

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Border :
Basin Solar 1, LLC for a Certificate of : Case No. 21-277-EL-BGN
Environmental Compatibility and Public :
Need. :

**PREFILED TESTIMONY
OF**

Mark Bellamy

**ON BEHALF OF THE STAFF OF THE
PUBLIC UTILITIES COMMISSION OF OHIO
POWER SITING DEPARTMENT**

STAFF EX. ____

April 13, 2022

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

2 A. My name is Mark C. Bellamy. My business address is 180 East Broad
3 Street, Columbus, Ohio 43215.
4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a
7 Utility Specialist in the Facility Review and Compliance Division of the
8 Power Siting Department.
9

10 3. Q. Please summarize your educational background.

11 A. My education includes earning a Bachelor of Science in Education degree in
12 Chemistry from Arkansas State University.
13

14 4. Q. Please summarize your work experience.

15 A. Prior to my employment with the PUCO, I served six years in the U.S. Navy
16 as a Machinist's Mate on a submarine. I operated and maintained
17 atmosphere control equipment, as well as performed duties as a quality
18 assurance inspector. After the Navy, I was employed as a high school
19 science teacher. I joined the staff of the PUCO in 2009. My duties include
20 review and analysis of power siting cases.
21

1 5. Q. Have you testified in prior proceedings before the Ohio Power Siting Board
2 (Board)?

3 A. Yes. I have testified in numerous proceedings before the Board.
4

5 6. Q. What is the purpose of your testimony in this proceeding?

6 A. I am sponsoring a portion of the Staff Report of Investigation (Staff Report)
7 that was filed in the docket of this case on March 16, 2022. Specifically, I
8 am sponsoring the Staff Report subsections titled “Cultural resources,”
9 “Noise”, and “Air, water and solid waste.”
10

11 7. Q. Are you sponsoring any conditions in the Staff Report or the subsequent
12 Stipulation? If so, which ones?

13 A. Yes. I am sponsoring conditions 24, 34, 41, 42 and 43 which are now are
14 captured, at times with modifications, in conditions 24, 35, 41, 42, and 43
15 of the Stipulation signed by Staff.
16

17 8. Q. Why is Staff recommending condition 24?

18 A. In response to community concerns about the aesthetics of the project, Staff
19 is requiring a fence that fits in better in a rural environment. Staff also
20 requires the fence allow the passage of small wildlife.
21
22

1 9. Q. Why is Staff recommending condition 34?

2 A. While Staff acknowledges that some construction noise impacts are
3 inevitable, Staff recommends that most construction activities that can result
4 in noise impacts to the public be limited to hours when the majority of people
5 in the vicinity of the project are awake. Impact pile driving, and hoe ram
6 operations, which are very loud construction activities, would be limited to
7 shorter windows of daytime hours than that allowed for general construction
8 activities.

9

10 10. Q. Why is Staff recommending condition 41?

11 A. The sound report in the application modeled operational noise impacts using
12 sound data from representative inverters and substation transformers.

13 Condition 41 requires the applicant to operate the facility so that no non-
14 participating receptor shall receive operational sound impacts greater than
15 ambient sound levels plus 5 dBA, further condition 41 requires the
16 Applicant show that the chosen inverters and substation transformers for the
17 project will not exceed the daytime ambient level plus five dBA at any non-
18 participating sensitive receptor.

19

20 11. Q. Why is Staff recommending condition 42?

21 A. Agricultural crop fields make up most of the project and adjacent areas.

22 Functioning drain tiles are important to the continued operation of the

1 agricultural crop fields. Staff recommends through condition 42 that the
2 applicant thoroughly investigate the presence and location of drain tiles,
3 avoid drain tiles when possible and that any drain tiles that are damaged are
4 repaired unless the landowner prefers the drain tile not be repaired and only
5 if the non-repair does not affect adjacent landowners. In addition, the
6 Applicant is required to document preconstruction drainages systems as well
7 documenting the postconstruction location of discovered and repaired drain
8 tile systems.

9
10 12. Q. Why is Staff recommending condition 43?

11 A. The Applicant's cultural resources consultant identified several
12 archaeological sites, and one cemetery recommended for avoidance. The
13 consultant also identified one historic structure that is recommended for
14 mitigation. The Ohio Historic Preservation Office concurred with these
15 recommendations. Condition 43 requires the Applicant to develop a
16 memorandum of understanding (MOU) to detail how the resources would be
17 avoided and mitigated for and to agree to implement the agreed upon MOU.

18
19 13. Q. Does this conclude your testimony?

20 A. Yes, it does. However, I reserve the right to submit supplemental
21 testimony, as new information subsequently becomes available or in
22 response to positions taken by other parties.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Prefiled Testimony of Mark Bellamy**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, Power Siting Department, was served via electronic mail, upon the following parties of record, this 13th day of April 2022.

/s/ Robert Eubanks

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Summary: Testimony Prefiled Testimony of Mark Bellamy on Behalf of the Staff of the Public Utilities Commission of Ohio, Power Siting Department electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB