

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **The Ohio**)
State University for a Certificate of)
Environmental Compatibility and Public Need for) Case No. 19-1641-EL-BGN
Combined Heat and Power Major Unit Facility in)
Franklin County, Ohio on the Campus of The)
Ohio State University.)

MOTION FOR WAIVER

Through this motion, The Ohio State University (“Applicant” or “Ohio State”) seeks a waiver from two rule requirements: 1) (“O.A.C.”) Rule 4906-4-08(A)(3)(c), to allow for a modification of the identification of noise sensitive locations within one mile of the facility; and 2) O.A.C. Rule 4906-4-08(D)(3)-(4), to allow for a modification of the visual impact study to better account for the urban nature of the project. Ohio State submits that good cause exists for granting these two waivers, as set forth in the accompanying Memorandum in Support.

MEMORANDUM IN SUPPORT

I. BACKGROUND

On September 11, 2019, Ohio State filed a pre-application notification letter to the Ohio Power Siting Board (“OPSB” or “Board”) of Ohio State’s application for its proposed Combined Heat and Power (“CHP”) major utility facility. The facility will be located on approximately 1.35 acres on Ohio State’s Columbus campus and is surrounded by property owned by Ohio State and a public highway owned by the Ohio Department of Transportation (“ODOT”). This facility will produce thermal energy powered by natural gas while producing electric generation

on campus. The general purpose of the project is for the CHP facility to be a primary source of heating and electricity to Ohio State's Columbus campus.

II. WAIVER REQUEST

A. O.A.C. Rule 4906-4-08(A)(3)(c), to allow for a modification of the identification of noise sensitive locations within one mile of the facility

Ohio State's first request is a waiver from O.A.C. 4906-4-08(A)(3)(c). This rule requires that the project application "[i]ndicate the location of any noise-sensitive areas within one mile of the facility, and the operational noise level at each habitable residence, school, church, and other noise-sensitive receptors, under both day and nighttime operations. Sensitive receptor, for the purposes of this rule, refers to any occupied building." Ohio State requests a waiver from this rule because of the dense urban area surrounding the Ohio State campus. The properties closest to the facility are owned by Ohio State and an ODOT highway. The closest non-participating "sensitive receptor" is nearly a quarter of a mile away, on the other side of a busy highway. The project describes the operational noise impact to this receptor and concludes that there will be negligible impacts. By identifying that the impacts to this closest non-participating receptor are negligible, there is no practical purpose for undergoing the burden and expense conducting the same exercise for the many dozens of "sensitive receptors" located in the surrounding urban area located at a further distance from the project.

Unlike many electric generating facility applications to the Board, Ohio State's facility is uniquely situated because it is in an urban area and because it is effectively located behind the meter on the Ohio State's Columbus campus, surrounded by publicly owned property. The rule requires that the facility identifies *each* noise-sensitive receptor within one mile of the facility. For a "typical" electric generating facility located in an industrial or rural area, there may only be a handful of such noise-sensitive receptors, such as homes and churches, within one mile. Here,

however, there are potentially many dozens, if not hundreds, of such receptors. Instead of identifying each individual receptor, the project is providing the noise impacts of the nearest non-participating noise-sensitive receptor, which are deemed to be negligible. This information will allow the OPSB Staff to conduct the analysis intended by the rule, which is to assess the operational noise impacts to nearby noise-sensitive receptors. In the event that the OPSB Staff identifies additional information necessary for its completeness review or investigation, the project commits to providing that information.

B. O.A.C. Rule 4906-4-08(D)(3)-(4), to allow for a modification of the visual impact study to better account for the urban nature of the project

Ohio State's second request is a waiver from the ten mile studies areas requested in O.A.C. Rule 4906-4-08(D). Within this rule, Part (D)(3) of the rule requests the applicant to describe and evaluate impacts to the identified recreation and scenic areas within ten miles of the project area, and part (D)(4) of the rule requests the applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area.

A waiver to allow a reduction in the area of analysis for visual impacts better aligns the application with the urban nature of the project location. The facility will be located among other buildings on Ohio State's campus, which are all owned by Ohio State. The campus is located within the City of Columbus, a dense urban area. For these reasons, it is extremely unlikely that the site will be visible beyond two miles, given the limitations of human eyesight and the visual obstructions of the facility by other nearby buildings. Because of this lack of visibility at greater distances, the application incorporates a reduced visual impact study of two miles. This waiver request is consistent with previous waivers of this rule to request a reduction in the visual impact study area. See, *In the Matter of the Application of Alamo Solar I, LLC, for a Certificate of Environmental Compatibility and Public Need*, Case No. 18-1878-EL-BGN,

Entry dated April 3, 2019. Furthermore, as included in the application, the project received correspondence from the Ohio Historic Preservation Office agreeing to the size of this study area.

III. CONCLUSION

As good cause for granting the waivers, Ohio State respectfully requests that the Board grant waivers in part or in whole Rules 4906-4-08(A)(3)(c) and of the Ohio Administrative Code.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 6th day of November 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander
Attorney for The Ohio State University

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-1641-EL-BGN

Summary: Motion Motion for Waiver electronically filed by Ms. Kari D Hehmeyer on behalf of Alexander, Trevor Mr. and THE OHIO STATE UNIVERSITY