

# THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF GROVER HILL WIND, LLC FOR AN  
AMENDMENT TO ITS CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED TO CONSTRUCT A WIND-  
POWERED ELECTRIC GENERATIONAL  
FACILITY IN PAULING COUNTY, OHIO.

CASE NO. 23-459-EL-BGA

## ORDER ON CERTIFICATE

Entered in the Journal on November 16, 2023

### I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by Grover Hill Wind Farm to amend its certificate to construct a wind-powered electric generating facility in Paulding County, Ohio.

### II. DISCUSSION

#### A. *Procedural History*

{¶ 2} On December 15, 2022, the Ohio Power Siting Board (Board) granted the application filed by Grover Hill Wind, LLC (Grover Hill or Applicant) for a certificate (Certificate) to construct, operate, and maintain a wind-powered electric generation facility consisting of up to 23 wind turbines in Paulding County, with a minimum capacity of 150 megawatts (MW). *In re Grover Wind, LLC (Certificate Case)*, Case No. 20-417-EL-BGN, Opinion and Order (Dec. 15, 2022). Accordingly, Grover Hill is certificated to construct, operate, and maintain a major utility facility.

{¶ 3} On May 3, 2023, Grover Hill filed an amendment application (Amendment Application), which was supplemented on July 28, 2023 and on August 4, 2023. The Amendment Application requested a shifting of two turbine locations and an additional authorized wind turbine model type.

{¶ 4} On May 26, 2023, Grover Hill filed its proof of service of the Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B).

{¶ 5} On September 20, 2023, Staff filed its report of investigation (Staff Report) evaluating the Amendment Application and recommends that Grover Hill's application be approved, subject to two conditions.

**B. *Applicable Law***

{¶ 6} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 8} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing \* \* \* if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility \* \* \*." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11 and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 9} Grover Hill is a corporation and, therefore, a person under R.C. 4906.01(A). Pursuant to the Board's Order in the *Certificate Case*, Grover Hill is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding.

C. *Summary of Staff Report*

{¶ 10} The Applicant has proposed to shift two turbine locations (identified as T-34b, and T-35a) that are within the project area of the original certificate. T-36b would be located approximately 214 feet southeast and is within the project area as approved in the *Certificate Case*. T-35a would be located approximately 396 feet northwest and is within the project area as approved in the *Certificate Case*. Grover Hill's supplement to the Amendment Application requests authorization to include the GE Cypress 6.1-158 turbine model on the list of authorized turbines from the original certificate. The GE Cypress 6.1-158 turbine model would not exceed the maximum tip height, blade length, rotor diameter, or rated power of turbine models within the original certificate. (Staff Report at 1-2.)

{¶ 11} *Setbacks*. R.C. 4906.201(A) determines how minimum setbacks for "an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of fifty megawatts or more" are to be determined. These minimum setback requirements are further detailed in Ohio Adm.Code 4906-4-08(C)(2). Grover Hill indicates that the proposed shifting of the turbine locations would comply with Ohio Adm.Code 4906-4-08(C)(2)(b). Staff agrees that the two wind turbine locations would meet the calculated minimum setback. Further, Staff analyzed the digital geographically referenced map data provided by the Applicant and determined that the adjusted locations would also comply with the minimum setbacks for state and federal highways in the project area, including State Route 637. Per Certificate Condition 10, Grover Hill must also verify the setback distances, and either obtain a setback waiver or remove turbine locations from consideration if they do not meet the appropriate minimum setback requirements. (Staff Report at 2.)

{¶ 12} *Safety*. The Applicant provided, and Staff reviewed, the generation equipment manufacturer's safety standards for the GE Cypress 6.1-158 wind turbine model. Staff notes that in accordance with Ohio Adm.Code 4906-4-09(A)(2)(a), Grover Hill would comply with the turbine manufacturer's most current safety manual and maintain a copy of

that safety manual in the operations and maintenance building of the facility. The Applicant would implement all the public safety measures detailed in the original certificate, such as restricting inappropriate public access to the facility, develop and implement an emergency action plan, and install in accordance with National Fire Protection Association 70E code standards. (Staff Report at 2.)

{¶ 13} *Aviation.* The Federal Aviation Administration (FAA) and the Ohio Department of Transportation (ODOT) Office of Aviation administer regulatory programs to evaluate and authorize certain obstructions near airports and provide navigable airspace analysis. The FAA conducted an aeronautical study to determine whether the two proposed relocated wind turbines (T-34b and T-35a) would create a hazard to navigable airspace. Per the FAA, studies indicate that the proposed wind turbine locations represent minor changes and would not cause any additional adverse effects relative to the findings in the *Certificate Case*. Further, the FAA determined that the proposed relocation of the two wind turbines would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace and that the relocation would not be a hazard to air navigation, provided the conditions set forth in the FAA determination. (Staff Report at 3.)

{¶ 14} Relatedly, the ODOT Office of Aviation has access to the same aeronautical studies submitted to the FAA and often performs a simultaneous review. In accordance with R.C. 4906.10(A)(5) and 4561.341, Staff contacted the ODOT Office of Aviation during the review of the Amendment Application to coordinate review of potential impacts of the facility on airspace navigation. In accordance with R.C. 4561.341, the ODOT Office of Aviation provided its recommendations to address airspace navigation issues in a letter to Staff on October 29, 2021, and updated that letter on September 11, 2023, which accounted for the two new shifted wind turbine locations. The ODOT Office of Aviation determined that the location and height of the two new shifted wind turbine locations would exceed 499 feet above ground level and would constitute an obstruction to air navigation by exceeding the obstruction standards in 14 CFR Part 77.17. These surfaces are outlined in 14 CFR Part 77.19 and 77.21 and are clearance areas or perimeters around airports. However, the ODOT

Office of Aviation confirmed that the proposed relocations for both turbines would not impact the clear zone, horizontal, conical, primary, approach and transitional surfaces of airports that have been issued a commercial operating certificate. Further, Staff notes that Grover Hill would be required to comply with Ohio Adm.Code 4906-4-09 and other aviation related conditions outlined in Conditions 3, 45, 46, 47, and 51 of the original certificate. (Staff Report at 3-4.)

{¶ 15} *Ice Throw.* Staff notes that ice fragments that may break loose and be launched from the turbine blades of considerable length rotating at operational speeds may travel some distance from the turbine and pose the potential hazard of property damage or injury to persons in the vicinity of the turbine. Staff points out that facility operations and maintenance staff are at greater risk of damage or injury from fire or ice throw than the surrounding properties or the public. Grover Hill states it would take steps to minimize the potential impacts of such ice throw. Staff finds that the proposed turbine models have ice detection equipment and ice warning systems, and safety features and controllers that would initiate a turbine shutdown should the buildup of ice become excessive or cause excess vibrations of the rotating machine. The wind speed to power output ratio of the turbine is an additional parameter that would be monitored. Staff recognizes that the shutdown process would also be initiated if this ratio were to become too high. The Applicant also stated that the results of the original ice throw analysis were reviewed to determine the potential impact the turbine relocations would have on neighboring property lines, structures and dwellings housed therein, and public infrastructure. Staff overall finds that the results of this review presented no changes from the original analysis. (Staff Report at 5.)

{¶ 16} Lastly, Staff finds that no additional impacts to surface waters or threatened and endangered species would occur (Staff Report at 4).

{¶ 17} Upon its review, which included consideration of all statutory requirements, Staff states that the Amendment Application meets the necessary criteria for granting an

amended certificate. Accordingly, Staff recommends that the Board approve the proposed amendment to the certificate, provided that the following conditions are satisfied:

- 1) The Applicant shall continue to adhere to all conditions as certificated in the *Certificate Case*, other than the modifications addressed as to the two minor turbine location changes and the authorization of the proposed turbine model.
- 2) 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.

(Staff Report at 5.)

**D. Board's Conclusion**

{¶ 18} After considering the Amendment Application and Staff Report, the Board finds that the proposed shift in two turbine locations and request to authorize another approved turbine model do not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the Amendment Application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that Grover Hill's certificate should be amended as described in the Amendment Application.

**E. Findings of Fact and Conclusions of Law**

{¶ 19} Grover Hill is a corporation and a person under R.C. 4906.01(A).

{¶ 20} On May 3, 2023, Grover Hill filed the Amendment Application, which was supplemented on July 28, 2023 and on August 4, 2023 to amend its certificate issued in the *Certificate Case*.

{¶ 21} On September 20, 2023, Staff filed the Staff Report containing its evaluation of the Amendment Application.

{¶ 22} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional conditions Staff recommended in this case.

III. ORDER

{¶ 23} It is, therefore,

{¶ 24} ORDERED, That, in accordance with the above findings, Grover Hill's Amendment Application be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional conditions recommended by Staff in this case. It is, further,

{¶ 25} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

*Approving:*

Jenifer French, Chair  
Public Utilities Commission of Ohio

Sarah Huffman, Designee for Brian Baldrige, Director  
Department of Agriculture

Ben Lagrasso, Designee for Lydia Mihalik, Director  
Ohio Department of Development

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D  
Department of Health

Nicole Koppitch, Designee for Mary Mertz, Director  
Ohio Department of Natural Resources

Drew Bergman, Designee for Anne Vogel, Director  
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Brian Baldrige, Director  
Ohio Department of Agriculture

Gregory Slone  
Public Member

IMM/dmh



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**Case No(s). 23-0459-EL-BGA**

Summary: Opinion & Order on Certificate granting the application filed by Grover Hill Wind Farm to amend its certificate to construct a wind-powered electric generating facility in Paulding County, Ohio electronically filed by Debbie S. Ryan on behalf of Ohio Power Siting Board.