaddeus Boggs at tboggs@btlaw.com, W. Joseph Scholler at jscholler@fbtlaw.com, and Patricia Schabo at patricia.schabo@puco.ohio.gov.

/s/ Jack A. Van Kley
Jack A. Van Kley

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Summary: Testimony of Rachael Vonderhaar electronically filed by Mr. Jack A Van Kley on behalf of Concerned Citizens of Preble County, LLC and Black, Robert Mr. and BRANDLY, MARJA and Irwin, Michael Mr. and CAMPBELL BRANDLY FARMS LLC and Jackson, Kevin Mr. and Jackson, Tina Ms. and Vonderhaar Family ARC, LLC and Vonderhaar Farms Inc.