

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Blossom Solar, LLC for a Certificate of)	Case No. 22-151-EL-BGN
Environmental Compatibility and Public)	
Need)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicant Blossom Solar, LLC (“Blossom Solar” or “Applicant”), the Ohio Farm Bureau Federation, the Ohio Environmental Council, and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of the Blossom Solar Project (the “Project”).

The Applicant intends to build the Project as a 144 MW solar-powered generating facility in Washington Township in Morrow County, Ohio. The Project will be located on approximately 1,100 acres of private land. The Project will consist of large arrays of photovoltaic (“PV”) modules, commonly referred to as solar panels, ground-mounted on a tracking metal rack system. The racking system may include a stowing feature. The Project will also consist of the fenceline, inverters, a substation, belowground electrical collection lines, access roads, a data control structure, and pyranometers. During construction, the Project will use up to 20 temporary construction laydown areas.

The Project will deliver power to a single point of interconnection (“POI”) to the Galion Substation, owned by American Transmission Systems, Incorporated. A 138 kV transmission line

(“gen-tie”) will connect the Project substation to the Galion Substation. The gen-tie line will be part of a separate application submitted to the Board.

The Applicant has not yet selected the final PV modules or racking system to be utilized for the Project. However, the Applicant anticipates the facility will use approximately 250,000 to 560,000 solar panels, depending on final engineering and design considerations. The steel piles that will support the racking system will be driven to a depth of about 10 feet. The Applicant will install a collector system made up of a network of electric and communication lines that will transmit the electric power from the solar arrays to a central location. The below grade portion of the collector system will be buried at least 36 inches.

The electricity from the solar panels will be generated in direct current (“DC”). Sets of panels are electrically connected in a series and terminated at an inverter. The inverters convert the DC power (approximately 1,500 volts) from the panels to alternating current (“AC”) power (650-950 volts depending on the inverter specifications). Next, a transformer steps up the AC voltage of generated electricity from the inverter output voltage to 34.5 kV. From the transformers, buried electrical cables will transmit the electrical output to the facility substation, where the electricity will be stepped up from 34.5 kV to 138 kV to interconnect to the existing transmission infrastructure. Noise impacts from the Project were modeled using a representative model for the inverter model and industry data for the step-up transformer.

The Applicant proposes to construct approximately 11 miles of new access roads for use in connection with the Project. No blasting activities are anticipated. Following construction, the roads will be a maximum of 16-feet wide. The Project also will include up to eight stations containing a variety of measuring instruments, including a pyranometer for measuring the solar

resource, an anemometer, a wind vane, a barometer, a rain bucket and a temperature probe, as well as associated communications equipment.

The Project will also include a single masonry or metal structure containing supervisory control and data acquisition equipment including computers, communications equipment, and other devices to assist in the monitoring and operation of the Project. The structure will be on a poured or pre-fabricated concrete foundation, occupy less than 400 square feet, and be less than 15 feet high.

II. HISTORY OF THE APPLICATION

On March 23, 2022, the Applicant filed a pre-application notification letter regarding the Project.

On April 4, 2024, the Applicant filed a proof of notice of the public informational meeting, indicating that notice of its April 6, 2022 public informational meeting was mailed to affected landowners on March 16, 2022, and published in the Morrow County Sentinel, a newspaper of general circulation in Morrow County, on March 23, 2022.

On April 6, 2022, the Applicant held a public informational meeting regarding the Project.

On May 27, 2022, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility.

Also on May 27, 2022, the Applicant filed the Project Application as well as a motion for protective order to keep certain portions of its Application confidential.

On July 26, 2022, the Executive Director of the Board issued a letter of compliance regarding the Application to the Applicant.

On August 5, 2022, the Applicant filed a notice regarding modification of the Project's footprint to remove the gen-tie connection from the Project substation to the Galion Substation. The gen-tie connection will be the subject of a separate application.

On August 9, 2022, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local library.

On August 26, 2022, the Administrative Law Judge ("ALJ") issued an Entry to schedule hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

On September 16, 2022, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on September 1, 2022, and published on August 24, 2022 and September 7, 2022, in the Morrow County Sentinel, a newspaper of general circulation in Morrow County.

On September 26, 2022, the Ohio Farm Bureau Federation ("OFBF") filed a motion to intervene.

On October 6, 2022, the Ohio Environmental Council ("OEC") filed a petition to intervene.

On October 31, 2022, Staff filed its Staff Report of Investigation.

On November 2, 2022, the ALJ issued an Entry granting intervention to the OFBF and OEC.

On November 8, 2022, the Applicant filed a proof of second public notice and publication of second public notice, indicating that notice of its accepted, complete Application was mailed to

affected landowners and appropriate governmental officials on November 2, 2022, and published on November 2, 2022, in the Morrow County Sentinel.

An in-person local public hearing was held on November 15, 2022 at 6:00 p.m., at the Washington Township Trustee Hall, 3612 Township 49 Road, Iberia, Ohio 43325.

This summary of the history of the Application does not include every filing in Case No. 22-151-EL-BGN. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us> and searching Case No. 22-151-EL-BGN.

This Stipulation results from discussions among the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the proposed Blossom Solar Project.

III. STIPULATION AND RECOMMENDATION

A. Recommended Conditions

(1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*, as modified by this Joint Stipulation.

(2) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case docket. The Applicant may conduct separate preconstruction conferences for each stage of construction.

(3) Within 60 days of commencement of commercial operation of the solar facility and point-of-interconnection switchyard, the Applicant shall submit to Staff a copy of the as-built specifications for that facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built

specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.

(4) In the event that the federal requirements for a SPCC does not apply to the proposed facility, the Applicant shall develop and implement a Spill Prevention Plan or comparable plan that will address prevention of, response to, and notification to the appropriate authorities in the event of any spills.

(5) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate unless the Board grants a waiver or extension of time.

(6) As the information becomes known, the Applicant shall file on the public docket the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.

(7) The Applicant shall obtain transportation permits prior to the commencement of construction activities that require them. The Applicant shall coordinate with the appropriate authority regarding any temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. The Applicant shall detail this coordination as part of a final transportation management plan submitted to Staff prior to the preconstruction conference for review and confirmation by Staff that it complies with this condition. That Applicant shall also submit the completed Transportation Study as part of the final transportation management plan.

(8) Subject to the application of R.C. 4906.13(B), prior to the commencement of construction activities in areas that require permits or authorizations by federal, state, or local laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant and shall file such permits or authorizations on the public docket. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference(s). Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.

(9) Subject to the application of R.C. 4906.13(B), the certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

(10) The Applicant shall not commence any construction of the facility until it has as executed an Interconnection Service Agreement and Interconnection Construction Service Agreement with PJM Interconnection, LLC, which includes construction, operation, and maintenance of system upgrades necessary to integrate the proposed generating facility into the regional transmission system reliably and safely. The Applicant shall docket in the case record a letter

stating that the Agreement has been signed or a copy of the executed Interconnection Service Agreement and Interconnection Construction Service Agreement.

(11) The facility shall be operated in such a way as to assure that no more than 144 megawatts would at any time be injected into the Bulk Power System.

(12) At least 30 days prior to the preconstruction conference, the Applicant shall provide to Staff, and shall file on the public docket, an updated glare analysis based on the final design that (a) accounts for glare along roads and nearby residences in the project area, (b) provides an executive summary of the results, (c) includes a recommendation to minimize and address all predicted glare impacts.

(13) Prior to commencement of construction, the Applicant shall prepare a landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. The plan will take into account the updated glare analysis prepared pursuant to Condition 12. The plan shall include measures such as fencing, vegetative screening or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. The plan shall incorporate planting design features or measures to address aesthetic impacts to the traveling public, nearby communities, sensitive institutional land uses and recreationalists. The Applicant shall maintain vegetative screening for the life of the facility and the Applicant shall substitute or replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any significant damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.

- a. The Applicant shall incorporate additional screening for the following observation points (OP) as identified in the initial glare study dated July 20, 2022: OP 119, 120, 127, 128, 136, 138, 142, 145, 146, 149, 150, 152, 160, 162, 166, 168, 170, 178 in order to mitigate any predicted glare at those locations.
- b. The Applicant shall incorporate additional screening for the following routes as identified in the initial glare study dated July 20, 2022: route five (along State Route 61) and route six (along State Route 288) in order to mitigate any predicted glare at those locations.

(14) At least 30 days prior to the preconstruction conference, the Applicant shall submit a refined solar facility layout that shows pipeline(s) easement(s) and right-of-way, the Applicant's setback of perimeter fence, solar panels, and inverters to that pipeline(s) easement(s) and right-

of-way, the access roads necessary to reduce crossing the pipeline(s) easement(s), the location of the underground electric collection system within the pipeline easement, and the method for installing the underground electric collection system within the pipeline easement.

(15) At least 30 days prior to the preconstruction conference, the Applicant shall submit a document indicating that it has met or addressed notable points from the pipeline owner's written guidelines for third party construction or maintenance activities within the pipeline's easement. If written guidelines are unavailable, the Applicant shall include and address the following specific notable points in its document but are not limited to at least the following: obtain an encroachment agreement if such agreement is required by the pipeline owner (or, if such an agreement is not required by the pipeline owner, Applicant shall use industry accepted practices to design the limits of encroachment); insurance coverage; conduct an engineering review for crossing of pipelines with equipment if such a review is required by the pipeline owner, which may include a description of the use of timber mats, bridges, or other protective material to cross the pipelines during construction; meet or exceed minimum TIDD pipeline clearance of 60 inches from the pipeline; establish non-interference with the pipeline's cathodic protection system; utilize proper shielding of the underground electric cable; comply with setbacks for blasting near the pipeline,; and conduct a prior blast plan impact analysis.

(16) The Applicant shall denote the pipeline(s) easement(s) on the final engineering drawings and install construction fence along the pipeline(s) easement(s) so that crossing the pipeline easement is minimized during construction.

(17) Prior to commencement of construction, the Applicant shall submit to Staff for approval a solar panel perimeter fence type that is both small-wildlife permeable and aesthetically fitting for a rural location. Fencing around panels should incorporate gaps or spaces of at least six inches by six inches to allow passage of small mammals. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any damage as needed. Barbed wire shall not be utilized for the perimeter fence. This condition shall not apply to substation fencing.

(18) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 6:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m., and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. If impact pile driving is required between 7:00 a.m. and 9:00 a.m., and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., the Applicant shall install a noise monitor in a representative location to catalog that this threshold is not being exceeded. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.

(19) The Applicant shall operate a facility that limits sound levels emitted to nonparticipating receptors to no higher than the daytime ambient Leq sound level limit level plus five dBA, as listed in the Sound Report Exhibit L, Appendix C for the applicable non-participating receiver. If the facility is found to be above these limits, the Applicant shall install additional noise mitigation measures to maintain compliance with this provision.

(20) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems shall be promptly repaired or rerouted to at least original conditions or modern equivalent at the Applicant's expense to ensure proper drainage. However, if the affected landowner(s) agrees to not having the damaged field tile system repaired, they may do so only if: i) the field tile systems of adjacent landowners remain unaffected by the non-repair of the landowner's field tile system; and ii) the damaged field tile does not route directly onto or into an adjacent parcel. The Applicant shall design the project to ensure that nearby parcels are protected from unwanted drainage problems due to construction and operation of the project. Applicant shall document benchmark conditions of surface and subsurface drainage systems prior to construction, including the location of laterals, mains, grassed waterways, and county maintenance/repair ditches. The Applicant shall consult with owners of all parcels adjacent to the property, the county soil and water conservation district, and the county to request drainage system information over those parcels. The Applicant shall consult with the county engineer for tile located in a county maintenance/repair ditch. A map of discovered and repaired drain tile systems shall be filed in the case docket once construction is complete.

(21) At least 60 days prior to the preconstruction conference, the Applicant shall file an agricultural protection plan that is designed to minimize impacts to agricultural land use during the construction, operation, maintenance, and decommissioning. The plan shall be comprised of a narrative and detailed mapping that includes, but is not limited to the following:

- a. Implements a program for the collection of baseline data establishing pre-construction soil conditions for the production of row crops for the agricultural areas within the project area. The program shall establish the relevant characteristics of both topsoil (defined as the upper most part of the soil commonly referred to as the plow layer, the A layer, or the A horizon, which typically is 5 to 10 inches in depth in Ohio) and subsoil (defined as the soil material that starts at the bottom of the topsoil, which typically is approximately 36 inches in depth in Ohio, unless fractured or hard bedrock is encountered first). The baseline data shall be derived from field and laboratory testing of soil conditions; including depth, density and quality from representative locations. Laboratory testing shall be conducted by an accredited laboratory. Parameters for assessing soil quality shall include, at a minimum, the following: infiltration rate, bulk density, water holding capacity, pH, percent organic matter, cation exchange capacity, Phosphorous/Phosphate (P), Nitrogen (N), and Potassium/Potash (K). After 30 years of operation and again after 35 years of operation, soil conditions shall be determined for the same sampling locations using the same parameters and the results used to plan soil restoration activities. After equipment is removed as part of decommissioning, soil conditions shall be determined for the same sampling

locations using the same parameters. Soil restoration activities shall be performed as necessary to return soil conditions to at least baseline conditions. Staff will be provided with data of soil conditions within 30 days after the receipt of results.

- b. Seeks to achieve a goal of grading no more than 5 percent, but firmly limits grading to no more than 20 percent, of the agricultural lands within the Project Area, as defined in the Application. The plan shall minimize grading to the extent practicable and economically feasible, specify the percentage of agricultural lands within the Project Area for which grading is anticipated and, if applicable, provide the reason(s) that the 5-percent goal is not practicable or economically feasible for the Project Area. For purposes of this condition only, grading is defined as earth-moving activities incidental to building roads, equipment pads, substations, and laydown yards, installing buried electric lines and drain tile, excavating stormwater basins, performing soil removal activities, soil filling activities, and cut-and-fill activities, but shall not include routine ground disturbance incidental to installing piles, fences, poles for electric lines, vegetation, landscaping, and temporary erosion and sediment controls, performing soil sampling, geotechnical investigations, and archeological investigations, disking topsoil to promote the growth of vegetation, and raking, smoothing ruts, or otherwise creating a smooth and safe work surface.
- c. Map(s) and geospatially referenced electronic data including the following:
 - i. Planned areas of grading
 - ii. Agricultural lands within the project area
 - iii. Planned locations for topsoil storage or stockpile areas
- d. Follows best management practices for preserving agricultural land that include, but may not be limited to, the following:
 - i. Prior to starting grading in a particular location, topsoil shall be removed and stockpiled separate from subsoil.
 - ii. No stockpiles shall be located in or near drainage ways. Stockpiles shall be stabilized in accordance with the Ohio EPA's NPDES Construction Storm Water General Permit.
 - iii. Topsoil will remain in the project area.
 - iv. Topsoil shall not be re-applied to the surface in excessively wet/moist conditions.
 - v. For cut-and-fill activities, a profile of the depth and density of the topsoil and subsoil for each area shall be established using representative sampling locations prior to the start of the activity, and a similar profile shall be re-established upon completion of such activity. Topsoil will be removed from the area for which activity is to be performed and separately stockpiled, the

subsoil will be excavated and redistributed to lessen the slope, the subsoils will be de-compacted, and then the topsoil will be redistributed over the area.

- vi. Existing grassed waterways shall be preserved to the extent practicable. In instances where grassed waterways are to be significantly altered, the Applicant shall submit an analysis that demonstrates how the alteration will not adversely affect drainage of both the project area and neighboring parcels.
- vii. Shall sequence construction such that access roads are constructed prior to other grading activities.
- viii. Shall instruct construction workers to utilize established access roads and laydown areas for equipment and vehicular traffic, rather than agricultural land, unless installing equipment in the immediate area or as necessary to safely pass other equipment or vehicles.

(22) At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan and total decommissioning cost estimate without regard to salvage value on the public docket that includes: (a) a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (b) a timeline of up to one year for removal of the equipment; (c) a provision to monitor the site for at least one additional year to ensure successful revegetation and rehabilitation; (d) a provision where the performance bond is posted prior to the commencement of construction; (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value; (f) a provision to coordinate repair of public roads damaged or modified during the decommissioning and reclamation process; (g) a provision that the decommissioning plan be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors; (h) a provision stating that the bond shall be recalculated every five years by an engineer retained by the Applicant; and (i) a provision that underground equipment will be removed to the extent such removal is necessary for future drain tile repairs and installation to be completed. The Applicant shall implement and comply with the decommissioning plan as approved by Staff.

(23) At the time of solar panel end of life disposal, any retired panel material that is not recycled and that is marked for disposal, shall be sent to an engineered landfill with various barriers and methods designed to prevent leaching of materials into soils and groundwater, or another appropriate disposal location at the time of decommissioning approved by Staff.

(24) The Applicant shall only use solar panel modules that do not exhibit the characteristic of toxicity verified through analysis or documentation with the US EPA's Toxicity Characteristics Leaching Procedure test.

(25) Prior to construction, the Applicant shall implement an avoidance plan for Ohio Archaeological Inventory sites 33MW0251 and 33MW0288. If the project scope changes

or newly identified cultural resources are discovered during construction, the Applicant shall notify OHPO and Staff concerning the need for mitigation or avoidance.

(26) If the Applicant encounters any new listed plant or animal species or suitable habitat of these species prior to construction, the Applicant shall include the location in the final engineering drawings and associated mapping. The Applicant shall avoid impacts to these species and explain how impacts would be avoided during construction.

(27) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies. The Applicant shall also keep a running list of and notify OPSB Staff and the ODNR Division of Wildlife if any wildlife mortality or entrapment is discovered in the facility during operation.

(28) The Applicant shall construct the facility in a manner that incorporates post construction stormwater management under OHC000005 (Part III.G.2.e, pp. 19-27) in accordance with the Ohio Environmental Protection Agency's Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays.

(29) The Applicant shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas. Sensitive areas may include, but are not limited to, wetlands and streams, and locations of threatened or endangered species. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental specialist shall have authority to stop construction to assure that unforeseen environmental impacts do not progress and recommend procedures to resolve the impact. A map shall be provided to Staff showing sensitive areas which would be impacted during construction with information on when the environmental specialist would be present.

(30) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to listed bat species, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

(31) Prior to commencement of any construction, the Applicant shall prepare an updated vegetation management plan in consultation with ODNR. The goals of the plan shall include planting a minimum of 70 percent of the impacted project area in beneficial vegetation, utilizing plant species listed in Attachment A of ODNR Recommended Requirements for Proposed Solar

Energy Facilities in Ohio, and shall follow the Ohio Solar Site Pollinator Habitat Planning and Assessment Form with a minimum score of 80 points. The plan shall include a narrative on how the project proposes to establish and maintain beneficial vegetation and pollinator habitat in accordance with the guidelines provided above. The plan shall include mapping of the areas where pollinator habitat would be established and maintained. The plan shall include that routine mowing would be limited to fall/spring seasons, as needed, to allow for natural reseeding of plantings and reduce impacts to ground-nesting birds.

(32) The Applicant take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm.Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings. This would be achieved through appropriate seed selection, and annual vegetative surveys. If noxious weeds are found to be present, the Applicant shall remove and treat them with herbicide as necessary and shall follow all applicable state laws regarding noxious weeds.

(33) Separate preconstruction conferences may be held for the different phases of civil construction and equipment installation. At least 30 days prior to each preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design for that phase of construction and mapping in the form of PDF, which the Applicant shall also file on the docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the final design is in conformance with the certificate. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design for each phase of construction shall account for geological features and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All applicable geotechnical study results shall be included in the submission of the final project design to Staff.

(34) Additional geotechnical studies shall include additional borings throughout the project area to confirm the preliminary geotechnical engineering report's initial findings, including a minimum of one boring within or immediately adjacent to the proposed substation location. Test pits shall be dug throughout the project area to further characterize soils. This data shall be used to evaluate and design access roads and to assign a seismic site classification applicable to Ohio Building Code. A full-scale pile load testing program shall also be part of the final project design considerations.

(35) At least 30 days prior to the preconstruction conference, the Applicant shall provide Staff, for review and acceptance, the final geotechnical engineering report. This report shall include a final summary statement addressing the geologic and soil suitability.

(36) If any changes are made to the facility layout after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically referenced electronic data. All changes are subject to Staff review for compliance with all conditions of the certificate, prior to construction in those areas.

(37) The Applicant's final project design shall include input from a qualified corrosion engineer to account for potentially corrosive soils.

(38) The Applicant shall make all reasonable efforts, including but not limited to aerial and ground magnetic surveys, ground penetrating radar, hydro-excavation, etc. to identify the precise location of the plugged oil and gas well (API 4 34117235930000) and observe a minimum setback of 25 feet between all project infrastructure and the well.

(39) At least 30 days prior to the preconstruction conference, the Applicant shall provide Staff, for review and acceptance, the final Unanticipated Discovery Plan to account for any previously unknown conditions or features discovered during the proposed construction and which includes course(s) of action to be taken in the event previously unidentified subsurface hazard(s)/feature(s) are encountered during construction (e.g., oil and gas well infrastructure, abandoned mines, contaminated soils, etc.).

(40) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan for construction and operation of the project on the public docket. At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail all affected property owners and tenants who were provided notice of the public informational meeting and OPSB hearings; local officials who received a copy of the application; residences located within one mile of the certificated boundary; schools, libraries, and emergency responders that serve residents in the project area; and any other person who has requested updates regarding the project. These notices shall provide information about the project, including contact information and a copy of the complaint resolution program. The start of construction notice shall include written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate, as well as a timeline for construction and restoration activities. The start of facility operations notice shall include written confirmation that the Applicant has complied with all construction-related conditions of the certificate, as well as a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket. The Applicant shall also prepare a quarterly complaint summary report about the nature and resolution of all complaints received in that quarter and file these reports on the public docket during the first five years of operation. The Applicant shall file on the public docket a complaint summary report by the last day of April, July, October, and January of each year during construction and through the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution program, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved.

(41) The Applicant shall implement a minimum setback from the project's solar modules of at least 50 feet from non-participating parcel boundaries not containing a residence, at least 300 feet from nonparticipating residences existing as of the application date, and at least 150 feet from the edge 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.

B. Other Terms and Conditions

(1) This Stipulation is conditioned upon adoption of the Stipulation by the Board in its entirety and without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Board's approval of this Stipulation constitutes a "material modification" thereof. If the Board rejects or materially modifies all or any part of this Stipulation, any Signatory Party shall have the right to apply for rehearing. If the Board does not adopt the Stipulation without material modification upon rehearing, or if the Board makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within thirty (30) days of the Board's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a notice with the Board ("Notice of Withdrawal"). No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Board review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Board will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Board shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are

successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Board for approval after a hearing if necessary.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each Party agrees not to assert against another Party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that Party's participation in this Stipulation as support for any particular position on any issue. Each Party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Parties in entering into this Stipulation.

IV. RECOMMENDED FINDINGS AND CONCLUSIONS OF LAW

The Parties agree that the record in this case, provided the Board approves the Conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

A. Recommended Findings of Fact

1. Blossom Solar, LLC is licensed to do business in the State of Ohio.
2. The Blossom Solar Project qualifies as a major utility facility as defined in R.C. 4906.01(B)(1).
3. On March 23, 2022, the Applicant filed a pre-application notification letter informing the Board of a public information meeting in Case No. 22-151-EL-BGN.
4. On April 4, 2024, the Applicant filed a proof of notice of the public informational meeting, indicating that notice of its April 6, 2022 public informational meeting was mailed to

affected landowners on March 16, 2022, and published in the Morrow County Sentinel, a newspaper of general circulation in Morrow County, on March 23, 2022.

5. On April 6, 2022, the Applicant held a public informational meeting regarding the Project.

6. On May 27, 2022, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility.

7. Also on May 27, 2022, the Applicant filed the Project Application as well as a motion for protective order to keep certain portions of its Application confidential.

8. On July 26, 2022, the Executive Director of the Board issued a letter of compliance regarding the Application to the Applicant.

9. On August 5, 2022, the Applicant filed a notice regarding modification of the Project's footprint to remove the gen-tie connection from the Project substation to the Galion Substation from the Application.

10. On August 9, 2022, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local library.

11. On August 26, 2022, the ALJ issued an Entry to schedule hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

12. On September 16, 2022, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on September 1, 2022, and

published on August 24, 2022 and September 7, 2022, in the Morrow County Sentinel, a newspaper of general circulation in Morrow County.

13. On September 26, 2022, the OFBF filed a motion to intervene.

14. On October 6, 2022, the OEC filed a petition to intervene.

15. On October 31, 2022, Staff filed its Staff Report of Investigation.

16. On November 2, 2022, the ALJ issued an Entry granting intervention to the OFBF and OEC.

17. On November 8, 2022, the Applicant filed a proof of second public notice and publication of second public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on November 2, 2022, and published on November 2, 2022, in the Morrow County Sentinel.

18. An in-person local public hearing was held on November 15, 2022 at 6:00 p.m., at the Washington Township Trustee Hall, 3612 Township 49 Road, Iberia, Ohio 43325.

19. Because no electric transmission line or gas pipeline is being proposed in this Application, R.C. 4906.10(A)(1) is not applicable.

20. Adequate data on the Project has been provided to determine the nature of the probable environmental impact, as required by R.C. 4906.10(A)(2).

21. Adequate data on the Project has been provided to determine that the facilities described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).

22. Adequate data on the Project has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Project will serve the interests of electric system economy and reliability, and the requirements of R.C. 4906.10(A)(4) are met.

23. Adequate data on the Project has been provided to determine that this facility will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all regulations thereunder, as required by R.C. 4906.10(A)(5).

24. Adequate data on the Project has been provided to determine that it will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

25. Adequate data on the Project has been provided to determine what its impact will be on the viability as agriculture land of any land in the existing agricultural district established under R.C. Chapter 929 that is located within the site of the proposed facility, as required by R.C. 4906.10(A)(7).

26. Adequate data on the Project has been provided to determine that the facility as proposed incorporates maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives, as required by R.C. 4906.10(A)(8).

27. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

B. Recommended Conclusions of Law

1. Blossom Solar, LLC is a “person” under R.C. 4906.01(A).

2. The proposed Project is a major utility facility as defined in R.C. 4906.01(B)(1).
3. The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Project, as required by R.C. 4906.10(A)(2).
4. The record establishes that the Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology, and the nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).
5. The record establishes that the Project is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability, as required by R.C. 4906.10(A)(4).
6. The record establishes, as required by R.C. 4906.10(A)(5), that to the extent that it is applicable, construction of the proposed Project will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.
7. The record establishes that the Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation, will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).
8. The impact of the Project on the viability as agricultural land of any land in an existing agricultural district has been determined, as required by R.C. 4906.10(A)(7).
9. The record establishes that the Project would incorporate maximum feasibility water conservation practices, as required by R.C. 4906.10(A)(8).

10. Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of the Project.

11. The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on February 3, 2023. Furthermore, the Parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Anna Sanyal (0089269)

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, OH 43215

(614) 464-5462

(614) 719-5146 (fax)

mjsettineri@vorys.com

aasanyal@vorys.com

Attorneys for Blossom Solar, LLC

/s/ Leah F. Curtis (per authorization MJS)

Chad A. Endsley (0080648)

Chief Legal Counsel

Leah F. Curtis (0086257)

Ohio Farm Bureau Federation

280 North High Street

P.O. Box 182383

Columbus, OH 43218-2383

(614) 246-8258

(614) 246-8658 (fax)

Attorneys for Ohio Farm Bureau Federation

/s/ Thomas Lindgren (per authorization MJS)

Thomas Lindgren (0039210)

Rhiannon Howard (0099950)

Assistant Attorneys General

Public Utilities Section

30 E. Broad Street, 26th Floor

Columbus, OH 43215-3793

(614) 644-8768

Thomas.Lindgren@OhioAGO.gov

Rhiannon.Howard@OhioAGO.gov

Attorneys for Ohio Power Siting Board Staff

/s/ Karin Nordstrom (per authorization MJS)

Karin Nordstrom (0096713)

Chris Tavenor (0096642)

Ohio Environmental Council

1145 Chesapeake Ave., Suite I

Columbus, OH 43212

(614) 487-7506

Attorneys for Ohio Environmental Council

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served via electronic mail on February 3, 2023 upon all persons/entities listed below:

Thomas Lindgren
Rhiannon Plant
Chad Endsley
Leah Curtis
Karin Nordstrom
Chris Tavenor

Thomas.Lindgren@OhioAGO.gov
Rhiannon.Plant@OhioAGO.gov
cendlsey@ofbf.org
lcurtis@ofbf.org
knordstrom@theoec.org
ctavenor@theoec.org

/s/ Michael J. Settineri
Michael J. Settineri

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

2/3/2023 5:05:34 PM

in

Case No(s). 22-0151-EL-BGN

Summary: Stipulation Joint Stipulation and Recommendation electronically filed by
Ms. Anna Sanyal on behalf of Blossom Solar, LLC