

February 18, 2022

Ms. Tanowa Troupe, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3797

Re: Case No. 21-164-EL-BGN

In the Matter of the Application of Harvey Solar I, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Licking County, Ohio.

Supplemental Response to Sixth Data Request from Staff of the Ohio Power Siting Board

Dear Ms. Troupe:

Attached please find Harvey Solar I, LLC's ("Applicant") Supplemental Response to the Sixth Data Request Question 5 from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this response to OPSB Staff on February 18, 2022.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

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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 these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 18th day of February 2022.

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**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Harvey Solar I, LLC)
for a Certificate of Environmental Compatibility and)
Public Need to Construct a Solar-Powered Electric) Case No: 21-164-EL-BGN
Generation Facility in Licking County, Ohio.)

**HARVEY SOLAR I, LLC'S
SUPPLEMENTAL RESPONSE TO THE SIXTH DATA REQUEST
FROM THE STAFF OF THE OHIO POWER SITING BOARD**

On August 6, 2021, as supplemented on September 17, 2021, Harvey Solar I, LLC (“Applicant”) filed an application with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Licking County, Ohio.

On January 20 and 21, 2022, the Staff of the OPSB (“OPSB Staff”) provided Applicant with OPSB Staff’s Sixth Data Request. Now comes Applicant providing the following Supplemental Response to the Sixth Data Request Question 5 from the OPSB Staff.

Geology

5. **Please provide Staff with an Unanticipated Discovery Plan which includes course(s) of action to be taken in the event previously unidentified subsurface hazard/feature encountered during construction (e.g., oil and gas well infrastructure, abandoned mines, contaminated soils, etc.)**

Response: Attached please find the Preliminary Unanticipated Discovery Plan.

Respectfully submitted,

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Preliminary Unanticipated Discovery Plan for Certain Previously Unidentified Subsurface Features

Harvey Solar Project
Licking County, Ohio

FEBRUARY 2022

Prepared for:
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1.0 INTRODUCTION

1.1 Purpose

The Harvey Solar Project ("Project") will have significant data regarding the subsurface environment regarding a variety of possible features and conditions at the time of final design and start of construction. It is possible; however, that certain features that may affect construction and/or operation of the Project will be discovered during construction. The purpose of this Preliminary Unanticipated Discovery Plan for Certain Previously Unidentified Subsurface Features ("Plan") is to guide appropriate responses to the discovery, during the construction of the Project, of certain types of unidentified subsurface features. For these types of features, this Plan provides guidance to ensure worker and public safety, limit the unintended disturbance of the subsurface feature, identify the steps to characterize and (if necessary) remediate the subsurface feature prior to the resumption of construction, and/or require an adjustment to construction methods and/or the design. After the completion of final design and engineering, but prior to the start of construction, this Plan will be finalized to update any contact information for government officials and provide additional detail regarding roles and responsibilities with respect to construction personnel.

1.2 Scope and Terminology

This plan covers the unanticipated discovery of the following subsurface features during construction not previously identified in the site due diligence for the final design of the Project:

1.2.1 Contaminated Soil

For purpose of this Plan, Contaminated Soil refers to any significant amount of non-natural material or extensive discoloration of soil that may be the result of a past spill or disposal of waste, oils, or other discarded materials for which it may be necessary to perform remediation and/or notify appropriate environmental regulatory agencies. Some signs of possible Contaminated Soil include, but are not limited to:

- Odors from fuel or other hydrocarbon materials that emanate when the soil is disturbed
- Discolored soil compared to surrounding soil
- Oily residue intermixed with soil
- Fill material containing debris unearthed during trenching or grading
- Household trash and/or industrial debris covered by soil or other material
- Rusty barrels or containers
- Combustion process residue, such as ash
- Sheen on the surface of water or on groundwater within a trench or excavation

1.2.2 Well Infrastructure

For purpose of this Plan, Well Infrastructure refers to any metal piping, well casing, or other structure that may constitute former infrastructure for the extraction of oil, gas or other hydrocarbons or for accessing natural supplies of groundwater. Well Infrastructure may also include associated buried horizontal piping, vaults and electrical power supplies. It

is also possible that Contaminated Soil is associated with past oil and gas exploration activity.

1.2.3 Abandoned Mine

For purposes of this Plan, Abandoned Mine refers to any significant subsurface void or other open space that may have been a part of an operation for the exploration or extraction of useful or valuable minerals and that may present a safety hazard to workers or require remedial measures prior to the resumption of construction.

2.0 INITIAL RESPONSE

2.1 Suspension of Construction Activities

The initial response to an unanticipated discovery of any of the above features will be to stop construction activities in the immediate area of the discovery as soon as it is safe to do so. The on-site employee of the construction contractor with ultimate responsibility for the construction activities at the location where the discovery occurs ("Site Supervisor") shall determine if any immediate health and safety protocols need to be implemented. Once it is determined that it is safe to proceed, a preliminary determination shall be made by the Site Supervisor and the appropriate representative of the owner of the Project ("Project Owner") whether it is likely that the feature is addressed by this Plan. If so, then the Plan shall be followed to address the situation. If not, then this Plan does not apply, and construction activities may resume as usual.

The Project Owner may also include the on-site environmental specialist for the construction of the Project ("Environmental Specialist") or another environmental professional to assist with Initial Response activities. If appropriate, the environmental professional shall be trained in the Occupational Safety and Health Administration ("OSHA") requirements, Hazardous Waste Operations and Emergency Response ("HAZWOPER") procedures, including the use of personal protective equipment ("PPE"), sampling procedures, and decontamination protocols.

2.2 Demarcation of Investigation Zone

If the Plan applies to the feature, then an appropriately sized area around the feature shall be defined in which, during the implementation of this Plan, construction activities will cease and only personnel addressing the feature will have access ("Investigation Zone"). The purpose of the Investigation Zone is to allow for the safe assessment of the nature and extent of the feature. Unless circumstances in the field suggest an alternative approach, the initial Investigation Zone will be a rough circle with a minimum radius as follows:

Type of Feature	Minimum Radius of Initial Investigation Zone (feet)
Contaminated Soil	25
Well Infrastructure	50
Abandoned Mine	100

The above sizes are minimums, and may be larger, as appropriate to address the specific conditions of the feature. Also, the initial Investigation Zone may be changed in size or shape as the investigation proceeds (including making it smaller), as appropriate to the circumstances. The Investigation Zone will be marked by a temporary barrier, such as an orange plastic construction fence. At all times, unless on-site conditions dictate otherwise, construction activities shall be suspended within the Investigation Zone, but may continue outside the Investigation Zone.

2.3 Initial Report

The Site Supervisor shall prepare and provide to the Project Owner a brief description of the feature discovered, accompanied by photographs, the general location of the Investigation Zone, and a summary of the next steps that will be taken to assess the nature and extent of the feature pursuant to this Plan.

3.0 NOTIFICATIONS

Following the determination that this plan applies, the demarcation of the Investigation Zone, and the submittal of the initial report, the following notifications will be made:

3.1 Ohio Power Siting Board

The lead staff contact for the Project at the Ohio Power Siting Board ("OPSB Staff") will be notified of the discovery of the feature, its suspected nature, its general location, and the status of the investigation. OPSB Staff will be kept apprised of the matter at the frequency and level of detail requested by OPSB Staff.

3.2 On-site Environmental Specialist

The Environmental Specialist will be notified of the discovery of Contaminated Soil or Well Infrastructure.

3.3 Regulatory Agencies

The appropriate personnel at the Ohio Environmental Protection Agency ("Ohio EPA") will be notified of the discovery of Contaminated Soil.

The appropriate personnel at the Ohio Department of Natural Resources ("ODNR") will be notified of the discovery of Well Infrastructure associated with oil and gas activity.

The Licking County Health Department will be notified of the discovery of Well Infrastructure associated with natural sources of water.

The South Region of the Abandoned Mine Land ("AML") Program (jurisdiction over Licking County) within the Division of Mineral Resources Management of ODNR will be notified of the discovery of an Abandoned Mine.

3.4 Land Owner

The owner or owners of the parcel on which the feature is located or their representative ("Land Owner") will be notified of the discovery of the feature. The Land Owner may have useful information about the nature and/or extent of the feature, an economic interest in any infrastructure or minerals, and a general interest in the existence of the feature and any response to it.

3.5 Contact Information

Contact information for state and local government officials is shown in the following tables.

Contaminated Soils

Agency	Phone	Fax
Ohio EPA, Office of Emergency Response		
24-hour Emergency Spill Hotline	(800) 282-9378	N/A
Non-Emergency	(614) 644-3194	N/A
Southern Regional Office	(614) 836-8811	N/A

Well Infrastructure – Abandoned Water Wells

Agency	Phone	Fax
Licking County Health Department	(740) 349-6535	(740) 349-6510

Well Infrastructure – Orphan Oil and Gas Wells

Agency	Phone	Fax
ODNR, Division of Oil and Gas Resources		
Emergency Reporting	(844) 642-2551	N/A
Licking County Inspector	(740) 688-9199	N/A
Regional Office (Zanesville)	(740) 588-0631	(740) 588-0659
Orphan Well Program	(330) 620-5642	N/A
Central Office (Columbus)	(614) 265-6922	

Abandoned Underground Mines

Agency	Phone	Fax
ODNR, Division of Mineral Resources Management: Abandoned Mine Land (AML) Program		
Emergency Program Response	(614) 265-6790	N/A
Non-Emergency AML Response	(770) 274-4947	N/A
South Regional Office (Cambridge)	(740) 439-9079	(740) 432-7711
Central Office (Columbus)	(614) 265-6633	(614) 265-7999

Contact information for federal agencies, if necessary, is shown in the following table.

Agency	Phone	Fax
National Response Center	(800) 424-8802	N/A
US EPA Region 5	(312) 353-2000	N/A

4.0 SITE ASSESSMENT & REMEDIAL MEASURES

The following procedures will be used to determine the extent, nature and disposition of the feature.

4.1 Contaminated Soil

A specific plan to characterize and address Contaminated Soil will be coordinated with appropriate personnel from Ohio EPA and the Land Owner. The area of Contaminated Soil will be delineated, and Contaminated Soil either will be avoided by Project infrastructure or will be removed from the site and disposed of in accordance with applicable laws and regulations. If necessary, a specialized contractor will be retained to characterize and/or remove and disposal of the Contaminated Soil. The contractor will fully comply with all applicable OSHA requirements and, if necessary, adhere to HAZWOPER procedures. Site conditions before, during and after any remediation work will be fully documented, including with photographs. A report of the assessment and remediation of the feature will be prepared.

4.2 Well Infrastructure

Well Infrastructure associated with water supply, including any associated piping and power, will be decommissioned in accordance with all applicable laws and regulations. A report of the decommissioning activity will be prepared.

Measures to address Well Infrastructure associated with oil and gas exploration and recovery will be coordinated with appropriate personnel from ODNR. An on-site inspection of the Well Infrastructure will be conducted. After the inspection, a brief report will be prepared discussing the findings of the inspection activities.

4.3 Abandoned Mine

Measures to address an Abandoned Mine will be addressed from a geotechnical engineering perspective in consultation with personnel from the AML Program at ONDR. A report of the assessment and resolution of the feature will be prepared.

5.0 DOCUMENTATION

Written documentation prepared pursuant to this Plan and as required by appropriate regulatory agencies will be provided to OPSB staff and maintained for at least six (6) months following the completion of construction.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 21-0164-EL-BGN

Summary: Response - Supplemental Response to Sixth Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Harvey Solar I, LLC