

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Columbus Solar Park, LLC for the Model Landfill) **Case No. 23-0256-EL-BLN**
Solar 138 kV Gen-Tie Transmission Line Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval June 7, 2023, unless suspended by the Board, an administrative law judge, the chairperson, or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any objections you or your designee may have with this case to my office at least four business days prior to June 7, 2023 which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 23-0256-EL-BLN
Project Name: Model Landfill Solar 138 kV Gen-Tie Line Project
Project Location: Franklin County
Applicant: Columbus Solar Park, LLC
Application Filing Date: March 28, 2023
Filing Type: Letter of Notification
Inspection Date: May 26, 2023
Report Date: May 31, 2023
Recommended Automatic Approval Date: June 7, 2023
Applicant's Waiver Requests: None
Staff Assigned: A. Renick, M. Bellamy, T. Crawford, A. DeLong

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

Columbus Park Solar, LLC (Applicant) has proposed to build and operate an overhead 138 kilovolt (kV) generation tie-line (gen-tie) to deliver electric energy from the future solar facility to the existing Columbus Power Substation, also known as the Jackson Pike Power Substation. The length of the gen-tie would be approximately 2,240 feet long, and it would utilize the 336.4 kmil 26/7 ACSR as the conductor. Nine single-circuit steel monopoles of different configurations would be used to support the gen-tie line. The Applicant states that no new easements are needed, as the 138 kV circuit would utilize an existing overhead electric easement and would be running parallel to an existing highway.

The project is needed to connect a future solar facility to the bulk electric system interconnection through the Columbus Power Substation. The Applicant states that the solar facility, to be built on an existing landfill, would be non-jurisdictional to the OPSB, as its electrical output is planned to be less than 50 MW.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ In response to a data request, the Applicant stated that the Columbus Division of Power (DOP) is a distribution utility and is not a member of PJM, and being a distribution utility no filing is required, per the PJM tariff. It further states that the DOP conducted studies which showed no impacts to the PJM grid. In response to another data request, the Applicant stated that the relevant studies performed were a short circuit study and a load flow study, and any impacts from the system would be located solely within the DOP power grid and would not impact the PJM grid.

In response to a data request, the Applicant stated that the question of including the project in a Long-Term Forecast Report (LTFR) to the Public Utilities Commission of Ohio did not apply to Columbus Solar Park. The higher voltage 138 kV and 69 kV systems owned by the DOP are considered distribution from a Federal Energy Regulatory Commission perspective, and therefore, are not subject to PJM or North American Electric Reliability Council criteria.

The Applicant proposes to begin construction in September 2023, and expects to place the project in service in December 2024. The capital cost estimate of the gen-tie line is approximately \$1,300,000 using a Class 3 estimate, and in response to a data request the Applicant confirmed that Columbus Solar Park, LLC, a wholly owned subsidiary of BQ Energy, LLC, would be responsible for the cost of the upgrades, and no expenses or cost would be allocated to the customers of the City of Columbus or the residents of the city.

Nature of Impacts

Land Use

This project would be located in Jackson Township and the city of Columbus, both in Franklin County. The current land use of the project is industrial/manufacturing. Surrounding land uses include industrial, commercial, roadways and highways. There would be no structures, cemeteries, wildlife management areas, or nature preserves within 1,000 feet of the project. There are no agricultural land uses or Agricultural District Land parcels in the project footprint.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant identified no previously identified or newly identified archaeological sites within the project area. No historic resources were identified that would be eligible for listing in the National Register of Historic Places. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

1. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of their system impacts.

Surface Waters²

The Applicant's consultant conducted a wetland and stream delineation survey of the project area on October 19, 2021 and March 1, 2023. The consultant identified two perennial streams. No wetlands were identified. The Applicant is not proposing any in-water work for this project, thus impacts to surface waters are not anticipated.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater impacts under the National Pollutant Discharge Elimination System General Permit prior to the beginning of construction. The Applicant would also obtain a local stormwater permit from Franklin County prior to the start of construction. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion, control sediment, and protect surface water quality during storm events.

Several proposed structures would be constructed in a Federal Emergency Management Agency 100-year floodplain.³ The Applicant would coordinate with the Franklin County Floodplain Coordinator and would provide the construction authorization when received.

Threatened and Endangered Species⁴

The Applicant received environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on March 29 and April

2. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, About Us: Surface Water, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, Obtain a Permit, <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, Division of Water Resources, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

3. A floodplain area is any land area susceptible to being inundated by water from any source. See, 44 CFR 59.1. FEMA designates flood zones into moderate to low risk areas or high risk areas (i.e. 100-year floodplain areas). See, e.g. https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf. Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), states or local communities, as a condition of federal financial assistance via participation in the flood insurance program, must adopt adequate floodplain regulations ordinances. (See also, 44 CFR 59.2.)

4. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: "In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the

12, 2023, respectively. This project is within range of several listed species. Due to lack of tree clearing, in-water work, and suitable habitat, impacts to these species are not anticipated.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on June 7, 2023 subject to the following conditions. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Conditions

- (1) 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.
- (2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state 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, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (3) The Applicant shall contact Staff, the Ohio Department of Natural Resources, and the U.S. Fish and Wildlife Service 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.
- (4) Prior to commencement of construction within floodplain areas, the Applicant shall obtain any floodplain permits required for construction of this project. The Applicant shall provide a copy of such permits and supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, on the case docket prior to commencement of construction.
- (5) Construction on the transmission line may only commence after all necessary approvals have been received for the associated generating facility. In addition, Applicant shall file a notice of withdrawal dismissing this case from record or relinquish any certificate authority

protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals.”

One of the missions of the ODNR is to “conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans.” In carrying out this mission, the ODNR considers the “status of native wildlife species [to be] very important” and therefore lists wildlife species needing protection. (ODNR, State Listed Species, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

if the associated generation case is otherwise disposed of without the issuance of a certificate.

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5/31/2023 2:35:32 PM

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Case No(s). 23-0256-EL-BLN

Summary: Staff Report of Investigation electronically filed by Ms. Allison Renick on
behalf of Staff of OPSB.