

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting)
Board’s Review of Ohio Admin. Code) Case No: 21-902-GE-BRO
Chapters 4906-1, 4906-2, 4906-3, 4906-4,)
4906-5, 4906- 4906-6, and 4906-7.)

**ADDITIONAL COMMENTS OF
NATURAL RESOURCES DEFENSE COUNCIL**

I. INTRODUCTION

On June 16, 2022, the Ohio Power Siting Board (“Board”) issued an entry requesting comments from interested persons on revisions to Ohio Admin. Code Chapters 4906-1 through 4906-7 proposed by the Board’s Staff (“Staff”). Initial comments were originally due on July 22, 2022, and Reply comments were originally due on August 12, 2022. On July 14, 2022, the Board extended the deadline for Initial comments to August 5, 2022, and the deadline for Reply comments to September 2, 2022. On January 19, 2023, the Board issued additional revisions and requested comments and reply comments by January 30, 2023, and February 6, 2023, respectively.

Natural Resources Defense Council (“NRDC”) submitted initial comments on August 5, 2022, and reply comments on September 2, 2022, and hereby submits additional comments pursuant to the January 19, 2023 Entry.

II. SPECIFIC COMMENTS

A. Rule 4906-4-09– Regulations associated with renewable energy generation facilities (Amended).

NRDC previously provided numerous comments under this section and focused its reply comments on the proposed setback revisions. Proposed Ohio Admin. Code 4906-4-09(G)(4) requires projects to incorporate a minimum setback from the project’s solar modules of

- At least 50 feet from non-participating parcel boundaries,
- At least 300 feet from non-participating residences existing as of the application filing date, and
- At least 150 feet from the edge of pavement of any state, county or township road within or adjacent to the project area, unless otherwise agreed to by an authorized government representative with authority over a state, county, or township road or a waiver is granted.

The proposed revisions are an improvement upon the originally proposed revisions but NRDC encourages the Board to expand the flexibility provided for setbacks from roads to setbacks from non-participating boundaries or residences. Solar development should not be arbitrarily constrained by setbacks if the effected landowner has no objection. The Board has proposed the flexibility for local governments to come to an agreement with a developer to shorten the setbacks between solar facilities and roads and landowners should have similar flexibility.

Communities have unique characteristics, and each proposed project will need flexibility to address the unique challenges where setbacks may or may not be the most appropriate solution. The Board’s rules should enable developers to have flexibility to meet the needs of their communities, not attempt to impose a one size fits all approach to a challenge that varies from project to project.

III. CONCLUSION

NRDC appreciates the opportunity to respond to the Board Staff's proposed rules and respectfully provides the foregoing reply comments for the Board's consideration.

/s/Robert Dove

Robert Dove (0092019)
Kegler Brown Hill + Ritter Co., L.P.A.
65 E State St., Ste. 1800
Columbus, OH 43215-4295
Office: (614) 462-5443
Fax: (614) 464-2634
rdove@keglerbrown.com

(Willing to accept service by email)
Attorney for NRDC

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Comments was served electronically on all parties of record by the Power Siting Board's DIS system on this 30th day of January, 2023.

/s/ Robert Dove
Robert Dove (0092019)

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Summary: Comments electronically filed by Mr. Robert Dove on behalf of Natural
Resources Defense Council