

UNION NEIGHBORS UNITED
4880 East US Hwy 36
Urbana, Ohio 43078

August 5, 2022

Case No. 21-902-GE-BRO

In the Matter of the Ohio Power Siting Board's Review of Ohio Adm. Code Chapters 4906- 1, 4906-2, 4906-3, 4906-4, 4906-5, 4906-7, 4906-7

Initial Comments of Union Neighbors United

Union Neighbors United (UNU) was incorporated in 2008 to address issues surrounding the siting of utility-scale renewable generation. We are a citizens group of volunteers who have been working for fourteen years to advocate for local control of our land use and development. Senate Bill 52 finally has provided us with the tools the community needs to determine our own future.

Likewise, the work of the Ohio Power Siting Board in the rulemaking and review process has been important to the community's ability to better understand developer proposals for wind and solar. UNU believes by and large the proposed Rules are responsive to its concerns as raised in the March 2021 information gathering meetings for stakeholders. UNU appreciates the opportunity to work with OPSB and to provide further comment on the proposed rules.

UNU supports the inclusion of additional metrics such as acreage or number of panels in the proposed project description under 4906-3-03.

A requirement to reconduct the public information meeting subsequent to a change in project boundaries caused by a resolution of the County Commissioners is appropriate.

With respect to the corporate structure presented in the application, we continue to have concerns as to the description being a limited liability company with a name that does not communicate the corporate ownership. If the community wishes to review other projects developed by an applicant, they are disadvantaged by not knowing the corporate entity.

A requirement under 4906-3-16 Certificate transfer is beneficial and we request that stakeholders be notified of any transfers in a timely manner.

While we understand an applicant should describe how a proposed electric transmission or gas pipeline proposal would serve the public interest, convenience, and necessity, this should not be expanded to incorporate major utility facilities or economically significant wind farms that are already subject to SB 52.

4096-1-01 QQ: When determining whether a modification to a solar facility should be considered a substantial addition to a project, the replacement of panels with larger and more efficient panels should be included whether or not they increase power generation by 50 megawatts. Oftentimes the poles holding the panel racking systems require reinforcement with concrete base systems to

support larger panels. The addition of concrete base systems should be considered a substantial addition.

4906-4-02 Project summary and applicant information: UNU supports the inclusion of a description of any plans for future additions of electric power generation units for the site and region (including the type and timing) and the capacity anticipated for the site. When describing plans for future additions of electric power, applicants need to consider this response broadly. Many projects are called Project X 1 leading one to expect there will be a Project X 2 and subsequent phases after that. Some developers may try to avoid responding to questions about future phases depending on how the question is asked. Including future plans for the region in addition to the “site” may address this concern.

UNU understands that noise generated by inverters and transformers at solar facilities can be annoying as far as 800 feet from a receptor. We do not think wind facility noise is comparable and it may be useful to address measurement of noise from solar operation on a discrete basis in the rules. In addition, very quiet rural areas can have background noise levels which are in the 30-34 decibel range. Five dBA above background would be lower than 40. It is important to measure pre-construction background noise levels for each receptor. OPSB should never accept a level which is an average of all receptors in the project area.

Decommissioning plans should speak to the disposition of solar panels which may be considered hazardous waste. Discarded panels which may be damaged or replaced should be addressed as well. The US EPA has regulations that address end-of-life disposal of solar panels under the US Resource Conservation and Recovery Act (RCRA). A quote from the EPA’s website on solar panel regulation and management (<https://www.epa.gov/hw/end-life-solar-panels-regulations-and-management>) states:

Overview of Hazardous Waste Regulations

“Federal solid and hazardous waste regulations (i.e., [the RCRA requirements](#)) apply to solar panels when they are discarded. When a solar panel reaches the end of its usable life or is otherwise discarded, it becomes solid waste. Solid waste is regulated federally under [RCRA Subtitle D](#) and through state and local government programs.

The discarded solar panel, which is now considered solid waste, may then also be regulated under [RCRA Subtitle C](#) as hazardous waste if it is determined to be hazardous. The most common reason that solar panels would be determined to be hazardous waste would be by meeting the [characteristic of toxicity](#). Heavy metals like lead and cadmium may be leachable at such concentrations that waste panels would fail the [toxicity characteristic leaching procedure \(TCLP\)](#), a test required under RCRA to determine if materials are hazardous waste. If the generator of the solar panels knows from previous experience that the material would fail the TCLP test, they can determine that the waste is hazardous without the need for testing.

While heavy metals are present in most solar panels, there are a variety of manufacturers and models, with different materials used as semiconductors. Because of the variation in design and components, testing has shown that some solar panels may pass the TCLP while others fail.”

The OPSB should reference the EPA’s regulations and should require a determination of toxicity during the application process and, where appropriate, place conditions on the decommissioning plan to safeguard the public.

When considering the visual impact of solar facility, glare should be considered from the perspective of motorists as well as neighboring properties, especially those with two-story homes and windows looking down on a solar field.

When mapping agricultural land, it is important to include all land which has a Current Agricultural Use Valuation and not simply a zoning designation as an Agricultural District. It may be appropriate for the applicant to ascertain if any of the agricultural land within a proposed project area is organic and would be harmed by the use of chemicals to control noxious weeds.

Last, a notice of incidents should apply to solar facilities as well as wind. Damage to solar panels may not be readily perceptible and could result in a fire. Panels could be damaged by wildlife, hail or some other unforeseen event. These instances should be made known to the public.

UNU appreciates the opportunity to comment on the proposed Rules and we look forward to filing reply comments at the appropriate time.

Sincerely,

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Summary: Comments Comments of Union Neighbors United electronically filed by
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