BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of Oak Run Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Wind-Powered Electric Generation Facility	)	Case No. 22-549-EL-BGN
In the Matter of the Application of Oak Run Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Transmission Line	)	Case No. 22-550-EL-BTX

LIST OF ISSUES FOR CROSS-EXAMINATION SUBMITTED BY INTERVENORS BOARD OF TRUSTEES OF DEERCREEK TOWNSHIP, BOARD OF TRUSTEES OF MONROE TOWNSHIP, AND BOARD OF TRUSTEES OF SOMERFORD TOWNSHIP

Intervenors Board of Trustees of Deercreek Township, Board of Trustees of Monroe Township, and Board of Trustees of Somerford Township (collectively, the "Townships") hereby submit their list of issues about which they may pursue cross-examination at the hearing. The Townships may ask questions about the following issues:

1. The adverse visual impacts of the Oak Run Solar Project ("Project") proposed by Oak Run Solar Project, LLC ("Oak Run"), Oak Run's studies and evaluation of those visual impacts, and the inadequacy of Oak Run's plans for vegetative screening and other mitigation measures to address visual impacts.

2. Oak Run's failure to provide much of the information required by OAC 4906-4-08(D)(4) about the Project's visual impacts. Oak Run's failure to comply with the requirement in OAC 4906-4-08(D)(4)(e) for "photographic simulations or artist's pictorial sketches of the proposed facility from public vantage points that cover the range of landscapes, viewer groups, and types of scenic resources found within the study area." Oak Run's failure to provide

simulations or sketches of the substations. Oak Run's failure to provide simulations or sketches to depict views of solar panels from nonparticipating residences, nonparticipating property lines, or public roads at distances closer than one-tenth of a mile (528 feet), even though the proposed Project setbacks are 300 feet for nonparticipating residences, 150 feet for nonparticipants' property lines, and 150 feet for public roads.

3. Oak Run's failure to provide a complete landscape and lighting plan for review by the Board and the public prior to certification.

4. Damage to and repair of drainage tiles and surface waterways from the Project's construction or operation.

5. The Project's adverse impacts on plants and wildlife, wildlife damage to the community resulting from the Project's presence, Oak Run's failures to perform the required literature searches and field surveys for plants and wildlife, and Oak Run's failure to provide mitigation measures for the Project's impacts on plants and wildlife.

6. The inadequacy of the Project's setbacks to protect neighboring residents and motorists from the Project's visual impacts and other harms.

7. Tracking of dirt onto public roads, airborne dust, and intrusive traffic caused by the Project's construction.

8. Damage to public roads, traffic signs, storm sewer conduits, culverts, and underdrains caused by Project construction or construction traffic.

9. Flooding and pollution impacts on neighboring land and community streams caused by runoff from the Project Area during Project construction and operation.

10. The Project's economic impacts and Oak Run's studies of those impacts. Oak Run's failure to provide a complete estimate of the Project's economic impacts on local

commercial and industrial activities as required by OAC 4906-4-06(E)(4) due to its failure to identify and evaluate the Project's negative economic consequences.

11. The Project's impacts on tourism and recreation in the area and communities around the Project.

12. The Project's creation of risks to the community from fire and other emergencies.

13. Oak Run's failure to plan for or provide adequate emergency services to address emergencies at the Project, including fires.

14. The inadequacy of Oak Run's plans for decommissioning upon the closure of the Project.

15. The noise impacts on the surrounding community from Project construction and operation, including noise from pile driving equipment, earthmoving machinery, inverters, tracking motors, and transformers, the inadequacy of Oak Run's studies and evaluations of the noise impacts, and Oak Run's failures to provide for adequate mitigation measures for noise. Oak Run's failures to provide descriptions of equipment and procedures that will mitigate the effects of noise emissions from the proposed Project during construction and operation as required by OAC 4906-4-08(A)(3)(d).

16. Oak Run's failure to provide an adequate and accurate preconstruction background noise study of the Project Area as required by OAC 4906-4-08(A)(3)(e).

17. Oak Run's failures to describe the necessary coordination with appropriate authorities for temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction of the Project, including procedures necessary to prevent the interference with the movement of farm machinery on the roads.

18. Oak Run's failure to provide the information on water quantity and water quality required by OAC 4906-4-07(C)(1)(b), (1)(d), (1)(e), (2)(a), (2)(b), (2)(c), 2(d), 2(e), 3(a), 3(b), and 3(d). Oak Run's failure to identify mitigation measures that may be necessary to protect neighbors from flooding, water pollution, and drainage problems caused by Oak Run's activities.

19. Oak Run's failure to protect streams from eroded soil and other pollutants that will run off the Project Area during construction and operation of the Project.

20. Oak Run's failure to provide for maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives that are required by OAC 4906-4-07(C)(3)(e) and R.C. 4906.10(A)(8).

21. Oak Run's failure to study and evaluate impacts on groundwater levels and neighboring water supply wells from the Project's use of groundwater for panel cleaning and other activities.

22. Oak Run's failure to comply with OAC 4906-4-08(A)(1)(e), because it does not describe the fire protection, safety, and medical emergency plan(s) to be used during construction and operation of the Project and does not describe how such plan(s) will be developed in consultation with local emergency responders.

23. Oak Run's failures to perform the literature surveys of plant and animal life within the Project Area and within one-fourth mile of the Project Area required by OAC 4906-4-08(B)(1)(c).

24. Oak Run's failures to perform the field surveys of plant and animal life within the Project Area and within one-fourth mile of the Project Area required by OAC 4906-4-08(B)(1)(d).

25. Oak Run's failures to provide information regarding potential impacts to ecological resources such as deer and other animals during operation and maintenance of the Project as required by OAC 4906-4-08(B)(3).

26. Oak Run's failure to adequately identify, and failure to provide mitigation of the Project's adverse effects on, cultural (including historical) and archaeological resources.

27. The Project's visual impacts from lighting.

28. The Project's production of noxious and invasive plant species and weeds in and near the Project Area.

29. The Project's interference with signals from cell phones, internet, radio, global positioning systems, or real-time kinematic devices.

30. The Project's impacts on the neighbors from electromagnetic fields.

31. The Project's exposure of neighbors and motorists to glare from solar panels.

32. The Project's removal of farmland from food production.

33. The Project's impacts on trees and other vegetation and habitat in the Project Area.

34. The Project's impacts on soils and their productivity.

35. The Project's reductions of the property values of nearby properties.

36. The sources and geographical locations of manufacture of solar panels and other equipment, components, supplies, and labor for the Project, including whether they are sourced in Ohio, the United States, or foreign countries.

37. The incompleteness and failures of the Application and the evidentiary record to provide the information required by the Board's rules.

38. The Project's failures to comply with the statutory criteria in R.C. 4906.10(A), including Oak Run's failures to (a) describe the nature of the Project's probable environmental impact, (b) demonstrate that the Project will serve the public interest, convenience, and necessity, (c) show that the Project will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters, and (d) show that the Project represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations.

39. The contents of leases and good neighbor agreements obtained for the Project.

40. Oak Run's activities designed to increase public support for the Project.

41. Oak Run's concealment of its plans for the Project from nonparticipating landowners near the Project Area.

42. The opposition by citizens and local officials to the Project.

43. The inefficiency and unreliability of solar energy as a source of electricity.

44. Whether the public comments submitted by unions, union members, and other persons in support of the Project accurately represent the public's support for the Project or demonstrate that the Project will serve the public interest, convenience, and necessity.

45. The Project's incompatibility with local land use plans and zoning.

46. Air pollution emissions from manufacturing and transporting solar equipment, the mining and production of raw materials and components, and other aspects of producing solar energy.

47. The adequacy of the Staff's recommendations for conditions to be included in the certificate if issued.

48. The Project's impairment of the quality of life for the surrounding communities and visitors to those communities.

49. The payment of fees for PJM's facilities studies of the Project and other facts related to whether the Project is grandfathered under Amended Senate Bill 52.

50. The experience of Oak Run and its affiliates in the construction, operation, and decommissioning of solar facilities.

51. Any issues discussed in the witnesses' testimony and the testimony of other witnesses, as well as any issues and concerns raised by Oak Run and other parties to this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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Case No(s). 22-0549-EL-BGN, 22-0550-EL-BTX

Summary: Notice of List of Issues for Cross-Examination electronically filed by Mr. Jack A. Van Kley on behalf of Deercreek Township Trustees and Monroe Township Trustees and Somerford Township Trustees.