



## Ohio Environmental Council

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The Ohio Environmental Council's *Comments on Modifications*  
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, 4906-6, AND 4906-7

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January 30, 2023

The Ohio Environmental Council (OEC) thanks the Ohio Power Siting Board (OPSB) for the additional opportunity to comment on these modifications to the June 16, 2022 proposed rules. The OEC also thanks this Board for the robust comment process throughout its review of Ohio Administrative Code chapters 4906-1, through 4906-7. The OEC supports the proposed modifications in this Board's January 19, 2023 entry. In particular, the OEC applauds this Board's response to over 200 commenters urging consideration of climate change mitigation with reductions to minimum setbacks for solar development and adding a definition of brownfields. However, to properly address the overwhelming calls to consider climate change, this Board should further reduce minimum setbacks for solar development.

**1. The OEC agrees with the proposed definition of brownfield and consideration of brownfields in power siting.**

The OEC is encouraged to see the addition of a brownfield definition in the proposed modifications. We hope this inclusion indicates this Board will work to encourage development on brownfield sites. Brownfields are not appropriate for most development opportunities, and largely remain a blight on communities. Utilizing these sites for solar development can make toxic sites once again productive while reducing Ohio's carbon emissions.

The OEC agrees with the OPSB to use the existing definition of brownfields in O.R.C 122.65 because it keeps a consistent definition throughout Ohio law. This consistency helps avoid confusion among developers and the public. It also limits the need for litigation to better understand the regulatory intent. Thus, the OEC applauds this Board's definition of brownfields in the proposed modifications.

**2. The OEC agrees with the reduction in mandatory setbacks, but encourages this Board to further reduce setbacks.**

The OEC also agrees with the reduction in solar setbacks of 150 feet to 50 feet from non-participating parcel boundaries with a residence. The original 150 ft setback had no evidence-based rationale. This change will allow developers and Board staff flexibility to meet site-specific needs. However, the OEC encourages additional setbacks to better allow staff, developers, and stakeholders to reach appropriate site design on a project by project basis.

Reducing minimum setbacks gives developers and staff more opportunities to address site-specific needs in particular projects. Each solar development site has its own design needs, based on existing features like capped wells/mines or historic artifacts. High minimum setbacks limit options for developers to accommodate any important features discovered during site development.

This modified setback also allows developers to create a smaller development footprint for more megawatts. Many initial commenters to these proposed rules expressed concerns with the large footprint of solar facilities. By reducing minimum setbacks, developers may be able to reduce those footprints.

**Conclusion**

The OEC appreciates this Board's careful consideration of the existing Ohio Administrative Code chapters 4906-1, through 4906-7 and robust opportunities for public comment. In the initial rounds, over 200 commenters urged this Board to consider climate change in power siting decisions. These proposed modifications show the Board is listening to Ohioans looking to mitigate the devastating impacts of climate change. We encourage this Board to continue to consider climate change throughout its final rules, especially integrating climate considerations into the Board's public interest calculus.

Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this filing will be electronically served via the Ohio Power Siting Board's e-filing system and via electronic mail on all parties referenced in the service list of the docket. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 30th day of January, 2023.

January 30, 2023

/s/ Karin Nordstrom

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Summary: Comments Comments on Proposed Rule Modifications filed by Karin Nordstrom on behalf of the Ohio Environmental Council electronically filed by Ms. Karin Nordstrom on behalf of Ohio Environmental Council