

June 21, 2022

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

Re: Case No. 22-94-EL-BGN - In the Matter of the Application of Springwater Solar, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Madison and Franklin Counties, Ohio.

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

Dear Ms. Troupe:

Attached please find Springwater Solar, LLC's ("Applicant") Response to the Second Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this response to OPSB Staff on June 21, 2022.

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

Respectfully submitted,

/s/ Matthew C. McDonnell

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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 21st day of June, 2022.

/s/ Matthew C. McDonnell
Matthew C. McDonnell (0090164)

Counsel:

john.jones@ohioAGO.gov

Administrative Law Judge:

daniel.fullin@puco.ohio.gov

4884-9049-2453 v1 [59714-28]

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Springwater)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a Solar-) Case No. 22-94-EL-BGN
Powered Electric Generation Facility in Madison and)
Franklin Counties, Ohio.)

**SPRINGWATER SOLAR, LLC'S
RESPONSE TO THE SECOND DATA REQUEST
FROM THE STAFF OF THE OHIO POWER SITING BOARD**

On April 22, 2022, Springwater Solar, LLC (“Applicant” or “Springwater Solar”), filed an application (“Application”) with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Madison and Franklin Counties, Ohio (“Project” or “Facility”).

On June 14, 2022, the Staff of the OPSB (“OPSB Staff”) provided the Applicant with OPSB Staff’s Second Data Request. Now comes the Applicant providing the following response to the Second Data Request from the OPSB Staff.

Data Request

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

Response: The Applicant caused an Unexpected Waste Discovery Plan to be prepared. The Unexpected Waste Discovery Plan is attached hereto and incorporated herein.

Respectfully submitted,

/s/ Matthew C. McDonnell

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Unexpected Waste Discovery Plan

Springwater Solar Project

Fairfield Township, Madison County and Pleasant Township, Franklin County, Ohio

Prepared for:



Springwater Solar, LLC
120 Garrett Street, Suite 700
Charlottesville, VA 22902
Jessica Walsh, Development Manager
Tel: (740)-306-0904

Prepared by:



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June 2022

1 INTRODUCTION

This Unexpected Waste Discovery Plan (Plan) provides guidance and procedures to utilize in the event unexpected, potentially hazardous waste or hazardous materials were to be encountered during construction of the Springwater Solar Project (Project or Facility). For the purposes of this Plan, “waste” includes potentially hazardous materials, hazardous waste, and/or contaminated soils or waters, as defined in applicable federal and state regulations. This Plan will be updated as necessary to address specific requirements included in the Certificate of Environmental Compatibility and Public Need issued by the Ohio Power Siting Board. Contact information in this Plan will be updated prior to the commencement of construction.

Springwater Solar, LLC (Springwater Solar) will conduct a Phase I Environmental Site Assessment (ESA) for the Project area in accordance with the applicable ASTM standard to satisfy part of the due diligence requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The purpose of the Phase I ESA is to identify recognized environmental conditions (RECs), which are the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. The final Facility design will avoid RECs discovered through the ESA; however, Springwater Solar has also prepared this Plan to provide guidance should any unexpected waste be encountered.

2 RECOGNITION OF POTENTIALLY HAZARDOUS MATERIALS

Prior to commencement of construction, any previously identified waste will be delineated and either mitigated or marked as areas to avoid during construction. The construction contractor will be apprised of, and avoid, any areas marked for avoidance.

The construction crew will be instructed on how to identify and recognize potentially hazardous waste. Indicators of possible contamination include, but are not limited to:

- Barrels, containers, or storage tanks
- Abandoned wells or mine entries
- Stained or discolored soil
- Distressed vegetation
- Hydrocarbon odors, such as gasoline or oil, that emanate when the soil is disturbed
- Oily residue intermixed with soil
- Sheen on groundwater or surface water
- Cinders, ash, or other combustion products
- Fill material containing debris
- Industrial debris
- Pipes (other than field drainage pipes)
- Insulation materials, flooring tiles, or other debris that could potentially contain asbestos
- Discarded electrical equipment that could contain oil

3 RESPONSE PROCEDURES

3.1 Discovery and Site Security

Upon discovery of waste, Springwater Solar would engage a specialized waste consultant to characterize the discovered waste and to advise on subsequent response actions. Any on-site response actions would be undertaken by the specialized waste consultant using personnel trained in the Occupational Safety and Health Administration's (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) procedures, following any necessary protocols for personal protective equipment (PPE), sampling, and decontamination.

Following discovery, the construction contractor would:

- Cease work in the vicinity of discovered material
- Restrict access to the area in which the material was discovered, to protect workers and the public
- Notify the Project's environmental inspector and construction supervisor
- Await instructions on how to proceed
- Provide detailed information regarding the initial discovery
- If determined to be necessary, develop a plan for decontaminating personnel, materials, and equipment that directly came in contact with the contaminated materials

Following discovery and site security, Springwater Solar would:

- Assure that work has been halted in the vicinity of the discovered materials
- Assure that the site has been secured
- Provide guidance to the construction contractor
- Engage the specialized waste consultant and describe the situation
- Work with the waste consultant to ensure proper characterization of the material
- Work with the waste consultant to ensure they properly identify the likely extent of site contamination
- Determine any worker safety and public exposure concerns
- Notify the owner of the affected parcel
- Notify local, state, and federal authorities, as required
- Work with the waste consultant to develop and implement material management procedures
- Document the event from discovery through final disposition

3.2 Agency Notifications

All necessary agency notifications would be made by Springwater Solar or their hired consultants. Prior to commencement of construction activities, this Plan will be updated with current contact names and telephone numbers for the local police department, the local fire department, the Ohio Environmental Protection Agency (EPA), the Ohio Power Siting Board, the Ohio Fire Marshal, and the U.S. EPA, as shown in the following table. Additional contact information will be added to the list as deemed appropriate by the waste consultant in accordance with applicable law.

Table 1: Agency Notification Contact Information

Agency	Name of Contact	Telephone Number
Madison County Sheriff's Department	Sheriff John R. Swaney	740-852-1332
Franklin County Sheriff's Department	Sheriff Dallas Baldwin	614-525-3333
Madison Fire District	-	440-428-1522
Pleasant Township Fire Department	-	614-877-4375
Ohio EPA Central District Office	Isaac Robinson – Chief	614-728-3778
Ohio Department of Natural Resources	Orphan Well Program	330-308-0007
Ohio Power Siting Board	Matt Butler – Public Information Officer	866-270-6772
Ohio Fire Marshal	-	614-752-8200
U.S. EPA National Response Center	-	800-424-8802
U.S. EPA Region 5	-	312-353-2000
Other		

3.3 Assessment

Springwater Solar will engage a waste consultant to identify and characterize discovered waste. The objectives of the consultant's investigation would include:

- Determine the likely characterization and extent of the discovered waste, to provide guidance on future construction or avoidance activities in the vicinity of the exposed site
- Assist in coordination with appropriate local, state, and/or federal agencies
- Prepare a plan for handling and/or disposing of any waste products that were disturbed by construction activities
- Recommend actions to ensure the discovered waste is not further disturbed and minimize liability, which potentially could include guidance on procedures to follow for proper closure and future monitoring of the exposed site
- Determine the requirements necessary for construction activities to resume in the area

3.4 Mitigation

The final disposition of the discovered waste would be determined through discussions with the waste consultant, appropriate agencies, and affected landowners. Any plans for excavation and disposal would be developed in consultation with the waste consultant, the landowner and, if necessary, the appropriate regulatory agencies.

4 RECORDKEEPING

The level of documentation would depend on the extent of discovered waste, the potential hazards associated with the waste, and the degree of disturbance of the contaminated site by construction activities. Depending on the nature of the discovered waste, this documentation could include:

- Photographs and written documentation of initial discovery, including date, time, location, extent of disturbance, description of discovered material, and reason(s) that the discovered material was considered potentially hazardous
- Actions taken to secure the site from further disturbance or human exposure
- Engagement of specialized waste consultant

- Contacts made with local, state, and/or federal agencies
- Investigation activities undertaken by the waste consultant and results of those activities
- Records for sampling the waste materials, chain of custody for samples collected, and laboratory results
- Actions taken to secure the material in place or transport the material to a treatment, storage, or disposal facility
- Copies of any transport manifests and delivery receipts
- Site closure plans and verification and concurrence by appropriate regulatory agencies

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in

Case No(s). 22-0094-EL-BGN

Summary: Response - Response to Second Data Request from Staff of the Ohio Power Siting Board electronically filed by Mr. Matthew C. McDonnell on behalf of Springwater Solar, LLC