

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Scioto Ridge )  
Solar LLC for a Certificate of Environmental )  
Compatibility and Public Need for a Solar ) Case No. 23-146-EL-BGN  
Facility Located in Lynn, McDonald, and )  
Taylor Creek Townships, Hardin County, Ohio )

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**DIRECT TESTIMONY OF**

**J. Kevin Cole**

**on behalf of**

**Scioto Ridge Solar LLC**

**March 1, 2024**

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

2 **A.1** Kevin Cole, Development Manager at RWE Clean Energy, 1401 E 6<sup>th</sup> St. Suite 400, Austin,  
3 TX 78702.

4 **Q.2 What are your duties in this role?**

5 **A.2** In my role as development manager, I supervise all aspects of the development of utility-  
6 scale wind and solar energy projects, from site selection up to start of construction.

7 **Q.3 What is your education and professional background?**

8 **A.3** I am a high school graduate with some college. In my current role with RWE as a renewable  
9 development manager, I am responsible for the supervision of all aspects of the  
10 development process for multiple wind and solar energy projects in Michigan and Ohio.

11 Prior to working in my current role, I worked for seven years with another utility scale  
12 renewable energy company as a senior field agent and construction liaison for various solar  
13 and wind projects in Michigan. Some of my duties were working with landowners to obtain  
14 leases, settle crop damages, review site plans, and address any landowner concerns. I also  
15 worked as a liaison with the construction team to address any issues that came up with  
16 landowners during construction. In addition, on behalf of the company, I attended public  
17 meetings as well as county and township meetings to provide updates on project status and  
18 answer questions.

19 **Q.4 On whose behalf are you offering testimony?**

20 **A.4** I am offering testimony of behalf of Applicant Scioto Ridge Solar LLC (“Scioto Ridge”).

21 **Q.5 What is the purpose of your testimony?**

22 **A.5** The purpose of my testimony is to:

23 1) Provide a summary of the Scioto Ridge Solar Project (the “Project”), including  
24 background information concerning its Application and Exhibits thereto.

25 2) Summarize certain components of the Application and sponsor its admission into  
26 evidence along with associated Exhibits to the Application, all certificates of service,  
27 all required proofs of publication, responses to Data Requests, and all other  
28 documents required by OPSB rules;

- 1 3) Identify and introduce the other witness supporting the Application; and  
2 4) Summarize the Project’s responses to local community concerns and issues raised in  
3 the OPSB Staff Report of Investigation, including safety concerns.

4 **Q.6 What is the general purpose of the Project?**

5 **A.6** The Project’s general purpose is to generate renewable energy to the PJM Interconnection,  
6 LLC (“PJM”) transmission grid that serves the eastern United States. The Project will  
7 provide a clean, efficient, zero-emission alternative to fossil fuel-fired power stations. The  
8 Project utilizes an array of photovoltaic (“PV”) panels with a generating capacity of  
9 approximately 110 megawatts (“MW”) and incorporates a 20 MW battery energy storage  
10 system (“BESS”). The intent of the Project is to help in diversifying the portfolio of local,  
11 state, and national energy generators to provide more energy with minimal environmental  
12 impacts.

13 **Q.7 Please describe the proposed Project, the Project Area, and the power generation  
14 potential of the Project.**

15 **A.7** The Project is a 110 MW solar-powered electric generating facility and associated 20 MW  
16 BESS facility for which Scioto Ridge has applied for a certificate to construct the Project  
17 facility in Lynn, McDonald, and Taylor Creek Townships, Hardin County, Ohio. The  
18 Project will be located within a leased area of approximately 2030 acres of private land  
19 secured through agreements with the landowners. The Project’s components within the  
20 fence line will comprise approximately 849 acres. As stated in the Application, this acreage  
21 is representative of an overbuild design, and so the final acreage actually utilized for the  
22 Project facility components will likely be *less than* this acreage. The Project will be located  
23 on rural, relatively flat, previously disturbed agricultural land.

24 The Project facility also includes access roads, electric collection lines, a collection  
25 substation, and a laydown area for construction staging. The Project will also have an  
26 approximately 1,000 foot gen-tie facility to connect the Project to an existing substation  
27 located in Lynn Township.

1 **Q.8 What components of the Application are you sponsoring?**

2 **A.8** I am sponsoring the Application narrative, all certificates of service, all required proofs of  
3 publications, and all other letters and documents required by OPSB rules. I am also  
4 sponsoring the following Exhibits to the Application:

- 5 - Exhibit A Preliminary Site Plan
- 6 - Exhibit B Preliminary Decommissioning Plan
- 7 - Exhibit C Manufacturers Specifications
- 8 - Exhibit E Public Information Meeting information
- 9 - Exhibit F Interconnection Filings
- 10 - Exhibit H Complaint Resolution Plan
- 11 - Exhibit I Liability Insurance Certificate
- 12 - Exhibit K Inadvertent Return Plan

13 The Application and all Exhibits thereto are collectively “Applicant Exhibit 1.”

14 **Q.9 In addition to the Application Exhibits listed above, are you sponsoring other**  
15 **exhibits?**

16 **A.9** Yes, I am also sponsoring all Responses and Supplemental Responses to the Staff Data  
17 Requests (Applicant Exhibit 2). I am also sponsoring the Facilities Study Report, Executed  
18 Interconnection Service Agreement, and Executed Interconnection Construction Service  
19 Agreement. (included as part of Applicant Exhibit 1).

20 **Q.10 Are the Application Exhibits and responses to Staff Data Requests true and accurate**  
21 **to the best of your knowledge?**

22 **A.10** Yes, the Application and Exhibits and all of the Responses and Supplemental Responses  
23 to the Staff Data Requests are true and accurate to the best of my knowledge.

24 **Q.11 Were copies of the accepted Application served on local public officials and libraries**  
25 **in accordance with OAC Rule 4906-3-07(A)?**

26 **A.11** Yes, such service was made, and I am sponsoring Applicant Exhibit 3, which is proof of  
27 service of the Application.

1 **Q.12 Did Scioto Ridge file and serve a copy of the letter sent to property owners and tenants**  
2 **with the plan or contiguous to the plan site pursuant to OAC Rule 4906-3-03(B)?**

3 **A.12** Yes. A letter was sent to property owners and tenants within the plan site or contiguous to  
4 the plan site announcing the Public Informational Meeting. (See Applicant Exhibit 4.)

5 **Q.13 Did Scioto Ridge cause notice of the Public Informational Meetings, the complete**  
6 **Application, and the hearing dates to be published in the local newspaper?**

7 **A.13** Yes, proof of publication in this newspaper was filed on the docket in this case for the  
8 public information meetings, the completeness of the application, and hearing dates. (See  
9 Applicant Exhibits 5-7.)

10 **Q.14 Did Scioto Ridge publish notification of the originally scheduled hearing?**

11 **A.14** Yes. Proofs of Publication were filed in accordance with Ohio Revised Code Section  
12 (“R.C.”) 4906.06(C) and OAC 4906-3-10(B) for the first and second publications of the  
13 description of the Application and the hearing dates. (Applicant Exhibit 8).

14 **Q.15 Did the Project receive any comments at the public information meeting?**

15 **A.15** Yes. These comments are summarized in the Application.

16 **Q.16 Has the Project received a PJM interconnection study?**

17 **A.16** Yes. These studies were filed with the Application (Applicant Exhibit 1, at Exhibit F.) The  
18 Project has a fully-executed Interconnection Services Agreement in place with PJM.

19 **Q.17 Who are the additional witnesses supporting the Project in this proceeding?**

20 **A.17** Kim Catano, Senior Associate and Project Manager for Stantec Consulting Services, Inc.  
21 is sponsoring the exhibits created by Stantec in support of the Application, including:

22 Exhibit D – Vegetation Management Plan

23 Exhibit G – Economic Impact Report

24 Exhibit J – Construction Route Study and Road Condition Report

25 Exhibit L – Preliminary Geotechnical Assessment

26 Exhibit M – Glare Hazard Analysis

27 Exhibit O – Pre-Construction Sound Report and Predictive Operational Sound Assessment

28 Exhibit P – Preliminary Hydrology Study

- 1 Exhibit Q – Ecological Resources Report  
2 Exhibit R – United States Fish & Wildlife Service and Ohio Department of Natural  
3 Resources Correspondence  
4 Exhibit S – Phase I History/Architecture Survey  
5 Exhibit T – State Historic Preservation Office Consultation  
6 Exhibit U – Visual Resources Technical Report  
7 Exhibit V – Visual Mitigation and Lighting Plan

8 **Q.18 Did the Project complete a Preliminary Site Plan?**

9 **A.18** Yes. This was provided as part of the Application (Applicant Exhibit 1, at Exhibit A).

10 **Q.19 Did the Project complete a Preliminary Decommissioning Plan?**

11 **A.19** Yes. This was provided as part of the Application (Applicant Exhibit 1, at Exhibit B) and  
12 is further discussed in this testimony.

13 **Q.20 Did the Project provide manufacture’s specifications for intended equipment?**

14 **A.20** Yes. This was provided as part of the Application (Applicant Exhibit 1, at Exhibit C).

15 **Q.21 Did the Project prepare an inadvertent return plan?**

16 **A.21** Yes. This was provided as part of the Application (Applicant Exhibit 1, at Exhibit K).

17 **Q.22 Did the Project complete a complaint resolution plan?**

18 **A.22** Yes. The Project submitted a complaint resolution plan as part of its Application (Applicant  
19 Exhibit 1, at Exhibit H). Pursuant to this plan, Scioto Ridge will take all reasonable actions  
20 necessary to rectify legitimate disturbances that are a direct result of the Project. Where  
21 reasonable actions fail to minimize the disturbance, Scioto Ridge will continue to work  
22 with the impacted community member to rectify legitimate disturbances.

23 **Q.23 Did the Project Complete a Drain Tile Maintenance Plan?**

24 **A.23** Yes. The Project submitted a Drain Tile Maintenance Plan as part of its Application  
25 (Applicant Exhibit 1, at Exhibit W). The purpose of this plan is to support the identification  
26 of drainage systems and methods for avoidance, mitigation, and repair of potential impacts  
27 caused by construction of the facility. As part of the preparation of this plan, the Applicant  
28 engaged local drain tile expert.

- 1 **Q.24 Have you reviewed the Staff Report of Investigation?**
- 2 **A.24** Yes.
- 3 **Q.25 Have you reviewed the Certificate Conditions recommended by the Board Staff in**  
4 **Staff Report of Investigation?**
- 5 **A.25** Yes.
- 6 **Q.26 Does Scioto Ridge recommend any changes to the conditions as proposed in the Staff**  
7 **Report?**
- 8 **A.26** No.
- 9 **Q.27 Does the Applicant accept all Certificate conditions recommended by the Board’s**  
10 **Staff in the Staff Report and commit to complying with them?**
- 11 **A.27** Yes.
- 12 **Q.28 Are you aware that the OPSB must make certain determinations under R.C. 4906.10**  
13 **before issuing the certificate for which Scioto Ridge has applied?**
- 14 **A.28** Yes. I have been advised there are eight criteria considered by the OPSB in making its  
15 decision whether or not to issue a certificate.
- 16 **Q.29 Does the Application meet Scioto Ridge’s obligation to make the required showings**  
17 **under each of the eight criteria under R.C. 4906.10?**
- 18 **A.29** Yes, the Application and other exhibits presented in this proceeding on behalf of the Project  
19 enable the OPSB to determine that Scioto Ridge meets each of the eight criteria under R.C.  
20 4906.10.
- 21 **Q.30 Does R.C. 4906.10(A), which requires the Board to determine the basis of need for the**  
22 **proposed facility, apply to the Board’s review of this Application?**
- 23 **A.30** No. R.C. 4906.10(A)(1) applies only to an electric transmission line or a gas pipeline and  
24 is not applicable to this generating facility.

1 **Q.31 Does the Application enable the Board to determine the nature of the probable**  
2 **environmental impact of the facility?**

3 **A.31** Yes. The Application addresses all of the subject matter areas necessary for the Board to  
4 determine the nature of the probable environmental impact of the facility. The Application  
5 includes detailed surveys, assessments, and reports related to probable socioeconomic  
6 impacts, ecological impacts, and public services, facilities, and safety. The Application  
7 narrative and exhibits and figures, along with subsequent data request responses and  
8 filings, provides all of the information necessary to determine the probable impacts.  
9 Further, each of these topics are supported by witnesses in the case.

10 **Q.32 Based on the Applicant's commitments in the Application, along with the conditions**  
11 **in the Staff Report, does the facility represent the minimum adverse environmental**  
12 **impact, considering the state of available technology and the nature and economics of**  
13 **the various alternatives, and other pertinent considerations?**

14 **A.32** Yes. The Application addresses all of the subject matter areas necessary for the Board to  
15 determine the nature of any probable environmental impact of the facility. Moreover, the  
16 Applicant's commitment to comply with the conditions recommended by the OPSB Staff  
17 in the Staff Report further supports a determination that the facility represents the minimum  
18 adverse impact, considering the state of available technology and the nature and economics  
19 of the various alternatives, and other pertinent considerations.

20 With respect to construction, activities are expected to have typical and relatively limited  
21 impacts as they are temporary, intermittent, and subject to time-of-day restrictions.  
22 Increased traffic during construction will be managed with no expected road closures and  
23 will end when the Project is operational.

24 With respect to operations, on behalf of Scioto Ridge, my team and I engaged, directed,  
25 and supervised consultants to study the potential environmental, ecological, cultural, and  
26 visual impacts of the Project. Kim Catano will provide further direct testimony on these  
27 studies and reports.

28 Scioto Ridge's Sound Level Assessment, discussed further by Witness Catano, resulted in  
29 a finding that construction noise impacts will be intermittent and limited in duration.



1 Consistent with this assessment, any negative impacts from construction noise will be  
2 minimized by practices such as limiting hours of work, locating staging away from  
3 sensitive receptors, and controlling vehicle movement to prevent backup alarms. Once  
4 operational, the Project would be expected to have minimal adverse noise impacts on the  
5 adjacent community.

6 Visual impacts of the Project will be mitigated by the substantial setbacks, flat terrain, low  
7 profile of the solar panels, and preservation of existing natural vegetative screening. The  
8 Project is also agreeable to Condition No. 12 recommended by the Staff Report, which  
9 requires, in part, the planting of vegetative screening to enhance the line-of-sight views  
10 from adjacent, non-participating residences. The Project's setbacks comply with the new  
11 OPSB rules stating, facility panel modules must be at least 50 feet from non-participating  
12 parcel boundaries, at least 300 feet from non-participating residences, and at least 150 feet  
13 from the edge of the pavement of any public road within or adjacent to the project area.

14 The Project will also use perimeter fencing that includes agricultural-style, wildlife friendly  
15 fencing, rather than chain link fencing.

16 **Q.33 Is the facility consistent with regional plans for expansion of the electric power grid**  
17 **of the electric systems serving this state and interconnected utility systems and that**  
18 **the facility will serve the interests of electric system economy and reliability?**

19 **A.33** Yes. The Project has a fully executed Interconnection Services Agreement with PJM. In  
20 terms of regional plans for the expansion of the electric power grid, Scioto Ridge appears  
21 to be consistent. Scioto Ridge is expected to generate enough clean and affordable  
22 electricity to power the equivalent of more than 22,000 average Ohio homes. The Project  
23 will not only provide a significant amount of clean and affordable electricity but also  
24 contribute to the stability and reliability of the grid. The addition of a BESS further  
25 enhances the Project's ability to provide reliable power, as it allows for the storage of  
26 excess solar energy that can be dispatched when needed.

1 **Q.34 Does the facility comply with the requirements established by the state of Ohio for air**  
2 **pollution control; solid and hazardous waste; water pollution control; permitting for**  
3 **a major increase in withdrawal of waters; and aeronautical requirements.**

4 **A.34** Yes. The Project will generate no wastewater, no air emissions, and minimal solid waste.  
5 Air quality permits are not required for construction or operation of the Project. During  
6 construction, Scioto Ridge will control fugitive dust by using best management practices,  
7 consistent with fugitive dust rules.

8 The Application addresses water and water pollution and demonstrates that the Project has  
9 no water pollutants associated with the operations of the Project. The Project does not  
10 anticipate any impacts to public or private wells or water supplies during the construction  
11 and operation of the Project. Scioto Ridge will construct the facility in a manner consistent  
12 with the Ohio Environmental Protection Agency’s Guidance on Post-Construction Storm  
13 Water Controls for Solar Panel Arrays.

14 Only a minimal amount of solid waste will be produced during regular operations and will  
15 be limited to common materials, such as cardboard and plastic packaging. Scioto Ridge  
16 will recycle as much as possible and will use a local solid waste disposal service to handle  
17 the waste. Further, Scioto Ridge has committed to only use top tier equipment suppliers  
18 and the Applicant will use panels that have been certified to comply with the US EPA’s  
19 toxicity characteristics leachate procedure (“TCLP”) test and meet U.S. EPA definition of  
20 non-hazardous waste.

21 **Q.35 Does the facility serve the public interest, convenience, and necessity?**

22 **A.35** Yes. As discussed throughout my testimony and the testimony of Witness Catano, Scioto  
23 Ridge has designed the Project to minimize adverse impacts and incorporate feedback from  
24 the local community. The public interest is served by 1) providing local, regional, and  
25 statewide economic benefits; 2) the hiring of talented local labor to build the project,  
26 bringing good construction related jobs to workers in the area, 3) advancing farmland  
27 preservation and providing ecological benefits through water quality improvements and

1 additional pollinator habitat; and 4) supporting the reliability, affordability, and  
2 diversification of Ohio’s electrical supply.

3 **Q.36 Does the Application enable the Board to determine what the facility’s impact will be**  
4 **on the viability as agricultural land of any land in an existing agricultural district?**

5 **A.36** Scioto Ridge has taken steps to preserve the long-term viability of the property within the  
6 Project Area for future agricultural use. These efforts include survey methods to identify  
7 drain tile and a commitment to repair damaged drain tile, as well as engaging with a local  
8 drain tile expert. More specifically, we have hired a local drain tile expert with multiple  
9 years of expertise in installing and maintaining many of the drain tile systems located  
10 within and around the Project area. The Vegetation Management Plan and the conditions  
11 set forth in the Staff Report will ensure that, throughout the life of the Project, a mix of  
12 native and pollinator seeding will increase biodiversity and soil health and has the potential  
13 to increase pollinator species presence on adjacent farmed parcels.

14 The Project will perform limited grading (less than 5% of the Project Area) and will ensure  
15 that topsoil and subsoil are appropriately segregated during excavation activities. After  
16 grading, the original topsoil will be replaced and reseeded with a seed mix to stabilize  
17 exposed soils in accordance with the vegetation management plan.

18 **Q.37 Does the facility incorporate maximum feasible water conservation practices,**  
19 **considering available technology and the nature and economics of the various**  
20 **alternatives?**

21 **A.37** Yes. The Project will not require the use of significant amounts of water. Construction and  
22 operations will require a water supply either from existing water wells, drilling a new well,  
23 or having water delivered. Water will be needed for dust control, construction trailers, and  
24 O&M building use. Natural precipitation is expected to be sufficient for cleaning panels.

25 **Q.38 Do you believe the Project would have a positive impact on the local, regional, and**  
26 **statewide economy?**

27 **A.38** Yes. As set forth in the Economic Impact Report (Applicant 1, at Exhibit G) and in Witness  
28 Catano’s direct testimony, the Project is expected to directly and indirectly benefit the local  
29 and statewide economies. The Project will also create significant revenue to local

1 government and schools. The total PILOT payment will be \$990,000.00 per year. The  
2 annual estimated breakdown is approximately \$385,700.00 to Hardin County, \$34,400.00  
3 to Lynn Township, \$11,600.00 to McDonald Township, \$5,100.00 to Taylor Creek  
4 Township, and approximately \$493,000.00 split between the three school districts.

5 **Q.39 Please describe Scioto Ridge’s public information program to provide the local**  
6 **community information about the Project.**

7 **A.39** In addition to meeting with various neighbors and tenant farmers on multiple occasions,  
8 the Project team has met with all township officials from Lynn, McDonald, and Taylor  
9 Creek Townships. The Project also met with the Hardin County commissioners on two  
10 occasions for project updates. The Project also maintains a project website and a Facebook  
11 page where the community can interact with the Project. RWE attended the 2023 county  
12 fair and sponsored a booth to provide information about the company. Furthermore, on  
13 January 16, 2024, the Project hosted a fire safety meeting with local fire departments and  
14 emergency management services. The safety meeting included a total of fifteen  
15 participants, including representatives from Kenton, Alger, Roundhead, and McGuffey Fire  
16 Departments, as well as the Belle Center EMS. The meeting involved a series of  
17 presentations including: 1) background about RWE and the Project; 2) how solar projects  
18 operate and safety and firefighting strategies; 3) BESS safety and firefighting strategies;  
19 and 4) insights on wind turbine safety (due to the co-located wind project), suspension  
20 trauma, and firefighting strategies. To support the BESS safety and firefighting strategy  
21 presentation, the Project has engaged the Emergency Safety Response Group, a company  
22 with expertise in BESS fire safety. The safety meeting was well received by local  
23 emergency responders and highlights the collaborative efforts between RWE and local  
24 emergency response teams to enhance safety measures and preparedness.

25 **Q.40 Did you review the written public comments submitted to the docket in this**  
26 **proceeding?**

27 **A.40** Yes. I have reviewed every comment on the docket as of March 1, 2024.

1 **Q.41 How does the Project address safety concerns relate to the nearby wind farm?**

2 **A.41** Consistent with the request in the Staff Report, the Project has committed to setbacks from  
3 the turbines of 1.1 times the turbine height. This represents an increase to the original  
4 setback of 495 feet to an enhanced setback of 541 feet. All personnel entering the wind  
5 farm project must undergo safety training provided by the Project operations team.

6 **Q.42 In the event that some Project collection lines will need to cross wind farm collection**  
7 **lines, what spacing will the Project maintain between the collection lines?**

8 **A.42** In responses to data requests dated September 11, 2023 and October 3, 2023, the Project  
9 indicated that it would maintain spacing of four feet between collection lines in the event  
10 that solar collection lines cross wind project collection lines. However, through this  
11 testimony, the Project communicates an updated spacing between lines of two feet.

12 **Q.43 How does the Project address safety concerns relate to the 20 MW BESS facility?**

13 **A.43** The Project’s emergency action plan outlines steps for assessment, notification,  
14 evacuation, communication with emergency services, and protection of adjacent exposures  
15 in case of an emergency. The BESS will conform to National Fire Protection Association’s  
16 (“NFPA”) standard number 855 (2023) entitled “Standard for the Installation of Stationary  
17 Energy Storage Systems.” We have also committed that a fire protection engineer will  
18 review the fire protection design of the facility. The Project is also agreeable to the BESS-  
19 related conditions recommended in the Staff Report. This includes a requirement that the  
20 Project provide to Staff the fire protection engineering review of the BESS facility for  
21 review by Staff prior to construction (Condition No. 16). The Project will also be obligated  
22 to provide regular training to and equip local fire and emergency responders with proper  
23 firefighting equipment (Condition No. 17).

24 **Q.44 Does this conclude your testimony?**

25 **A.44** Yes, but I reserve the right to supplement my testimony.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Direct Testimony of J. Kevin Cole was served via electronic mail upon the parties of record listed below this 1<sup>st</sup> day of March 2024.



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Dylan F. Borchers

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**Case No(s). 23-0146-EL-BGN**

Summary: Testimony of J. Kevin Cole on behalf of Scioto Ridge Solar LLC  
electronically filed by Teresa Orahood on behalf of Dylan F. Borchers.