

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Dodson Creek Solar, LLC for a Certificate)	Case No. 20-1814-EL-BGN
of Environmental Compatibility and)	
Public Need.)	

DIRECT TESTIMONY OF LINDSEY HESCH

Q.1. Please state your name, title, and business address.

A.1. My name is Lindsey Hesch. I am a Senior Permitting Specialist for National Grid Renewables, 8400 Normandale Lake Blvd., Suite 1200, Bloomington, Minnesota 55437. Dodson Creek Solar, LLC (“Applicant”) is a subsidiary of National Grid Renewables. I am the Permitting Project Manager for the Dodson Creek Solar Project (“Project”).

Q.2. What are your duties as a Senior Permitting Specialist?

A.2. I am responsible for the development of a number of solar energy projects under development by National Grid Renewables. In general, I am responsible for the permitting of projects within the regional transmission organization PJM Interconnection LLC territory. My responsibilities as a Senior Permitting Specialist include, but are not limited to, the following: scoping projects early in the development process to identify all plans and permits necessary for regulatory approval; assembling and managing consulting teams to prepare all necessary studies, reports, and applications for regulatory compliance at the local, state, and federal levels; coordinating with the National Grid Renewables internal team to identify the project details, land access, and commitments required for such studies, reports, and applications; relaying information about regulatory processes, schedule, and budget to the internal team; and coordinating with internal and external stakeholders to

1 support compliance with permit conditions and regulatory requirements leading up to and
2 during construction of our facilities.

3 **Q.3. What is your education and professional background?**

4 **A.3.** I graduated from Hanover College in 2005 with a Bachelor of Arts in Biology. I
5 have a Master of Science degree in Botany and Certificate in Ecology from Miami
6 University in Oxford, Ohio. In addition, I am a certified Professional Wetland Scientist
7 through the Society of Wetland Scientists. I have been working directly for, or indirectly
8 supporting as a consultant, the energy industry since 2007. I have worked almost
9 exclusively on solar projects for the past five years; however, I have supported a diversity
10 of energy technologies in my career including natural gas pipelines, transmission lines,
11 battery storage, wind facilities, oil wells, and coal mines. I have been working at National
12 Grid Renewables since November 2020.

13 As an experienced environmental professional, I specialize in siting, due diligence,
14 permitting, and regulatory compliance. Early in my career I was a field biologist
15 responsible for surveys and associated reporting of activities such as wetland and
16 waterbody delineations, protected species surveys, habitat assessments, stream and wetland
17 restoration or mitigation, migratory bird nest surveys, stream quality assessments and
18 monitoring, and erosion control inspections. I have diversified my expertise to include
19 additional areas such as cultural resources investigation and compliance, land use
20 permitting, sustainability reporting, and community engagement. I have worked on energy
21 projects in over twenty states, primarily east of the Mississippi River. I was born and raised
22 in the Greater Cincinnati area and I have supported multiple projects within Ohio. I am

1 therefore very familiar with the natural environment in this region, from both a personal
2 and professional perspective.

3 **Q.4. On whose behalf are you offering testimony?**

4 **A.4.** I am testifying on behalf of the Applicant.

5 **Q.5. What is the purpose of your testimony?**

6 **A.5.** There are several purposes to my testimony. First, I would like to provide
7 background information concerning the Application and Exhibits filed on February 12,
8 2021 (Company Exhibits 1 and 1C). Second, I will summarize the major items in the
9 Application and sponsor its admission into evidence along with the Exhibits, certificates
10 of service, proofs of publication, and other letters required by Ohio Power Siting Board
11 (“OPSB”) rules. Finally, I will address certain recommended conditions in the Staff Report
12 of Investigation (“Staff Report”), which was issued on October 21, 2021, which I have
13 reviewed.

14 **Q.6. Would you please provide a summary and overview of the proposed Project?**

15 **A.6.** The Applicant is proposing to build an up to 117 MW solar-powered generating
16 facility in Dodson and Hamer Townships, Highland County, Ohio (“Project Area”). The
17 Project will consist of the fenceline, photovoltaic (“PV”) panel arrays, belowground or
18 hybrid (with both belowground and aboveground) electrical collection lines, inverters,
19 access roads, a substation (which includes transformers), an operations and maintenance
20 (“O&M”) building, weather stations, and laydown yards. The energy generated by the
21 Project will be delivered to a single point of interconnection at the Hillsboro – Clinton
22 County 138 kilovolt (kV) circuit, owned by AEP Ohio Transmission Company, Inc. (AEP).
23 The POI will consist of a new three circuit breaker 138 kV switching station and a short

1 gen-tie line from the Facility substation to the switching station (collectively, the POI)

2 **Q.7. What is the general purpose of the Project?**

3 **A.7.** The general purpose of the Project is to produce and deliver clean, renewable
4 electricity to the Ohio bulk power transmission system to serve the needs of electric utilities
5 and their customers. The electricity generated by the Project will be delivered to the
6 transmission grid operated by PJM Interconnection, LLC (“PJM”) for sale into the
7 wholesale electric market.

8 **Q.8. Would you describe the Project Area, proposed Project, and the power generation**
9 **potential of the solar farm?**

10 **A.8.** The Project is located on approximately 1,429 acres of privately owned land in the
11 Project Area, most of which has been leased by the Applicant, as described further in the
12 Application. The predominant land use in the Project Area is agriculture. Consequently,
13 the Project will primarily be located on previously disturbed land that has been mostly
14 cleared for agriculture and is generally level. These land features easily accommodate the
15 installation of PV panels.

16 The Project Area is rural, which is compatible with the proposed Project. The Project Area
17 has adequate open space available to avoid impacts to sensitive ecological resources. It
18 also contains minimal cultural resources as identified and evaluated through thorough field
19 investigations.

20 The Project will generate electricity from approximately 260,000 monocrystalline-bifacial
21 PV panels, which will be approximately eight feet wide by four feet long. The panels will
22 be secured on a single axis tracker racking system, with up to two modules stacked end-to-
23 end, centered on the horizontal crossbar of the tracker, for a total width of approximately

1 16 feet, and installed in linear arrays. The panels will rotate up to 60 degrees in either
2 direction from horizontal, centered along the horizontal crossbar of the tracker. The height
3 of the crossbar will be approximately ten feet, giving the panels a ground clearance of
4 approximately three feet at their highest position. Under flat conditions found across most
5 of the Project Area, panels will reach approximately 17 feet off the ground when tilted to
6 their highest position.

7 Single axis tracker designs vary by manufacturer, but generally consist of a series of
8 mechanically linked horizontal steel support beams known as torque tubes, with a drive
9 train system usually located in the center of the rows, dividing the array into two sides.
10 Rows are aligned north to south and the PV panels pivot, tracking the sun's motion from
11 east to west throughout the day.

12 While specific vendors for the PV panels and racking systems have not yet been selected,
13 the manufacturer's specifications for representative equipment have been submitted as
14 Exhibit B to Application. At a capacity of 117 MW, the Project is expected to operate with
15 an average annual capacity factor between 20% and 22%, generating between 205,000 and
16 225,000 megawatt-hours of electricity each year, depending on the final equipment models
17 selected.

18 **Q.9. Were you involved in the preparation of the Application and Exhibits, and responses**
19 **to OPSB Staff Data Requests?**

20 **A.9.** Yes, I was directly involved. The Application and Exhibits (Company Exhibits 1
21 and 1C), as well as all of the Responses to the OPSB Staff Data Requests (Company Exhibit
22 2), were prepared under my direction. A First Supplement to the Application was filed on
23 June 29, 2021 (Company Exhibit 3). This was also prepared under my direction.

1 **Q.10. Were copies of the accepted Application served on local public officials and libraries**
2 **in accordance with Ohio Adm.Code 4906-3-07(A)?**

3 **A.10.** Yes, I directed that such service take place on July 29, 2021 and am sponsoring
4 Company Exhibit 4, which is the proof of service of the Application.

5 **Q.11. Did the Applicant send letters to property owners and tenants within the Project Area**
6 **or contiguous to the Project Area as required under the OPSB's application process?**

7 **A.11.** Yes, pursuant to Ohio Adm.Code 4906-3-03(B), I directed that a letter be sent to
8 certain property owners April 7, 2021 announcing the public informational meeting on
9 April 28, 2021. Subsequent letters were mailed on August 31, 2021, pursuant to Ohio
10 Adm.Code 4906-3-09(A)(1), and on October 26, 2021, pursuant to Ohio Adm.Code 4906-
11 03-09(A)(2). See Company Exhibit 5, which I am sponsoring.

12 **Q.12. Did the Applicant cause notice of the public informational meeting, the Application,**
13 **and the hearing dates to be published in local newspapers?**

14 **A.12.** Yes, notices were published in the Hillsboro Times Gazette, a newspaper of general
15 circulation in Highland County, Ohio, for the public informational meeting, the
16 Application, and the public and evidentiary hearings. See Company Exhibit 5 consisting
17 of the various proofs of notice and publication completed by the Applicant and filed with
18 the OPSB.

19 **Q.13. Would you please list the consultants that the Applicant retained to assist in the**
20 **preparation of and/or support of the Application and Exhibits, and their respective**
21 **areas of responsibility?**

22 **A.13.** Yes. The Applicant worked with Environmental Design & Research, Landscape
23 Architecture, Engineering & Environmental Services, D.P.C. ("EDR"), acting as lead

1 consultant on the Application, to coordinate the studies used to generate the Application
2 and associated Exhibits. The Applicant has also engaged consultants to support the
3 Application through testimony. The consultants and their respective subject areas of
4 expertise that assisted in the preparation of the Application and/or testimony are:

- 5 • EDR – Visual Resources Assessment and Socioeconomic Report;
- 6 • Resource Systems Group, Inc. (“RSG”) – Sound Assessment;
- 7 • Hull & Associates, LLC (“Hull”) – Decommissioning, Stormwater, Transportation,
8 and Traffic;
- 9 • Terracon Consultants, Inc. (“Terracon”) – Geotechnical Analysis;
- 10 • TRC Environmental Corporation (“TRC”) – Ecological Assessment;
- 11 • Cardno, Inc. (“Cardno”) – Cultural Resources;
- 12 • Timmons Group, Inc. – Hydrology;
- 13 • Applied Ecological Services, Inc. (now Resource Environmental Solutions) –
14 Vegetation Management;
- 15 • Harris Miller Miller & Hanson Inc. – Glare Analysis; and
- 16 • CohnReznick LLP (“CohnReznick”) – Property Values

17 **Q.14. Do you believe that the proposed Project will have a positive impact on the local**
18 **community?**

19 **A.14.** Yes. Based on modeling completed for the Project, the Project is predicted to create
20 197 on-site construction and project development jobs, with a projected wage rate of \$23
21 per hour and 45.6% employer payroll overhead. The present worth of construction payroll
22 during the first year of construction is estimated to total \$13.7 million. It is also anticipated
23 that the operation of the Project could generate 5 full-time jobs with a projected wage rate

1 of \$24 per hour and 45.6% employer payroll overhead. The present worth of operation
2 payroll during the first year of operation is estimated to total \$0.4 million.

3 Along with the creation of these jobs, the community will benefit from tax payments from
4 the Project. Assuming that the Applicant utilizes payments in lieu of tax (“PILOT”),
5 pursuant to R.C. 5727.75, the Applicant would make annual PILOT disbursements in the
6 amount of \$7,000 per MW of nameplate capacity to local taxing districts and, if required
7 by the County, an additional payment of \$2,000 per MW of nameplate capacity to the
8 County’s general fund. The \$7,000 per MW payment would be largely apportioned to
9 Dodson and Hamer Townships, and the Lynchburg-Clay Local School District. Based on
10 the maximum PILOT payment of \$9,000/MW and the Project capacity of 117 MW, the
11 amount will total approximately \$1,053,000 annually over the lifespan of the Project. The
12 Project is expected to achieve commercial operations as early as the fourth quarter of 2023
13 and have a lifespan of approximately 30 years.

14 Finally, the proposed Project will have a beneficial impact on the local economy. The
15 Project is expected to have a positive impact on economic output, a measurement of the
16 value of goods and services produced and sold by backward linked industries. Economic
17 output provides a general measurement of the amount of profit earned by manufacturers,
18 retailers, and service providers connected to a given project. The value of economic output
19 associated with the construction of the Project is estimated to be \$27.7 million, and \$1.9
20 million annually during operations.

21 **Q.15. Has the Project been designed to achieve minimum impacts?**

22 **A.15.** Yes. The Applicant has been working with landowners, elected representatives,
23 and community members to discuss the development of the Project. Those discussions

1 have been constructive. We have designed the Project to minimize the potential impacts
2 of construction and operation and will continue to incorporate feedback as the design is
3 refined to the extent practicable.

4 Temporary construction activities are expected to have typical and relatively limited
5 impacts given their intermittent nature, time of day restrictions, and use of best
6 management practices. Increased traffic during construction will be managed and will
7 cease when the Project is operational. The Applicant will obtain all required permits and
8 authorizations including, for example, a Nationwide Permit from the U.S. Army Corps of
9 Engineers, if required. Any requirements for roadway monitoring, temporary repairs, and
10 post-construction improvements will be coordinated with the County Engineer.

11 As identified earlier, the Applicant also engaged consultants to study the potential
12 environmental, ecological, cultural, and visual impacts of the Project. Those studies are
13 attached to the Application as exhibits. Additionally, Gordon Perkins of EDR, Mark
14 Bonifas and Eric Koch of Hull, Eddie Duncan of RSG, Robert Hanley of TRC, Andrew
15 Lines of CohnReznick, and Brent Finley of Cardno will explain in their separate testimony
16 that impacts from the Project are expected to be minimal.

17 The Project has been sited to minimize adverse impacts. Clearing of woody vegetation has
18 been minimized by careful layout and design and the Project has been sited on primarily
19 agricultural land. Although studies found that habitat for state and/or federally threatened
20 or endangered species within the Project Area is minimal, the Applicant will take measures
21 to avoid the potential for impacts to suitable habitat for threatened or endangered species,
22 including various bat species, the bigeye shiner, the king rail, and the loggerhead shrike by
23 adhering to time of year restrictions with regard to vegetation clearing and in-water work.

1 Minimal sound is expected to emanate from the Project due to the near-silent operating
2 nature of solar arrays and by locating inverters sufficiently far from neighboring residences.

3 Visual impacts of the Project will be mitigated by the flat nature of the terrain, low profile
4 of the PV panels, preservation of natural vegetative buffers, and the planting of vegetative
5 screening in select locations.

6 Other operational impacts will be minimal. The solar facility's operation does not generate
7 wastewater or air emissions. Minimal solid waste will require disposal. The Project will
8 generate no odor and little light. Operational activities include routine maintenance and
9 inspection of electrical equipment, as well as controlling vegetative growth through
10 predominantly mechanical means, as detailed in our Vegetation Management Plan.

11 Lastly, the Applicant will implement a project inquiry and complaint resolution procedure
12 to appropriately investigate and address any questions or complaints that may arise during
13 construction and operation of the Project.

14 **Q.16. How did the Applicant decide to locate the Project?**

15 **A.16.** The Applicant chose to pursue the Project in Highland County for a variety of
16 reasons, such as the availability of manageable access to the bulk power transmission
17 system, solar resource availability, highly compatible land use, and few environmentally
18 sensitive areas. First, adequate access to the existing bulk power transmission system by
19 AEP Ohio Transmission Company, Inc., within the PJM regional transmission
20 organization footprint, was an important siting criterion. The Applicant evaluated the
21 capacity of the nearby transmission lines and costs of upgrades to accommodate a new
22 point of interconnection and determined that an up to 117 MW project was viable in the
23 Project Area.

1 Second, general topography and land use characteristics of the Project Area were also
2 considered. Land use in the area is primarily agricultural and characterized by open spaces
3 suitable for hosting a utility-scale solar power project. Ideal solar development areas are
4 generally flat with limited variations in topography. The Project Area is also close to major
5 transportation routes and supply chains.

6 Third, willing local participants are essential to the success of any solar project. After a
7 suitable geographic area was established, the Applicant pursued willing landowners in the
8 area supportive of the Project. As part of our outreach efforts, the Applicant engaged the
9 local community during the planning and development of the Project. As a farmer-friendly
10 and community-focused company, National Grid Renewables develops projects that
11 provide positive economic impact for landowners and community members. National Grid
12 Renewables is committed to building renewable energy projects that provide the
13 opportunities needed to repower rural American communities and economies. The
14 Applicant is committed to providing each of our Project's landowners and community
15 members with the best information possible, prompt responsiveness, and expert advice.
16 National Grid Renewables' farmer-friendly and community-driven approach helps each of
17 our projects be developed to benefit the host community and invigorate the local economy.

18 **Q.17. Will the Project adversely impact cultural historic resources?**

19 **A.17.** No. On behalf of the Applicant, Cardno conducted a cultural resources literature
20 review for the two-mile study area around the Project Area. Additionally, as further
21 described in Exhibit S, Cardno conducted a Phase I History Architecture Reconnaissance
22 Survey, within an approximately 0.5-mile to 1.5-mile study area, deemed the area of

1 potential effect, during January and March, 2021. Cardno did not identify any national
2 historic landmarks within the two-mile study area.

3 During the Phase I History Architecture Reconnaissance Survey, Cardno documented 127
4 properties over 50 years old within the APE. These properties are primarily buildings and
5 building complexes (e.g., farmsteads, barns, and agricultural support buildings), but also
6 include other sites and structures such as cemeteries. These properties were then evaluated
7 to determine potential eligibility for listing in the National Register of Historic Places
8 (“NRHP”). Of the 127 properties or structures, ten are determined to be potentially eligible
9 for listing in the NRHP due to their significance regarding architecture, agriculture, or
10 industry. These ten resources have been documented on Ohio Historic Inventory forms
11 and provided in Appendix C of the Phase I History Architecture Reconnaissance Survey.
12 No direct impacts to these resources are anticipated, and visual impacts are the only
13 potential impact.

14 Based on the viewshed analysis prepared for this Project, two of the potentially eligible
15 resources may have at least a partial view of the Facility. The Applicant proposed
16 screening of the Facility with respect to this property within the Landscape Mitigation Plan,
17 included as Appendix C of Exhibit U. The Phase I History Architecture Reconnaissance
18 Survey was submitted to the Ohio State Historic Preservation Office (“SHPO”) for review
19 on May 25, 2021. SHPO provided a concurrence letter regarding the survey on June 23,
20 2021. The Applicant included this concurrence letter in response to a Staff data request on
21 July 15, 2021. The Applicant also included this letter in its compilation of responses to all
22 Staff data requests, which was filed on the docket on September 3, 2021.

1 Cardno also completed a Phase I Archaeological Reconnaissance Survey for the Project
2 Area in November 2020 and January and April through June 2021. Due to the sensitive
3 nature of archaeological resources, this study was filed under seal as a confidential data
4 response to a Staff data request on July 15, 2021. The study identified one resource within
5 the Project Area that should be avoided. The Applicant also submitted the survey to SHPO.
6 SHPO provided a concurrence letter regarding the survey on July 21, 2021. The Applicant
7 provided this letter to Staff in response to a data request on July 23, 2021.

8 Following completion of reports discussed above, Dodson Creek Solar executed a
9 Memorandum of Understanding (“MOU”) between Dodson Creek Solar and SHPO for the
10 Project. The MOU identifies avoidance and mitigation measures that the parties agreed
11 would adequately mitigate for potential impacts to archaeological and architectural
12 resources. These mitigation measures include avoidance of the archaeological resource
13 with exclusionary fencing and also utilizing vegetative screening to minimize visual
14 impacts to the other resources. The MOU has been marked as Company Exhibit 6.

15 **Q.18. How will the Project protect existing drain tile in the Project Area?**

16 **A.18.** As further explained by Mr. Bonifas, and as identified in Exhibit E (Drain Tile
17 Mitigation Plan) of the Application, the Applicant has consulted with – and continues to
18 consult with – the owners of agricultural land participating in the Project and adjacent to
19 the Project Area, as well as other readily available public resources to ascertain, to the
20 extent practicable, the type, size, and location of all functioning drain tile in the Project
21 Area. The Applicant used this information to map the expected locations of drain tile and
22 physically mark the surface accordingly (an updated map was provided as a response to
23 Staff data requests on July 13, 2021). This information will continue to be updated if

1 additional locations are identified via ongoing discussions with landowners leading up to
2 construction. Additionally, the Applicant has committed to make prompt repairs, by a
3 qualified contractor, to damaged field tile within 30 days of the discovery of damage
4 (unless otherwise agreed to by the landowner).

5 **Q.19. How will the Applicant address viewshed concerns?**

6 **A.19.** It is important to recognize that the Project will have a relatively modest visual
7 impact on the area. The Project Area, which is primarily agricultural, is quite flat, and the
8 Project will follow existing grades as practicable. Under flat conditions found across most
9 of the Project Area, panels will reach approximately 17 feet off the ground when tilted to
10 their highest position. The rotation of the panels on the tracking rack system, as they follow
11 the path of the sun, will be too slow for observers to perceive. Thus, the Project will have
12 a relatively low visual profile.

13 The Applicant has submitted a Visual Resource Assessment, attached as Exhibit U to the
14 Application, which includes a Landscape Mitigation Plan (Appendix C). As explained
15 further by Mr. Perkins, the Applicant will follow the Landscape Mitigation Plan to mitigate
16 viewshed impacts by utilizing screening to lessen the visual impact of the Project. The
17 three module types outlined in the Landscape Mitigation Plan will prioritize native
18 vegetation, along with pollinator-friendly plant species to the extent practicable, to blend
19 the Project facilities into the existing landscape, and this selection of material aids in the
20 creation of ecological habitat. Visual screening introduces natural, vertical elements that
21 break up the horizontal lines created by the PV panel arrays and fence line. This helps the
22 Project facilities blend into the background vegetation rather than stand out as a foreground
23 element. The Applicant will also accommodate changes to the Landscape Mitigation Plan

1 as a result of communication with adjoining landowners and local officials. Any
2 modifications to the Landscape Mitigation Plan as a result of final engineering or
3 communication with non-participating landowners will be provided to Staff prior to
4 implementation.

5 **Q.20. Does the Applicant intend to develop a vegetation management plan for the Project?**

6 **A.20.** Yes. The Applicant has submitted a vegetation management plan as Exhibit D to
7 the Application. As Exhibit D explains more fully, protection of vegetation will be
8 primarily accomplished through careful planning. Most Project components have been
9 sited on agricultural land, thus reducing the amount of tree clearing required. Best
10 management practices will be employed across the site during construction.

11 Following construction activities, the Project has proposed to re-vegetate the temporarily
12 disturbed areas with native vegetation. To-date, seed mixes for the Project have
13 incorporated suggestions from the Ohio Department of Natural Resources and Ohio
14 Pollinator Habitat Initiative, to re-establish vegetative cover in these areas. Three seed
15 mixes are anticipated to be used, a mesic array mix, a wet-mesic array mix, and a wet
16 stormwater basin mix. The array mixes are intended to be planted across the site, both
17 under/between the arrays and in the open areas of the Project. The mesic array mix was
18 designed to be installed in areas with mapped nonhydric soils. The wet-mesic array mix
19 was designed to be installed in areas with mapped hydric soils, or in areas that are observed
20 to have surface water or saturated soils for a portion of the growing season. The wet
21 stormwater basin mix is intended to be planted in and around the stormwater basins on site.

1 **Q.21. Will the Project comply with applicable safety and equipment standards?**

2 **A.21.** Yes. All facility components will comply with applicable industry codes, such as
3 those issued by the Institute of Electrical and Electronics Engineers, the National Electric
4 Code, the National Electric Safety Code, and the American National Standards Institute.

5 **Q.22. How will the Applicant secure the Project?**

6 **A.22.** The Project has currently proposed a perimeter woven wire fence at least six feet
7 in height, topped with a one foot barbed wire strand, or equivalent for security purposes.
8 In addition, there will be controlled access gates, electronic security systems, and
9 potentially remote monitoring. Additionally, signage such as “No Trespassing” and “High
10 Voltage Equipment” signs will be placed around the fence perimeter, warning the public
11 of the potential hazards within the fenced Project Area. Per the Lighting Plan, which is
12 attached as Exhibit F to the Application, lighting that is switch- or motion-activated may
13 be implemented at Project entrances, the O&M building, and inverters for additional safety
14 and security.

15 **Q.23. How is the Applicant planning to decommission the Project at the end of the Project’s**
16 **useful life?**

17 **A.23.** As further explained by Mr. Bonifas, the Applicant has included a
18 Decommissioning Plan as Exhibit M to the Application. The plan provides for the removal
19 and sale, re-use, recycling, or proper disposal of all components of the Project, including
20 components containing rare or valuable materials. Decommissioning is expected to take
21 12 to 18 months.

1 **Q.24. Will there be any financial assurance requirements associated with the**
2 **decommissioning?**

3 **A.24.** Yes. As Mr. Bonifas will explain, the Applicant will provide financial security so
4 that adequate funds are available for decommissioning.

5 **Q.25. Will agricultural fields within the Project Area be suitable for farming after the**
6 **Project is decommissioned?**

7 **A.25.** Yes. The Project will have only modest impacts to the land. The PV panels and
8 racking will be installed on steel piles that will be pile-driven into the ground to a depth
9 typically between eight and 15 feet. Inverters will be installed on gravel pads, which can
10 be lifted out of place. The Project's substation will be installed on poured concrete and
11 aggregate material, but will not cover a large area. Access roads will be constructed of
12 aggregate material, not paved, and participating landowners may choose to retain the roads
13 for their own use following decommissioning. Subsoils may be cement stabilized prior to
14 gravel installation, if necessary, to provide additional support. There will not be any long-
15 term impacts from the Project that would preclude its use for farming after the useful life
16 of the Project. In addition, the Decommissioning Plan, which is attached as Exhibit M to
17 the Application, indicates that the goal is to restore the Project Area to agriculture use,
18 unless other economical land uses are desired by the relevant landowner, at the end of the
19 Project's operational life. Restoration will include a return to the same or functionally
20 similar preconstruction drainage patterns, including farm drainage tiles, decompaction of
21 soil, and seeding, when appropriate.

1 **Q.26. Will construction of the Project result in intrusive amounts of traffic, noise, or dust?**

2 **A.26.** No. The amount of dust generated will be relatively low for the Project's acreage.
3 Given the relatively flat nature of the surrounding area, grading and other earth-moving
4 activities will be minimal, and there will be virtually no excavation except for trenching of
5 underground collection lines. As with other construction activities, dust emissions will be
6 localized to the area of activity and temporary. Best management practices in the
7 construction industry will be used to minimize the amount of dust created by construction.
8 Additionally, as detailed in the testimonies of Mr. Bonifas and Mr. Duncan, traffic and
9 noise resulting from construction of the Project will be minimized.

10 **Q.27. Will the Project have an impact on telephone, radio, or other signals or electronic**
11 **devices?**

12 **A.27.** No. The Applicant is not aware of any research conducted to date that indicates
13 utility-scale solar generation facilities interfere with communication systems. PV panel
14 arrays generate weak electromagnetic fields ("EMFs") during the day that dissipate at short
15 distances. Specifically, PV panel arrays generate EMFs in the same extremely low
16 frequency range as electrical appliances and wiring found in most homes and buildings. In
17 addition, the solar arrays are generally low-lying structures that would not create physical
18 barriers to signals. Accordingly, the Applicant does not anticipate interference with radio
19 or television reception due to weak EMFs that will be produced by the Project.

20 **Q.28. Is there a potential risk of hazardous or toxic substances being released into the**
21 **environment because of the construction and operation of the Project?**

22 **A.28.** No. As Mr. Finley will explain further in his testimony, there is minimal risk for
23 potential leaching of hazardous substances from solar panels into the environment. The

1 EPA-approved method for determining whether a hazardous substance is likely to leach
2 into the ground and ground water is the Toxicity Characteristic Leaching Procedure
3 (“TCLP”). The panel manufacturers being considered by the Applicant complete TCLP
4 testing as part of the product development process and have determined that all existing
5 products passed TCLP testing. To be clear, the Applicant will utilize panels that have
6 completed TCLP testing or an equivalent test (if the TCLP is replaced in the future).

7 As the photovoltaic solar panels reach the end of their lifespan, the Decommissioning Plan
8 will account for dismantling and removal of panels from the Project area. Components
9 from photovoltaic solar panels can be recycled for use in future photovoltaic units. Non-
10 recyclable components will be disposed of accordingly.

11 **Q.29. Will the Applicant be sponsoring witnesses to support the Application in addition to**
12 **your testimony?**

13 **Q.29.** In addition to my testimony, as noted above, the Applicant will present testimony
14 by Gordon Perkins of EDR, Mark Bonifas and Eric Koch of Hull, Eddie Duncan of RSG,
15 Robert Hanley of TRC, relative to certain studies contained in the Application; Andrew
16 Lines of CohnReznick, regarding property values; and Brent Finley of Cardno regarding
17 substances in solar panels.

18 **Q.30. Have you reviewed the Staff Report of Investigation issued on October 22, 2021?**

19 **A.30.** Yes.

20 **Q.31. Does the Applicant have any concerns with or proposed revisions to any of the**
21 **conditions recommended by Staff in the Staff Report?**

22 **A.31.** Yes, I have reviewed the Staff Report. The Applicant is generally satisfied with
23 the recommended conditions but recommends revisions as explained below. I believe the

modifications presented to the conditions are reasonable and will result in the same level of oversight by OPSB Staff. As a result, the Applicant recommends the following revisions:

Conditions 1, 16, 18, 19, 23, and 24

The Applicant suggests minor revisions to these conditions for clarity. Specifically the Applicant recommends that these conditions be modified as follows:

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this *Staff Report of Investigation*, as modified by this Stipulation.
- (16) Prior to commencement of construction, the Applicant shall prepare an updated landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. The plan shall include measures such as fencing, vegetative screening or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. ~~The Applicant shall adjust its landscape and lighting plan will also to incorporate additional planting design features or measures to address any potential~~ aesthetic impacts to the traveling public, nearby communities, and recreationalists. The Applicant shall maintain vegetative screening for the life of the facility and the Applicant shall substitute and/or replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any significant damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.
- (18) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid potential impacts to Indiana bats, northern long-eared bats, little brown bats, and ~~the~~ tricolored bats unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action. If coordination with these agencies allows clearing

1 between April 1 and September 30, the Applicant shall docket proof of completed
2 coordination on the case docket prior to clearing trees.

- 3 (19) The Applicant shall conduct no in-water work in perennial streams from April 15
4 through June 30 to reduce potential impacts to indigenous aquatic species and
5 their habitat, unless coordination efforts with the ODNR Ohio Department of
6 Natural Resources allows a different course of action. If coordination with ODNR
7 allows in-water work in perennial streams between April 15 and June 30, the
8 Applicant shall file proof of such coordination on the docket prior to conducting
9 such work.

- 10
11 (23) The Applicant shall have an environmental specialist on site during construction
12 activities that may affect sensitive areas, to be mutually agreed upon by the
13 Applicant and Staff. Sensitive areas which would be impacted during construction
14 shall be identified on a map provided to Staff, and ~~shall may~~ include, but are not
15 limited to wetlands, streams, and locations of threatened or endangered species
16 habitat. The environmental specialist shall be familiar with water quality protection
17 issues and potential threatened or endangered species of plants and animals that
18 may be encountered during project construction. The environmental specialist
19 mutually agreed upon by Staff and the Applicant shall be authorized to report any
20 issues simultaneously to Staff and the Applicant. To allow time for the Applicant
21 and Staff to respond to any reported issues, the environmental specialist shall have
22 authority to stop construction activities in or near the impacted sensitive area(s) for
23 up to 48 hours if the construction activities are creating unforeseen environmental
24 impacts in the sensitive areas identified on the map.

- 25
26 (24) The Applicant shall contact Staff, the ODNR, and/or the USFWS as applicable
27 within 24 hours if state and/or federally listed threatened or endangered species are
28 encountered during construction activities. Construction activities that could
29 adversely impact the identified plants or animals shall be immediately halted until
30 an appropriate course of action has been agreed upon by the Applicant, Staff and
31 the appropriate agencies.

32
33 Condition 7

34 The Applicant proposes deletion of this condition because final geotechnical study results
35 will be submitted to Staff pursuant to Condition 4.

36 Condition 9

37 The Applicant proposes deletion of this condition because there are no karst features or
38 sinkholes in the Project Area.

1 Condition 12

2 The Applicant proposes minor changes to this condition to match a similar condition
3 approved by the OPSB in another National Grid Renewables project, the Sycamore Creek
4 Solar Project, Case No. 20-1762-EL-BGN. Specifically, the Applicant recommends
5 Condition 12 be modified as follows:

- 6 (12) Prior to the commencement of construction activities in areas that require permits or
7 authorizations by federal or state laws and regulations, the Applicant shall obtain and
8 comply with such permits or authorizations. The Applicant shall provide copies of
9 permits and authorizations, including all supporting documentation, to Staff ~~within~~
10 no less than seven days of issuance or receipt by the Applicant prior to the applicable
11 construction activities and shall file such permits or authorizations on the public
12 docket. The Applicant shall provide a schedule of construction activities and
13 acquisition of corresponding permits for each activity at the preconstruction
14 conference.

15
16 Condition 13

17 The Applicant proposes adding a reference to R.C. 4906.13(B) to eliminate any confusion
18 at the local level with regard to the OPSB's jurisdiction over solar facilities over 50 MW.
19 This revision was approved by the OPSB in the Sycamore Creek Solar case. Specifically,
20 the Applicant recommends Condition 13 be modified as follows:

- 21 (13) Subject to the application of R.C. 4906.13(B), the certificate authority provided in
22 this case shall not exempt the facility from any other applicable and lawful local,
23 state, or federal rules or regulations nor be used to affect the exercise of discretion
24 of any other local, state, or federal permitting or licensing authority with regard to
25 areas subject to their supervision or control.

26
27 Condition 17

28 The Applicant proposes these following revisions to this condition to provide Staff an
29 opportunity to review the final design of perimeter fencing and to clarify the condition does
30 not apply to the substation and the O&M building. This language matches a similar

condition approved in the Sycamore Creek Solar case. Specifically, the Applicant recommends Condition 17 be modified as follows:

- (17) Prior to commencement of construction, the Applicant shall submit to Staff ~~for its design for the perimeter fence for confirmation that the design complies with this condition.~~ approval a solar panel perimeter fence type that is Project perimeter fencing shall be designed to be both small-wildlife permeable and aesthetically fitting for a rural location, taking into account applicable codes and NERC requirements. This condition shall not apply to substation fencing and the O&M building.

Condition 20

The Applicant proposes clarifying edits to this condition such that post construction stormwater guidance from the Ohio Environmental Protection Agency (“Ohio EPA”) is properly implemented in the Project Area. This language matches a similar condition approved in the Sycamore Creek Solar case. Specifically, the Applicant recommends Condition 20 be modified as follows:

- (20) The Applicant shall ~~construct the facility in a manner that will~~ incorporate post construction stormwater management under OHC000005 (Part III.G.2.e, pp. 19-27) as applicable and will also incorporate applicable guidance from in accordance with the Ohio Environmental Protection Agency’s Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays (dated October 2019).

Condition 21

The Applicant proposes revisions to the language in condition 21 to account for the ability to coordinate with the ODNR and/or the USFWS on alternative courses of action. The OPSB has approved such coordination with these agencies in prior proceedings for solar projects, including Sycamore Creek Solar. Specifically, the Applicant recommends Condition 21 be modified as follows:

- (21) If the Applicant encounters any new listed plant or animal species or suitable habitat of these species prior to construction, the Applicant shall include the location in the final engineering drawings and associated mapping, as required in condition 4. The Applicant shall avoid impacts to these species and explain how

1 impacts would be avoided during construction. Coordination with the ODNR and
2 USFWS may also allow for a different course of action.

3
4 Condition 25

5
6 The Applicant revised this condition to clarify that it will follow all applicable state laws
7 regarding the management of noxious weeds and to refer to Exhibit D to the Application
8 (Vegetation Management Plan), which also addresses its commitment to manage noxious
9 weeds. Specifically, the Applicant recommends Condition 25 be modified as follows:

- 10 (25) The Applicant shall take steps to prevent establishment and/or further propagation
11 of noxious weeds identified in Ohio Adm.Code Chapter 901:5-37 during
12 implementation of any pollinator-friendly plantings, consistent with the
13 vegetation management plan included in the application and shall follow all
14 applicable state laws regarding noxious weeds. ~~This would be achieved through~~
15 ~~appropriate seed selection, and annual vegetative surveys. If noxious weeds are~~
16 ~~found to be present, the Applicant shall remove and treat them with herbicide as~~
17 ~~necessary.~~

18
19 Condition 26

20 The Applicant is proposing to include the methodology for the monitoring of local roads
21 during construction in the final transportation plan submitted to Staff. Specifically, the
22 Applicant recommends Condition 26 be revised as follows:

- 23 (26) Prior to commencement of construction activities that require transportation permits,
24 the Applicant shall obtain all such permits. The Applicant shall coordinate with the
25 appropriate regulatory authority regarding any temporary road closures, road use
26 agreements, driveway permits, lane closures, road access restrictions, and traffic
27 control necessary for construction and operation of the proposed facility. Coordination
28 shall include, but not be limited to, the Highland County Engineer, the ODOT, local
29 law enforcement, and health and safety officials. The Applicant shall detail this
30 coordination as part of a final transportation management plan submitted to Staff prior
31 to the preconstruction conference for review and confirmation by Staff that it complies
32 with this condition and then file the plan on the public docket. This final transportation
33 management plan would include any county required road use maintenance
34 agreements, which may have portions of confidential information redacted before
35 posting to the public docket. The final transportation management plan shall address
36 the methodology for monitoring ~~A~~all local county and township roads used for
37 construction traffic ~~should be monitored at sufficient frequency~~ during construction to
38 ensure these roads remain safe for local traffic. Any damaged local public road,

culverts, and bridges would be repaired promptly to their previous or better condition by the Applicant under the guidance of the appropriate regulatory authority. Any temporary improvements would be removed unless the appropriate regulatory authority request that they remain in place.

Condition 27

The Applicant proposes revisions to the language in this condition to match a similar condition approved in the Sycamore Creek Solar case. Notably, the revised language still provides for written confirmation of all pre-construction activities:

- (27) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan on the public docket. At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants who were provided notice of the public informational meeting and OPSB hearings; local officials who received a copy of the application; residences located within one mile of the certificated boundary; other applicable parties who have requested updates regarding the project; airports, schools, and libraries located within one mile of the certificated boundary; parties to this case; and emergency responders. These notices shall provide information about the project, including contact information and a copy of the project inquiry and complaint resolution plan. These notices shall provide information about the project, including contact information and a copy of the project inquiry and complaint resolution plan. The start of construction notice shall include ~~written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate, as well as~~ a timeline for construction and restoration activities. The start of facility operations notice shall include ~~written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate, as well as~~ a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket, including written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate. During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and January of each year for the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution process, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved. The Applicant shall file a copy of these complaint summaries on the public docket.

Condition 28

The Applicant is proposing revisions to this condition to utilize noise data previously submitted as part of the Application to designate areas where pile driving cannot occur

1 between 7:00 a.m. and 9:00 a.m. Similar language was approved by the OPSB in the
2 Sycamore Creek Solar case. Specifically, the Applicant recommends the condition be
3 modified as follows:

4 (28) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00
5 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be
6 limited to the hours between 9:00 a.m. and ~~67:00 p.m. or until dusk when sunset~~
7 occurs after 7:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00
8 a.m., and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., if the
9 noise impact at non-participating receptors is not greater than daytime ambient Leq
10 plus 10 dBA. ~~If impact pile driving is required between 7:00 a.m. and 9:00 a.m.,~~
11 ~~and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., the Applicant~~
12 ~~shall install a noise monitor in a representative location to catalog that this threshold~~
13 ~~is not being exceeded. Prior to pile driving activities, the Applicant will provide a~~
14 ~~map to Staff indicating areas where pile driving cannot occur between 7:00 a.m.~~
15 ~~and 9:00 a.m., based on the daytime ambient Leq plus 10 dBA from the sound data~~
16 ~~previously collected to support Exhibit P to the application.~~ Hoe ram operations, if
17 required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday
18 through Friday. Construction activities that do not involve noise increases above
19 ambient levels at sensitive receptors are permitted outside of daylight hours when
20 necessary. The Applicant shall notify property owners or affected tenants within
21 the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction
22 activities including potential for nighttime construction.

23 Condition 29

24
25
26 The Applicant has revised this condition to account for any changes in sound power output
27 for the final transformer and inverter, when selected. The revision also identifies the Project
28 Area average daytime ambient level Leq of 41 dBA for clarity. As further explained by Mr.
29 Duncan, the Applicant proposes revisions for this condition to allow for modeling across
30 the entire Project Area prior to construction utilizing sound emission data from the NEMA
31 TR1 standard if the transformer manufacturer data is not available and similar inverter
32 model data if inverter manufacturer data is not available. Once the final inverter is installed,
33 sound level measurements can be made in close proximity to the installed inverter to
34 determine whether modeling is necessary using the actual sound level measurements.

Modeling across the entire Project Area is a better approach to determine potential impacts, rather than Staff's approach of conducting a specific test at one site. Also, while Staff suggests that the test be conducted on a sunny day, wind conditions can greatly impact sound readings. The better approach is to continue to rely on modeling to predict whether the final equipment selections will result in any operational noise impacts. Moreover, similar language was approved in the Sycamore Creek Solar case. Specifically, the Applicant recommends Condition 29 be modified as follows:

(29) If the inverters or substation transformer chosen for the project have a higher sound power output than the models used in the noise model, the Applicant shall submit, 30 days prior to construction, the results from an updated noise model for the project using the expected sound power output from the models chosen for the project, to show that sound levels will not exceed the project area average daytime ambient level of 41 dBA plus five dBA at any nonparticipating sensitive receptor. If transformer manufacturer data is not available, the model will be updated with sound emission data following the NEMA TR1 standard. If inverter manufacturer data is not available, a similar inverter model will be used to update the sound propagation model prior to construction. Once constructed, sound level measurements will be made in close proximity to the inverter to determine the sound power level of the installed inverter. If the sound power level of the installed inverter is 2 dBA or more above the sound power level used in the updated preconstruction model, then the sound propagation model will be updated to ensure project-wide compliance with the applicable sound level limit. If the sound power level is determined to be less than 2 dBA above the sound power level used in the updated preconstruction model, then the project will be deemed in-compliance. If the equipment chosen for the project are at the same (or lower) sound power outlet as the models used in the noise model, no further action is needed for compliance of this condition. ~~show that sound levels will not exceed the daytime ambient level plus five dBA at any non-participating sensitive receptor and will be submitted at least 30 days prior to construction. If noise data is not available from the inverter or transformer manufacturer, an operational noise test may be performed to comply with this condition. The test must be performed on a sunny day between 10 a.m. and 2 p.m. in the months of May-August, at a distance equal to the minimum distance from an inverter to a non-participating residence. If the test shows the operational noise level is greater than project area ambient Leq level plus five dBA additional noise mitigation will be required. This condition is complied with if the test shows the operational noise level is equal or less than project area ambient Leq level plus five dBA. The Applicant shall file a report on the public docket that shows either 1) for the chosen inverter and substation transformer that sound levels will not exceed the daytime ambient level plus five dBA at any non-participating sensitive receptor or~~

1 ~~2) results of the operational noise test showing that sound levels will not exceed the~~
2 ~~daytime ambient level plus five dBA at any non-participating sensitive receptor.~~

3
4 Condition 31

5 The Applicant is proposing revisions to this condition because benchmark conditions of
6 drain tile in the Project Area can be identified by continuing coordination with local
7 officials and participating and adjacent property owners. The Applicant has already made
8 this commitment in the Application. Additionally, the Applicant also has to promptly
9 repair damage to functioning drain tile to ensure drainage pursuant to recommended
10 Condition 30. Consequently, the Applicant proposes removing redundant or subjective
11 language from this condition. Specifically, the Applicant proposes the following revisions
12 to this condition:

- 13 (31) The Applicant shall ensure that nearby parcels are protected from unwanted
14 drainage problems due to construction and operation of the project. The Applicant
15 shall ensure this by ~~either 1) documenting benchmark conditions of surface and~~
16 ~~subsurface drainage systems prior to construction, including the location of laterals,~~
17 ~~mains, grassed waterways, and county maintenance/repair ditches. The Applicant~~
18 ~~will make efforts to conduct a perimeter dig utilizing a tile search trench and consult~~
19 ~~with owners of all parcels adjacent to the property, the county soil and water~~
20 ~~conservation district, and the county to request drainage system information over~~
21 ~~those parcels. The Applicant shall consult with the county engineer for tile located~~
22 ~~in a county maintenance/repair ditch, or 2) locate and replace all field tile drainage~~
23 ~~systems, or 3) agree to compensate parcels owners affected by damage to~~
24 ~~functioning field tile drainage systems and soils resulting from the construction,~~
25 ~~operation, and/or maintenance of the facility in agricultural areas for damage to~~
26 ~~crops or other agricultural activities.~~

27
28 Condition 32

29 The Applicant is proposing the following revisions to this condition because the Applicant
30 has executed a Memorandum of Understanding with the Ohio Historic Preservation Office:

- 31 (32) The Applicant shall adhere to the October 19, 2021 Memorandum of Understanding
32 executed to the Applicant and the Ohio Historic Preservation Office, which
33 commits the Applicant to avoid ground disturbance with regard to one
34 archaeological site and to minimize visual impacts to two identified architectural

resources through the landscape mitigation plan developed for the project. ~~Prior to the commencement of construction, the Applicant shall finalize a MOU with OHPO to mitigate for and/or avoid cultural resources with potential adverse effects due to the project and to outline procedures to be followed if previously unidentified sites are discovered during construction. The Applicant shall submit the MOU to Staff and file the MOU on the docket of this case.~~

Condition 33

The Applicant is proposing revisions to this condition based on similar language previously approved by the OPSB in the Sycamore Creek Solar case. Additionally, the Applicant notes that repair of local roads would be covered under the road use agreement entered into with local officials pursuant to recommended Condition 26. Specifically, the Applicant proposes the condition be revised as follows:

- (33) At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan and total decommissioning cost estimate without regard to salvage value on the public docket that includes: (a) a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (b) a timeline of up to one year for removal of the majority of equipment; (c) a provision to monitor the site for at least one additional year to ensure successful revegetation and rehabilitation subject to landowner permission to access the site; (d) a provision where the performance bond is posted prior to the commencement of construction; (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value; ~~(f) a provision to coordinate repair of public roads damaged or modified during the decommissioning and reclamation process;~~ (g) a provision that the decommissioning plan be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors; and (h) a provision stating that the bond shall be recalculated every five years by an engineer retained by the Applicant; ~~and (i) a statement about which contingency amount or percentage was selected for the project.~~

Condition 34

The Applicant proposes clarifying edits to this condition so that retired solar panels are sent to a licensed solid waste disposal facility per its commitment in the Application:

- (34) At the time of solar panel end of life disposal, retired panels marked for disposal, and not recycling, shall be sent to ~~an engineered landfill~~ a licensed solid waste

1 ~~disposal facility with various barriers and methods designed to prevent leaching of~~
2 ~~materials into soils and groundwater.~~
3

4 **Q.32. Have you reviewed the eight criteria an Applicant must meet in order to obtain a**
5 **certificate for a major utility facility pursuant to R.C. 4906.10?**

6 **A.32.** Yes, I have reviewed this statute and as the Application demonstrates, the Applicant
7 has met each of these criteria. I will discuss all eight further below.

8 R.C. 4906.10(A)(1)

9 This criterion is inapplicable to this Project because the Project is not an electric
10 transmission line or gas pipeline.

11 R.C. 4906.10(A)(2) (nature of probable impact) and (A)(3) (minimum adverse impact)

12 As I have noted throughout my testimony, while the Project will alter the existing landscape
13 through the introduction of low-profile solar panels, the Applicant has sited this Project to
14 achieve minimum impacts to the Project Area. These will be accomplished through, but
15 not limited to: continuing coordination and communication with landowners, elected
16 representatives, and community members to discuss the development of the Project; proper
17 acquisition of permits and coordination with environmental protection agencies; limiting
18 the duration of construction activities; siting the Project on agricultural land which has
19 already been disturbed seasonally and thereby provides minimal habitat for wildlife and
20 vegetation; and minimizing visual impacts of the Project preserving natural vegetative
21 buffers and introducing vegetative screening in select locations. These efforts have been
22 identified throughout the Application and are also explained further by the Applicant's
23 supporting witnesses. As a result, the OPSB should find that the Applicant meets these
24 two criteria.

25 R.C. 4906.10(A)(4) (regional plans for expansion of the electric grid)

1 In order to interconnect new generation facilities to the electric transmission grid, a project
2 owner has to receive approval from PJM, the regional transmission organization that
3 coordinates the movement of wholesale electricity in all of Ohio and all or parts of
4 surrounding states. This process includes completion of three studies, completed in a series
5 (the Feasibility Study, the System Impact Study, and the Facilities Study. The OPSB
6 requires submission of the Feasibility Study and System Impact Study. The PJM analysis
7 indicated that no reliability violations would occur during a single contingency. While the
8 Project could lead to the overload in two transmission circuits during multiple
9 contingencies, the System Impact Study presented upgrades. Accordingly, the Project is
10 consistent with regional plans for expansion of the regional power system and will serve
11 the interests of electric system economy and reliability, pursuant to R.C. 4906.10(A)(4).

12 R.C. 4906.10(A)(5) (compliance with air, water, solid waste, and aviation laws)

13 Air pollution controls are not applicable to the Project because as a renewable energy
14 project, the Project will not generate air pollution. As further explained by Eric Koch in
15 his testimony and as directed by recommended Condition 20, the Applicant will mitigate
16 any potential water quality impacts by following the Ohio EPA's guidance on post-
17 construction stormwater controls and obtaining applicable permits, such as a Nationwide
18 Permit from the U.S. Army Corps of Engineers, if required.

19 The Project is expected to generate minimal solid waste, and as noted in the Application,
20 any waste generated from construction or operation of the Project will be handled,
21 managed, and disposed of in accordance with federal, state, and local regulations.
22 Materials will be recycled when practicable, and the remainder of the solid waste will be

1 disposed of at a licensed area landfill, or as required by regulation.

2 Finally, the Federal Aviation Authority issued a Determination of No Hazard to Air
3 Aviation to the Project on April 7, 2021 (Exhibit N to the Application). Additionally, no
4 airports were identified within five miles of the Project. Overall, the Applicant meets this
5 criterion because of its adherence to applicable air, water, solid waste, and aviation laws.

6 R.C. 4906.10(A)(6) (public interest convenience and necessity)

7 As I have mentioned above, the Applicant is committed to maintaining open lines of
8 communication with the interested public with regard to any issues. Additionally, as Mr.
9 Lines will explain in his separate testimony, the Project is not anticipated to have any
10 negative effect on property values in the local area around the Project. Moreover, as noted
11 in my response to Question 14, the Project will create temporary and permanent jobs, which
12 will have a positive impact on economic output in Highland County. The community will
13 also benefit from tax payments from the Project. As I indicated above, assuming PILOT
14 mechanism is utilized, the Applicant is projecting that local taxing districts would receive
15 disbursements in the amount of approximately \$1,053,000 annually over the lifespan of the
16 Project. Furthermore, due to the accelerating pace of coal retirements, replacement energy
17 resources, such as solar projects, are especially critical to maintain grid reliability.
18 Consequently, the Project is in the public interest and will not have a negative impact on
19 the local community.

20 R.C. 4906.10(A)(7) (agricultural districts and agricultural land)

21 The Project will occupy approximately 1,103 acres of agricultural land, taking it out of use
22 for the life of the Project, allowing the land to rest and restore nutrients to the soil. There
23 are no parcels in the Project Area enrolled in the agricultural district program. As noted in

1 the Applicant's Decommissioning Plan, Exhibit M to the Application, once the Project has
2 reached the end of its useful life, project components will be removed, and the underlying
3 Project Area will be restored for potential agricultural use. Additionally, during
4 construction and operation of the Project, the Applicant is committed to maintaining
5 communication with local officials and landowners to identify and map known drain tiles
6 and promptly repair any damaged drain tile which is causing issues, pursuant to its Drain
7 Tile Mitigation Plan, Exhibit E to the Application. Moreover, recommended Conditions
8 30 and 31 in the Staff Report also memorialize these commitments. Consequently, the
9 Project represents no impacts to agricultural district land, and agricultural land on which
10 the Project is being sited will be returned to agricultural use at the end of the useful life of
11 the Project.

12 R.C. 4906.10(A)(8) (water conservation practice)

13 As noted in the Application, construction and operation of the Project is only expected to
14 utilize a minimal amount of water. Only the O&M building is anticipated to require a water
15 source and staff operating out of the building will use water at a rate comparable to a typical
16 small business or office. Additionally, the Project will incorporate water conservation
17 practices by regular maintenance to keep water fixtures in proper working order. Based on
18 the minimal water usage related to the Project, the Project incorporates maximum feasible
19 water conservation practices.

20 **Q.33. Does this conclude your direct testimony?**

21 **A.33.** Yes, it does. However, I reserve the right to further supplement my testimony in
22 support of any stipulation reached in this case or, if necessary, in rebuttal.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served on the persons below via electronic mail on November 19, 2021 to:

/s/ Anna Sanyal
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Summary: Testimony Direct Testimony of Lindsey Hesch electronically filed by Ms.
Anna Sanyal on behalf of Dodson Creek Solar, LLC