

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Scioto )  
Farms Solar Project, LLC for a Certificate of )  
Environmental Compatibility and Public Need )  
for the Construction of a Solar Powered )  
Electric Generating Facility Located in Wayne )  
Township, Pickaway County, Ohio. )

Case No. 21-0868-EL-BGN

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**DIRECT TESTIMONY OF**

**James Cook**

**On behalf of**

**Scioto Farms Solar Project, LLC**

**January 30, 2023**

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**Q.1 Please state your name, title, and business address.**

**A.1** My name is James Cook. I am the Vice President for Development for Candela Renewables, LLC (“Candela”). Candela’s business address is 500 Sansome Street, Suite 500, San Francisco, CA 94111.

**Q.2 What is Candela?**

**A.2** Candela was established in summer 2018. The primary business purpose of Candela is to develop and bring on line large-scale photovoltaic solar projects in the United States. Candela was founded and is staffed by an accomplished team of utility-scale solar power plant developers with experience throughout the continental United States. Although Candela is a relatively new company, members of the Candela team have developed over 7,000 megawatts (“MW”) of contracted projects in final development, construction, or operation. Candela currently has 25 full time employees.

**Q.3 What are your duties as Vice President of Development for Candela?**

**A.3** I lead the development of Candela’s nationwide project portfolio.

**Q.4 What is your education and professional background?**

**A.4** I have developed solar power plants since 2008. Before Candela, I worked as Regional Director of Project Development at First Solar, leading project development in the Western U.S. and Latin America. In this role, I was responsible for all aspects of project development, including siting strategy/acquisition, permitting, interconnection, and development engineering, up to the start of construction. Prior to my time at First Solar, I held a similar position at OptiSolar, which was acquired by First Solar. Some of the projects I have developed include the 550 MW Topaz Solar Farm (co-lead) in San Luis Obispo County, California (the largest solar project in the world at the time), the 150 MW Copper Mountain II Project in Boulder City, Nevada, and the 139 MW Campo Verde Solar Project in Imperial County, California. All of these projects are operational today. I served on active duty in the United States Marine Corps from 1992 through 1996. I also served as a commissioner and three-time former Chair of the Palo Alto Utilities Advisory Commission from 2010-2017. I earned an MBA at U.C. Berkeley and a B.A. at Harvard College.

**Q.5 On whose behalf are you offering testimony?**

1 **A.5** I am offering testimony on behalf of the Applicant, Scioto Farms Solar Project, LLC  
2 (“Scioto Farms Solar”).

3 **Q.6 What is the purpose of your testimony?**

4 **A.6** The purpose of my testimony is to:

- 5 1) Provide a summary of the Scioto Farms Solar Project (the “Project”), including  
6 background information concerning the Project’s Application and Exhibits  
7 thereto, which were filed on December 13, 2021;
- 8 2) Summarize certain components of the Application and sponsor its admission into  
9 evidence along with all associated Exhibits to the Application, all certificates of  
10 service, all required proofs of publication, and all other documents required by  
11 OPSB rules; and
- 12 3) Identify and introduce other witnesses supporting the Application and Project.

13 **Q.7 What is the general purpose of the Project?**

14 **A.7** The Project’s general purpose is to generate clean, renewable energy using photovoltaic  
15 modules and associated equipment. The power generated will be delivered to the PJM  
16 Interconnection, LLC (“PJM”), which is a regional transmission organization (“RTO”) that  
17 serves thirteen states in the eastern United States. The Project will add to the diversity of  
18 PJM’s generating assets, creating a more resilient transmission grid in the region of the  
19 Project. Electricity generated by the Project will use virtually no fossil fuels or water and  
20 will emit zero air emissions, thereby providing not only carbon reduction benefits, but also  
21 local air quality and environmental benefits.

22 **Q.8 Please describe the proposed Project, the Project Area, and the power generation  
23 potential of the Project.**

24 **A.8** The Project is a 110 MW alternating current solar-powered electric generating facility. The  
25 Scioto Farms Solar Project seeks a certificate to construct the Project in Wayne Township,  
26 Pickaway County, Ohio. The Project will be located within an area of approximately 1,070  
27 acres of land (“Project Area”) comprised of privately owned land secured through  
28 agreements with the landowners. Within the Project Area, the generating facilities and  
29 associated infrastructure will occupy approximately 750 acres.

1 The facility will consist of photovoltaic (“PV”) solar panels mounted on a single-axis  
2 horizontal tracker racking system, PV inverters, medium voltage (“MV”) transformers  
3 operating at 34.5 kilovolt (“kV”), MV power lines (underground and/or above ground), an  
4 MV collector and Project (step-up) substation, generation tie-line (gen-tie line) to the point  
5 of interconnection (“POI”), and a utility-owned switchyard at the POI. Driveways from  
6 public roadways as well as internal access roads will be constructed to allow access to the  
7 site during construction and operation. Agricultural, wildlife-friendly fencing will encircle  
8 the Facility. Driveways located outside of the security fencing will allow access to the  
9 public roadways. An onsite operations and maintenance (“O&M”) building likely will be  
10 constructed as well. The PV panels will be mounted on racks that rotate east to west  
11 throughout the day to maximize the solar energy converted to electrical energy by the PV  
12 panels. Collection lines will transmit the electricity from the inverters to an MV collector  
13 and Project substation. The power generated by the Project will be stepped up from 34.5  
14 kV to 138 kV at the Project substation and delivered to a new American Electric Power  
15 (“AEP”) switchyard via an approximately 500-foot, 138 kV gen-tie line. AEP’s switchyard  
16 will connect to the existing Biers Run – Circleville 138 kV transmission line.

17 **Q.9 What components of the Application are you sponsoring?**

18 **A.9** I am sponsoring the Application narrative, all certificates of service, all required proofs of  
19 publications, and all other letters and documents required by OPSB rules. I am also  
20 sponsoring the following Application Exhibits (“App. Ex”): App. Ex. A (Preliminary Site  
21 Plan); App. Ex. C (Manufacturing Specifications); App. Ex. E (Public Information Meeting  
22 Summary); App. Ex. F (Interconnection Filings); App. Ex. H (Complaint Resolution Plan);  
23 App. Ex. I (Liability Insurance Certificate); and App. Ex. W (Drain Tile Assessment).

24 **Q.10 In addition to the Application Exhibits listed above, are you sponsoring other**  
25 **exhibits?**

26 **A.10** Yes. I am also sponsoring the following exhibits: Scioto Farms Solar’s Responses and  
27 Supplemental Responses to the Staff Data Requests (Applicant Exhibit 2).

1 **Q.11 Are Scioto Farms Solar’s Application Exhibits and responses to Staff Data Requests**  
2 **true and accurate to the best of your knowledge?**

3 **A.11** Yes, the Application and Exhibits (Applicant Exhibit 2) and all of Scioto Farms’ Responses  
4 and Supplemental Responses to the Staff Data Requests (Applicant Exhibit 3) are true and  
5 accurate and were prepared under my direction.

6 **Q.12 Were copies of the accepted Application served on local public officials and libraries**  
7 **in accordance with OAC Rule 4906-3-07(A)?**

8 **A.12** Yes. Such service was made, and I am sponsoring Applicant Exhibit 4, which is proof of  
9 service of the Application.

10 **Q.13 Did Scioto Farms Solar file and serve a copy of the letter sent to property owners and**  
11 **tenants within the planned site or contiguous to the plan site pursuant to OAC Rule**  
12 **4906-3-03(B)?**

13 **A.13** Yes. Letters were sent on August 20 and 23, 2021, to property owners and tenants within  
14 the planned site or contiguous to the planned site announcing that the Public Informational  
15 Meeting would be held on September 14, 2021. (See Applicant Exhibit 5.)

16 **Q.14 Did Scioto Farms Solar cause notice of the Public Informational Meeting, the**  
17 **Application, and the hearing dates to be published in the local newspaper?**

18 **A.14** Yes. Such notices were published in the *Circleville Herald* at the appropriate time. Proof  
19 of publication in this newspaper was filed on the docket on September 10, 2021. (See  
20 Applicant Exhibit 6.)

21 **Q.15 Did Scioto Farms Solar publish notification of the originally scheduled hearing dates?**

22 **A.15** Yes. Proofs of Publication were filed on April 13, 2022 (first publication of the description  
23 of the application and hearing dates) and May 13, 2022 (second publication of the  
24 description of the application and hearing dates) in accordance with Ohio Revised Code  
25 (“R.C.”) 4906.06(C) and O.A.C. 4906-3-10(B) for the first and second publications of the  
26 description of the application and the hearing dates, published on April 9, 2022 and May  
27 10, 2022 in the *Circleville Herald* (Applicant Exhibit 7).

28 **Q.16 Did the Project receive any comments at the public information meeting?**

29 **A.16** Yes. These comments are summarized in the Application.

1 **Q.17 Has the Project received a PJM interconnection study?**

2 **A.17** Yes. These studies were filed with the Application (Applicant Exhibit 2, at Exhibit E.)

3 **Q.18 Who are the additional witnesses supporting the Project in this proceeding?**

4 **A.18**

<b>Witness</b>	<b>Subject of Testimony</b>
Jim Woodruff (Candela) (Applicant Exhibit 8)	<ul style="list-style-type: none"><li>- Summarize the Project’s responses to local community concerns.</li><li>- Response to the Public Comments by the Pickaway County Emergency Management Agency filed September 29, 2022 (Applicant Exhibit 9)</li><li>- Informational Correspondence/Memorandum to Wayne Township Trustees (Applicant Exhibit 10)</li><li>- Notice of Project Modification to Incorporate Enhanced Setback Distances, filed December 14, 2022 (Applicant Exhibit 11)</li></ul>
Courtney Dohoney (Stantec) (Applicant Exhibit 12)	<ul style="list-style-type: none"><li>- Sponsor multiple Application Exhibits (“App. Ex.”), including App. Ex. B (Decommissioning Plan); App. Ex. D (Vegetation Management Plan); App. Ex. G (Economic Impact Study; redacted report filed as part of the Applicant’s response to Staff’s Twelfth Data Request, filed May 3, 2022); App. Ex. J (Construction Route Study); App. Ex. K (HDD Inadvertent Return and Contingency Plan); App. Ex. N (FAA Notice Criteria Tool); App. Ex. Q (Ecological Resources Report); App. Ex. R (U.S. Fish &amp; Wildlife Service and Ohio Department of Natural Resources); App. Ex. U (Visual Resources Technical Report); App. Ex. V (Visual Mitigation and Lighting Plan)</li><li>- Unanticipated Discovery Plan, filed as part of the Applicant’s Response to Staff’s Tenth Data Request, filed May 2, 2022 (Applicant Exhibit 13)</li></ul>

Witness	Subject of Testimony
<p>Anne Lee (Commonwealth) (Applicant Exhibit 14)</p>	<ul style="list-style-type: none"> <li>- Sponsor multiple App. Exs., including App. Ex. S (Phase I History/Architecture); App. Ex. T (State Historic Preservation Office Consultation)</li> <li>- Response of Scioto Farms Solar to Staff's Eleventh Data Request, containing Interim Phase 1 Archaeology Survey and SHPO response, filed May 3, 2022) (Applicant Exhibits 3, 15)</li> <li>- Final Phase 1 Archaeology Survey (included as part of the Project's Supplemental Response to Staff's Eleventh Data Request, filed August 26, 2022) (Applicant Exhibits 3, 16)</li> <li>- Notice of SHPO Concurrence on Final Phase I Archaeology Study Report, filed September 8, 2022 (Applicant Exhibit 17)</li> <li>- Notice of Executed MOU with SHPO, filed October 12, 2022 (Applicant Exhibit 18)</li> </ul>
<p>Rohit Pant (RRC) (Applicant Exhibit 19)</p>	<ul style="list-style-type: none"> <li>- App. Ex. L (Desktop Geotechnical Assessment)</li> <li>- Geotechnical Report filed April 27, 2022 (Applicant Exhibit 20)</li> </ul>
<p>JoAnne Blank (Stantec) (Applicant Exhibit 21)</p>	<ul style="list-style-type: none"> <li>- App. Ex. O (Pre-Construction Sound Report)</li> </ul>
<p>Jennifer Brunty (Stantec) (Applicant Exhibit 22)</p>	<ul style="list-style-type: none"> <li>- App. Ex. M (Glare Hazard Analysis)</li> </ul>
<p>Matthew Hildreth (Westwood) (Applicant Exhibit 23)</p>	<ul style="list-style-type: none"> <li>- App. Ex. P (Preliminary Hydrology Study)</li> <li>- Stormwater Management Report (filed with the Pre-Filed Testimony of Matthew Hildreth, (Applicant Exhibit 23))</li> </ul>
<p>Brady Stauffer (Westwood) (Applicant Exhibit 24)</p>	<ul style="list-style-type: none"> <li>- Testimony on best management practices to reduce impacts to topsoil during construction, as well Project's additional commitments to limit grading (Applicant Exhibit 24)</li> </ul>

<b>Witness</b>	<b>Subject of Testimony</b>
Brian Karczewski (Stantec) (Applicant Exhibit 25)	- Testimony on soil health benefits from native/pollinator vegetation (Applicant Exhibit 25)
Karl Gebhardt (Teater-Gebhardt & Associates) (Applicant Exhibit 26)	- Testimony on how the Project improves watershed and soil health, and advances goals of farmland preservation (Applicant Exhibit 26)
Tao Yang (GridBright) (Applicant Exhibit 27)	- Testimony regarding power flow study and local transmission grid resiliency associated with the Project (Applicant Exhibit 27)
Adam Poll (Dudek) (Applicant Exhibit 28)	- Testimony on the air emissions reductions and public health benefits attributable to the Project (Applicant Exhibit 28)
Rhett Sloan (SAM) (Applicant Exhibit 29)	- Testimony on the Project's advanced techniques for identification of drain tile, such as drone surveys (Applicant Exhibit 29)
Tom Bensen (Emergency Response Group) (Applicant Exhibit 30)	- Testimony on the Project's approach to fire safety and sponsorship of the Project's Responses to Public Comment of the Pickaway Fire Chiefs Association (Applicant Exhibits 30, 31)

**Q.19 Did Scioto Farms Solar complete a complaint resolution plan?**

**A.19** Yes. The Project submitted a complaint resolution plan as part of its Application (Applicant Exhibit 2, at Exhibit H). Pursuant to this plan, Scioto Farms Solar will attempt to acknowledge any complaint within 24 hours and coordinate with the complainant to quickly and effectively address issues. Scioto Farms Solar will enter complaints into a complaint log, document the details of the complaint, determine the best method for contacting the complainant, and assign a point of contact to investigate the complaint. Scioto Farms Solar will first determine if complaints entail a violation of federal, state, or local laws or permit conditions, and if there are notifications or required steps to address those violations. Scioto Farms Solar will also determine if outside resources are necessary to address issues raised by the complainant. Scioto Farms Solar is committed to responding to complaints within 30 days, unless extenuating circumstances necessitate a longer time



1 period, or it is determined that the complaint is unresolvable. Scioto Farms Solar will  
2 provide an explanation to the complainant for the extended period and the timeline for  
3 addressing the complaint should complaint resolution take longer than 30 days. Scioto  
4 Farms Solar will adhere to Staff Report Condition No. 38 as, which also requires the filing  
5 of a complaint summary report on a quarterly basis for the duration of Project construction  
6 and the first five years of commercial operation.

7 **Q.20 Please describe the Drain Tile Assessment filed with the Application.**

8 **A.20** The Drain Tile Assessment was included with the Application (Applicant Exhibit 2, at  
9 Exhibit W). This filing establishes planned methodology to identify drain tile locations and  
10 the process that will be used to repair any drain tiles that are damaged during construction.  
11 As discussed further in the testimony of Witness Woodruff, Scioto Farms Solar has  
12 engaged a local drain tile contractor and an aerial drone surveyor to survey and further  
13 validate the location of drain tiles prior to the commencement of construction.

14 **Q.21 Have you reviewed the Certificate conditions recommended by the Board Staff on**  
15 **pages 48-55 of the Staff Report of Investigation (“Staff Report”)?**

16 **A.21** Yes.

17 **Q.22 Does Scioto Farms Solar recommend any changes to the conditions as proposed in the**  
18 **Staff Report?**

19 **A.22** Yes. Scioto Farms Solar recommends that Staff Report Condition No. 39 be removed. This  
20 condition proposes to exclude a 100-acre area from the buildable area of the Project until  
21 the completion of the archeological survey and concurrence from the Ohio Historic  
22 Preservation Office (“OHPO”). As further discussed by Witness Anne Lee, the Project has  
23 completed the remaining archeological survey and received concurrence from OHPO. As  
24 a result, this condition is no longer necessary.

25 **Q.23 With the exception of Condition No. 39, does the Applicant accept all remaining**  
26 **Certificate conditions recommended by the Board’s Staff in the Staff Report and**  
27 **commit to complying with them?**

28 **A.23** Yes.

1 **Q.24 Are you aware that the OPSB must make certain determinations under Ohio Revised**  
2 **Code (“R.C.”) 4906.10 before issuing the certificate for which Scioto Farms has**  
3 **applied?**

4 **A.24** Yes. I have been advised there are eight criteria considered by the OPSB in making its  
5 decision whether or not to issue a certificate.

6 **Q.25 Does the Application meet Scioto Farms’ obligation to make the required showings**  
7 **under each of the eight criteria under R.C. 4906.10?**

8 **A.25** Yes. The Application and other exhibits presented in this proceeding on behalf of the  
9 Project enable the OPSB to determine that Scioto Farms Solar meets each of the eight  
10 criteria under R.C. 4906.10.

11 **Q.26 Does R.C. 4906.10(A), which requires the Board to determine the basis of need for the**  
12 **proposed facility, apply to the Board’s review of this Application?**

13 **A.26** No. R.C. 4906.10(A)(1) applies only to an electric transmission line or a gas pipeline, and  
14 is not applicable to this generating facility.

15 **Q.27 Does the Application enable the Board to determine the nature of the probable**  
16 **environmental impact of the facility?**

17 **A.27** Yes. The Application addresses all of the subject matter areas necessary for the Board to  
18 determine the nature of the probable environmental impact of the facility. The Application  
19 includes detailed surveys, assessments, and reports related to probable socioeconomic  
20 impacts, ecological impacts, and impacts on public services, facilities, and safety. The  
21 Application narrative, exhibits, and figures, along with subsequent data request responses,  
22 provide all of the information necessary to determine the probable impacts of the Project.  
23 Further, each of these topics is addressed by witnesses in the case.

24 **Q.28 Based on the Applicant’s commitments in the Application, along with the conditions**  
25 **in the Staff Report, does the facility represent the minimum adverse environmental**  
26 **impact, considering the state of available technology and the nature and economics of**  
27 **the various alternatives, and other pertinent considerations?**

28 **A.28** Yes. The Application addresses all of the subject matter areas necessary for the Board to  
29 determine the nature of any probable environmental impact of the facility. Moreover, the

1 Applicant's commitment to comply with all of the conditions recommended in the Staff  
2 Report (except as stated above) further supports a determination that the facility represents  
3 the minimum adverse impact, considering the state of available technology and the nature  
4 and economics of the various alternatives, and other pertinent considerations.

5 From the inception of the Project through the studies completed in connection with the  
6 Application, Scioto Farms Solar has worked with landowners, consultants, and the  
7 community to minimize or eliminate the impacts of construction and operation of the  
8 Project – and continues to do so.

9 With respect to construction, activities are expected to have typical and relatively limited  
10 impacts as they are temporary, intermittent, and are subject to time-of-day restrictions.  
11 Increased traffic during construction will be managed with no expected road closures and  
12 will end when the Project is operational. Scioto Farms Solar will obtain all required permits  
13 and authorizations, consistent with Staff Report Condition No. 16.

14 With respect to operations, Scioto Farms Solar has engaged, directed, and supervised  
15 consultants to study the potential environmental, ecological, cultural, and visual impacts of  
16 the Project. Individual witnesses will provide detailed direct testimony about these studies  
17 and reports. These expert studies may be summarized as follows:

- 18 • Scioto Farms Solar requested a study of the Project Area to determine the presence  
19 of threatened or endangered species. The ecological resources report, discussed in  
20 more detail by Witness Courtney Dohoney, reveals that the Project Area includes  
21 the historical range and presence of federally and state-listed bats. Scioto Farms  
22 Solar currently proposes no tree clearing, and so impacts to these species will be  
23 avoided. A small portion of the Project Area could serve as suitable habitat for the  
24 endangered lark sparrow, and Scioto Farms Solar has committed to seasonal  
25 limitations for disturbance of these areas.
- 26 • Additionally, Scioto Farms Solar's studies determined that there will be no  
27 permanent impacts to wetlands and surface waters, and there are no proposed  
28 wetland or stream crossings associated with the Project. To the contrary, as set forth  
29 in the pre-filed testimony of Karl Gebhardt, the Project will improve nearby  
30 watersheds and provide important wildlife habitat, consistent with State of Ohio

1 watershed improvement and wildlife conservation policies. For example, Staff  
2 Report Condition No. 36 requires that Scioto Farms Solar prepare an updated  
3 vegetation management plan in consultation with ODNR, which incorporates  
4 beneficial species for pollinators.

- 5 • Scioto Farms Solar's Noise Assessment, discussed further by Witness JoAnne  
6 Blank, resulted in a finding that construction noise impacts will be intermittent and  
7 limited in duration. Consistent with this assessment, construction noise will be  
8 minimized by practices such as limiting hours of work, locating staging away from  
9 sensitive receptors, and controlling vehicle movement to prevent backup alarms.  
10 Once operational, the Project would be expected to have minimal adverse noise  
11 impacts on the adjacent community.
- 12 • Visual impacts of the Project will be mitigated by diligent and effective design to  
13 move panels away from neighboring homes and businesses, by selectively adding  
14 vegetative screening (including the use of pollinator habitat in landscaping), efforts  
15 to preserve existing vegetation, and by the flat terrain, low profile of the solar  
16 panels. In designing the Project, Scioto Farms Solar committed to a setback of at  
17 least 300 ft. from non-participating residences. As discussed further by Witness Jim  
18 Woodruff, Scioto Farms Solar has proactively incorporated enhanced setback  
19 standards through additional Project layout commitments. The Project will use  
20 agricultural-style, wildlife-friendly perimeter fencing, rather than chain link  
21 fencing; this is also a requirement of Staff Report Condition No. 22.
- 22 • The Glare Hazard Analysis, discussed further by Witness Jennifer Brunty, indicates  
23 that no glare from the Project is predicted to impact vehicles using roadways,  
24 nearby residences, or the closest airports and helipads. Prior to construction, Scioto  
25 Farms Solar will prepare a landscape and lighting plan in consultation with a third-  
26 party landscape architect, to be reviewed by OPSB Staff, consistent with Condition  
27 No. 21 of the Staff Report.

28 As discussed further by Witness Jim Woodruff, Scioto Farms Solar made a number of  
29 important design decisions and modifications at the request of both participating and non-  
30 participating neighbors to reduce potential noise and visual impacts.

To the extent there are concerns from community members regarding construction and operation of the Project, Scioto Farms Solar will implement a complaint resolution procedure, as discussed above, to ensure any complaints are appropriately investigated and addressed.

**Q.29 Is the facility consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability**

**A.29** Yes. The regional plans for expansion of the electric power grid of the electric systems serving the state are determined by PJM. The Applicant submitted an interconnection request to PJM on March 26, 2018. The Feasibility Study for the Project was received in July 2018, and the subsequent System Impact Study (“SIS”) Report from PJM was received in March 2020. As noted in the Staff Report, PJM studied the Project for possible overloading where the proposed facility may affect earlier generation or transmission projects in the PJM queue. No overloads were identified in the SIS Report.

The Application further describes that the Project would provide additional electrical generation to the regional transmission system. As further described by Witness Tao Yang, the Project will directly contribute to the resiliency of the local grid serving the City of Circleville and large population centers in the Central Ohio area.

**Q.30 Does the facility comply with the requirements established by the state of Ohio for air pollution control; solid and hazardous waste; water pollution control; permitting for a major increase in withdrawal of waters; and aeronautical requirements?**

**A.30** Yes. The Project will generate no wastewater, no air emissions, and minimal solid waste. Air quality permits are not required for construction or operation of the Project. During construction, Scioto Farms Solar will control fugitive dust by using best management practices, consistent with fugitive dust rules.

The Application addresses water and water pollution and demonstrates that the Project has no water pollutants associated with the operations of the Project. The Project does not anticipate any impacts to public or private wells or water supplies during the construction and operation of the Project. Consistent with Staff Report Condition No. 30, Scioto Farms will construct the facility in a manner consistent with the Ohio Environmental Protection

1 Agency's ("Ohio EPA") Guidance on Post-Construction Storm Water Controls for Solar  
2 Panel Arrays. As noted by the Staff Report, Scioto Farms will mitigate potential water  
3 quality impacts associated with storm water runoff by obtaining a NPDES construction  
4 storm water general permit (OHC00005) coverage from the Ohio EPA with submittal of a  
5 notice of intent for coverage under that permit. The construction storm water general permit  
6 also requires development of a Stormwater Pollution Prevention Plan ("SWPPP") to direct  
7 the implementation of construction-related storm water management and BMP for soil  
8 erosion control. Because the current design avoids impacts to stream and wetland features,  
9 this is the only water permit anticipated for the Project. As required by Staff Report  
10 Condition No. 12, the NPDES, SWPPP, and erosion and sediment control plan will be  
11 submitted to OPSB Staff prior to the commencement of construction.

12 Only a minimal amount of solid waste will be produced during regular operations and will  
13 be limited to common materials, such as such as cardboard and plastic packaging. Scioto  
14 Farms Solar will recycle as much waste material as possible and will use a local solid waste  
15 disposal service to handle the waste. Further, Scioto Farms has committed to only use top  
16 tier equipment suppliers and the Applicant is considering panels that have been certified to  
17 comply with the U.S. EPA's toxicity characteristics leachate procedure ("TCLP") test and  
18 that meet U.S. EPA definition of non-hazardous waste. Moreover, Staff Report Condition  
19 No. 27 requires that retired panels marked for disposal will be sent to an engineered landfill  
20 with barrier and methods designed to prevent leaching of materials into soils and  
21 groundwater.

22 **Q.31 Does the facility serve the public interest, convenience, and necessity?**

23 **A.31** Yes. As discussed throughout my testimony and the testimony of other witnesses, Scioto  
24 Farms has designed the Project to avoid, mitigate and/or minimize impacts and to  
25 incorporate feedback from the local community. In addition, the Project actively serves the  
26 public interest in a variety of ways not addressed in the Staff Report. The public interest is  
27 served by 1) providing local, regional, and statewide economic benefits; 2) the hiring of  
28 talented local labor to build the project, bringing good construction related jobs to workers  
29 in the area, 3) advancing farmland preservation; 4) improving Ohio's air quality and public  
30 health; 5) benefiting the local watershed; 6) supporting the diversification of Ohio's

1 electrical supply; and 7) enhancing the resiliency of the local transmission grid. None of  
2 these benefits are addressed in the Staff Report. Scioto Farms Solar has engaged expert  
3 witnesses to provide direct testimony on these topics, as set forth above, which will enable  
4 the Board to make an evidence-based determination that the facility will serve the public  
5 interest, convenience, and necessity.

6 **Q.32 Does the Application enable the Board to determine the facility's impact on the**  
7 **viability as agricultural land of any land in an existing agricultural district?**

8 **A.32** As discussed further by Witness Woodruff and other supporting witnesses, Scioto Farms  
9 has taken extra steps to preserve the long-term viability of the land within the Project Area  
10 for future agricultural use. These efforts include enhanced survey methods to identify drain  
11 tiles and a commitment to repair damaged drain tiles. The Project has also retained a local  
12 drain tile installation company and has also engaged a firm to conduct additional drone  
13 surveys to support the identification of drain tiles prior to construction. Scioto Farms Solar  
14 will be subject to Staff Report Condition No. 10, which requires that a grading plan be  
15 developed and submitted prior to construction. This plan must demonstrate that the Project  
16 would not obstruct future agricultural land use or land use otherwise specified by the  
17 landowner. Moreover, the Project is voluntarily committing to limiting grading activities  
18 to no more than 15% of the total surface area of the Project Area, which is discussed further  
19 by Witness Brady Stauffer.

20 The Vegetation Management Plan and the conditions set forth in the Staff Report, will  
21 ensure that, throughout the life of the Project, a mix of native and pollinator seeding will  
22 increase biodiversity and soil health on the Project site and have the potential to increase  
23 pollinator species presence on adjacent farmed parcels.

24 **Q.33 Does the facility incorporate maximum feasible water conservation practices,**  
25 **considering available technology and the nature and economics of the various**  
26 **alternatives?**

27 **A.33** Yes. As noted in the Staff Report, the Project will not require the use of significant amounts  
28 of water. Construction and operations will require a water supply either from existing water  
29 wells, drilling a new well, or having water delivered. Water will be needed for dust control,  
30 construction trailers, and O&M building use. Natural precipitation is expected to be

1 sufficient for cleaning panels. However, should water be required for manually cleaning  
2 solar panels, less than a pint of water would be needed to clean each module.

3 **Q.34 Does this include your direct testimony?**

4 **A.34** Yes, but I reserve the right to supplement my testimony.



## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing *Testimony of James Cook* was served this 30<sup>th</sup> day of January 2023 via electronic mail upon the following parties of record.



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Sommer L. Sheely

Robert Eubanks  
Werner Margard  
Shaun Lyons  
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Summary: Text Direct Testimony of James Cook on behalf of Scioto Farms Solar  
Project, LLC electronically filed by Teresa Orahoad on behalf of Sommer Sheely