

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	:	
Birch Solar 1, LLC for a Certificate of	:	
Environmental Compatibility and Public	:	
Need for a Solar Facility Located in Allen	:	Case No. 20-1605-EL-BGN
County and Auglaize County, Ohio.	:	
	:	

**PREFILED TESTIMONY
OF**

Mark Bellamy

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

STAFF EX. ____

May 11, 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
12 in 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.
16 Navy 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
7 Report). I prepared the noise, cultural resources, and Air, Water and Solid
8 Waste sections of the Staff Report, which was filed October 20, 2021.
9

10 7. Q. Are you sponsoring for any conditions in the Staff Report? If so, which
11 ones?

12 A. Yes, I am sponsoring conditions nos.15, 28, 29, 30,31.
13

14 8. Q. In the event the Board grants a certificate for the project, why is Staff
15 recommending condition 15?

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

20 9. Q. In the event the Board grants a certificate for the project, why is Staff
21 recommending condition 28?

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

8
9 10. Q. In the event the Board grants a certificate for the project, why is Staff
10 recommending condition 29?

11 A. The sound report in the application modeled operational noise impacts using
12 sound data from representative inverters and substation transformers.
13 Condition 29 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 29 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. Do you recommend any changes to condition 29?

21 A. Yes. Although an operational noise limit is implied by the Applicant's
22 statements in the Sound Report, staff recommends making the operational

1 noise limit explicit by adding the following sentence to the beginning of
2 condition 29, "Operational sound levels shall not exceed 51.6 dBA at non-
3 participating receptors."
4

5 12. Q. In the event the Board grants a certificate for the project, why is Staff
6 recommending condition 30 and 31?

7 A. Drain tiles damaged by the construction or operation of the project may
8 cause drainage issues for neighboring parcels. Conditions 30 and 31 require
9 the Applicant to repair damaged drain tiles and to protect neighboring
10 parcels from adverse drainage issues due to the project.
11

12 13. Q. Do you recommend any changes to condition 30 and 31?

13 A. Staff recommends replacing conditions 30 and 31 with one condition which
14 is as follows:

15 The Applicant shall avoid, where possible, or minimize to the extent
16 practicable, any damage to functioning field tile drainage systems and soils
17 resulting from the construction, operation, and/or maintenance of the
18 facility in agricultural areas. Damaged field tile systems shall be promptly
19 repaired or rerouted to at least original conditions or modern equivalent at
20 the Applicant's expense to ensure proper drainage. However, if the affected
21 landowner(s) agrees to not having the damaged field tile system repaired,
22 they may do so only if: i) the field tile systems of adjacent landowners

1 remain unaffected by the non-repair of the landowner's field tile system;
2 and ii) the damaged field tile does not route directly onto or into an adjacent
3 parcel. The Applicant shall design the project to ensure that nearby parcels
4 are protected from unwanted drainage problems due to construction and
5 operation of the project. The Applicant shall document benchmark
6 conditions of surface and subsurface drainage systems prior to construction,
7 including the location of laterals, mains, grassed waterways, and county
8 maintenance/repair ditches. The Applicant shall consult with owners of all
9 parcels adjacent to the property, the county soil and water conservation
10 district, and the county to request drainage system information over those
11 parcels. The Applicant shall consult with the county engineer for tile
12 located in a county maintenance/repair ditch. A map of discovered and
13 repaired drain tile systems shall be filed in the case docket once
14 construction is complete.

15
16 14. Q. Why is Staff recommending the change in conditions 30 and 31?

17 A. The recommended condition above requires the applicant to design the
18 project to prevent unwanted drainage on neighboring properties, to
19 document drainage patterns before and after construction, and to consult
20 with all parties with possible knowledge of existing drain tiles in and around
21 the project area.
22

1 15. Q. Does this conclude your testimony?

2 A. Yes, it does. However, I reserve the right to submit supplemental testimony
3 as new information subsequently becomes available or in response to
4 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 11th day of May 2022.

/s/Jodi J. Bair
Jodi J. Bair
Assistant Attorney General

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Case No(s). 20-1605-EL-BGN

Summary: Testimony of Mark Bellamy electronically filed by Mrs. Tonneta Y. Scott
on behalf of OPSB