

**BEFORE  
THE OHIO SITING BOARD**

**In the matter of the Application of Birch )  
Solar 1, LLC for a Certificate of )  
Environmental Compatibility and Public )  
Need to Construct a Solar-Powered Electric )  
Generation Facility in Allen and Auglaize )  
Counties, Ohio. )**

**Case No. 20-1605-EL-BGN**

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**TESTIMONY OF**

**Michael Wildermuth**

**on behalf of**

**Allen Auglaize Coalition for Reasonable Energy**

**May 11, 2022**

**1. Please state your name.**

Michael Wildermuth

**2. Please state your address.**

I live at 3801 Linfield Lane in Shawnee Township, Allen County, Ohio.

**3. Please summarize your background and relationship to the Birch Solar project.**

I helped found the Allen Auglaize Coalition for Reasonable Energy (the “Coalition”) to advocate for the approval of the Birch Solar 1 project (the “Project”). The Coalition is a formal grassroots coalition of individuals and landowners residing in Allen and Auglaize Counties that seeks to educate and engage with the community to inform and dispel misconceptions about solar energy and the Project. While there appears to be a noisy minority opposing the Birch Solar project, there is broad local support for the project, as demonstrated by the attached petition, which contains over 250 signatures of local residents who support construction of the Project. Exhibit A.

**4. Please summarize your position on whether the Birch Solar project should be approved.**

The Ohio Power Siting Board should approve the Project because the Project helps the fight to halt climate change.

I have lived in Allen County all my life and have had family here since 1833. My grandfather worked at the Sohio Solar Refinery, receiving his diamond-studded forty-year pin at his retirement in the mid-twentieth century. Started in 1886, the Lima Refinery is still in operation and is the

23 oldest continuously-operated oil refinery in Ohio. While the community has greatly benefited  
24 economically from the refinery, it has also suffered significantly from environmental degradation.  
25 Since 1990, Allen County has consistently ranked among the top twenty counties statewide in the  
26 quantity of toxic air pollution among all of Ohio's counties according to the annual Toxic Release  
27 Inventory (TRI) compiled by the United States Environmental Protection Agency (USEPA). In  
28 some years, Allen County has ranked first in all Ohio on the TRI. Furthermore, current USEPA  
29 data show that more than three million metric tons of greenhouse gases were emitted in Allen  
30 County in 2020 alone. Burning fossil fuels greatly increases air pollution. Emissions of sulfur  
31 dioxide, nitrous oxides, particulates and other pollutants associated are also associated with  
32 burning of fossil fuels.

33  
34 Without question, and unfortunately, over the course of more than 140 years, Allen County has  
35 accrued a huge debt to future generations by releasing enormous amounts of climate changing  
36 pollutants into the environment. I and other Coalition members believe it is time for something to  
37 be done to begin to repay this debt. Consequently, we urge approval of the Project as it is  
38 estimated to generate electricity while annually keeping over 400,000 metric tons of greenhouse  
39 gases out of the atmosphere when compared to current common methods of generating electricity  
40 through fossil fuels.

41  
42 These sentiments are echoed by the Ohio Farmers Union that adopted a Special Order finding the  
43 "transition from coal-fired electric generation to carbon-free wind and solar generation is a  
44 necessary step in our response to global climate change." Exhibit B. The Ohio Farmers Union

45 has a unique interest in reducing emissions as “global warming and climate change...will have  
46 profound effects on agriculture in the immediate present and ... may hamper the ability of future  
47 generations to survive on this planet.” *Id.* The Project provides a cleaner energy source and  
48 furthers the fight against climate change.

49  
50 In addition, we believe that the weaponization of energy playing out on the world stage now  
51 cements the importance of energy independence to the security of our nation. Efforts to  
52 responsibly localize energy production, like the Project, should be prioritized in order to lessen our  
53 dependence on unreliable and hostile foreign powers. We believe that it is in the best interest of  
54 national security to approve this Project.

55  
56 The OPSB should approve the project based on these local and global climate change benefits.

57  
58 **5. Does this conclude your testimony?**

59 Yes.



**CERTIFICATE OF SERVICE**

In accordance with OAR 4906-2-02(D)(6), this document has been filed electronically and OPSB'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 who have electronically subscribed to this case. Such notice constitutes service of this document.

*/s/John Heer*

\_\_\_\_\_  
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# EXHIBIT A

SUPPORT OUR LOCAL COMMUNITY  
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# Allen Auglaize Coalition for Reasonable Energy

A proposed solar farm in Shawnee and Logan Townships in Allen and Auglaize Counties will deliver nearly \$3 million dollars in new revenue to our local schools and county governments every year for 30 years. **With this solar farm, more than \$80 million dollars of new revenue will flow through Allen and Auglaize Counties, reducing our tax burden, decreasing the need for levies, and creating local jobs while generating clean, pollution free electricity.** This revenue can be used to provide maintenance for our roads, fire stations, community parks and other public services.

We, the undersigned, are residents of Allen and Auglaize Counties and the Apollo Joint Vocational School District who urge our elected officials and the Ohio Power Siting Board to approve the Birch Solar project. Our local community welcomes the Birch Solar Farm.

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A proposed solar farm in Shawnee and Logan Townships in Allen and Auglaize Counties will deliver nearly \$3 million dollars in new revenue to our local schools and county governments every year for 30 years. **With this solar farm, more than \$80 million dollars of new revenue will flow through Allen and Auglaize Counties, reducing our tax burden, decreasing the need for levies, and creating local jobs while generating clean, pollution free electricity.** This revenue can be used to provide maintenance for our roads, fire stations, community parks and other public services.

We, the undersigned, are residents of Allen and Auglaize Counties and the Apollo Joint Vocational School District who urge our elected officials and the Ohio Power Siting Board to approve the Birch Solar project. Our local community welcomes the Birch Solar Farm.

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SUPPORT OUR SAFETY SERVICES  
SUPPORT OUR ROADS  
SUPPORT CLEAN AIR  
SUPPORT SOLAR

Allen Auglaize  
Coalition  
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# Allen Auglaize Coalition for Reasonable Energy

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# EXHIBIT B



# OHIO FARMERS UNION

## 2022 SPECIAL ORDERS OF BUSINESS

### As Adopted by the Delegates to the 88th Annual Convention

#### Special Order of Business

2022-03

#### Renewable Energy in Rural Ohio

The Ohio Farmers Union recognizes that solar and wind development provides unique benefits to farmers and to Ohio's rural economy. Utility-scale solar and wind projects require the voluntary leasing or sale of real estate, usually farmland, which provides cash income for the farmer and provides much-needed funding for local schools. These projects also provide hundreds of local jobs in construction and maintenance. Further, newer integrated farming methods can ensure that wind and solar projects will leave the underlying soils improved and not depleted after the turbines or solar panels are removed.

The transition from coal-fired electric generation to carbon-free wind and solar gener-

ation is a necessary step in our response to global climate change. Yet Ohio legislators continue to place unfair regulatory obstacles on wind and solar projects (E.g., Ohio Senate Bill 52 in 2021) that are not applicable to coal, natural gas, or nuclear facilities

To this end, OFU urges the Ohio General Assembly and the Ohio Public Utilities Commission to provide and maintain sensible, legal pathways for prompt regulatory approval of properly sited solar and wind generation projects in rural Ohio. In addition, Ohio's Rural Electric Cooperatives should show leadership by transitioning their electric generation from coal to renewable energy sources.

Biofuels, including ethanol, biodiesel, and renewable diesel, also provide a wide range of economic and environmental benefits in rural Ohio. We support a four-year extension of the federal tax credits for existing biobased fuels. We also support extending those tax credits to newly approved formulations of Sustainable Aviation Fuels, to provide new uses for farm products and to begin the de-carbonization of the aviation industry.

#### Special Order of Business

2022-02

#### Climate Change

According to the National Oceanographic and Atmospheric Administration (NOAA) carbon dioxide (CO<sub>2</sub>) levels in the Earth's atmosphere peaked at 418 parts per million level in June 2021—the highest level in the past 3.6 million years of Earth history. The concentration of CO<sub>2</sub> in the atmosphere now increases every year and the rate of increase is accelerating. These sharp increases in CO<sub>2</sub> have triggered an era of global warming and climate change which will have profound effects on agriculture in the immediate present and which may hamper the ability of future generations to survive on this planet. The Ohio Farmers Union recognizes that climate change is based on sound science and has been caused by human activity since the dawn of the industrial revolution.

Last year's Glasgow Congress of Parties on Climate change recognized that even limiting global warming to 1.5°Celsius (2.7 degrees Fahrenheit) requires rapid, deep, and sustained reductions in global greenhouse gas emissions, including reducing global carbon dioxide emissions by 45 per cent by 2030 relative to the 2010 level and to net zero around mid-century. As such, world and US agriculture must become part of the solution and we believe Ohio farmers and rural communities can also play an outsized role in leading the transition from a carbon-intensive agricultural economy to a cleaner, more sustainable one. We offer our strong support to the NFU's creation of its new Climate Change Policy Advisory Committee, a sixteen-member family farmer panel—to include Ohio's own Bill Miller—which will advise the NFU on climate related legislation.

Climate change mitigation will provide new economic opportunity for farmers.

Agriculture stands to gain through our unique ability to sequester carbon in our soils while still improving crop productivity and enhancing soil health. Although climate change is a global problem, OFU believes that it should be addressed by federal legislation incentivizing voluntary "climate smart" agricultural practices, such as cover crops, on-farm carbon capture and storage, re-forestation, soil conservation assistance and regenerative agriculture. OFU also believes there should be a price put on utility and industrial CO<sub>2</sub> emissions that would penalize those emissions and incentivize economic activities that sequester or reduce atmospheric CO<sub>2</sub> emissions.

# OHIO FARMERS UNION

## 2022 SPECIAL ORDERS OF BUSINESS

### As Adopted by the Delegates to the 88th Annual Convention

#### Special Order of Business

2022-01

#### Landowners' Rights in Ohio

Based on legislation passed in The Ohio Legislature last year, the Union County Commissioners are now considering a total ban on solar energy development throughout the unincorporated (rural) areas of the county. If passed, farmers wishing to lease or sell their ground for large scale solar farming will be permanently prohibited from doing so.

The Ohio Farmers Union objects to this brazen usurpation (theft) of constitutionally protected landowners' rights. Farmers— and NOT local politicians — should determine when they can lease their land for clean, safe, and climate-friendly renewable energy projects.

The Fifth Amendment to the United States Constitution, along with Article I Section 19 of the Ohio Constitution, states that "... private property shall not be taken for public use without just compensation...". While the Union County Commissioners' solar ban scheme is not a straightforward condemnation action, the punitive effects on the landowner's ability to develop his or her land for its highest and best use as a solar farm, is real and permanent— and without compensation.

There is no straight-faced argument that a solar ban as proposed by Union County is legally justifiable under the County's power to regulate land use under their "health, safety and welfare" powers. The County cynically singles out solar development while turning a blind eye to far more odious land uses such as oil and gas drilling, fracking, coal mining, CAFOs, and fertilizer manufacturing. Heavy handed measures like the proposed ban are simply the latest attempt by state and local politicians to tip the scales in favor of fossil fuels and against renewable energy sources in our electric generation portfolio.

Arguments that solar development should be stopped "to preserve farmland" are simply short-sighted and wrong. A properly managed 25–30-year solar lease, which maintains perennial grasses and pollinator crops under the panels, will leave the soils far better suited for farming in the next generation, when compared with the typical corn and soybean mono cropping prevalent in the most counties today. Ag research is demonstrating that long term solar farming gives depleted soils a needed rest, enhancing their productivity into the future.

At its core, this proposed solar ban represents a governmental seizure of private property rights, without compensation to the farmer. Make no mistake, for farmers approaching retirement, the opportunity to enter into a solar farm lease could mean the difference between a comfortable retirement, and a forced sale of their land to outside developers. And for family farmers of any age, the cash flow from a solar lease of even a small portion of their farm could be a life preserver for their operation in hard times.

The OFU strongly opposes the proposed ban, urges the Union County Board of Commissioners to vote "No" on the proposal, and cautions other jurisdictions to avoid such misguided legislation.



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Summary: Testimony Testimony of M. Wildermuth electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy