

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of Chestnut)	
Solar, LLC for a Certificate of Environmental)	Case No. 22-0988-EL-BGN
Compatibility and Public Need to Construct a)	
Solar-Powered Electric Generation Station in)	
Marion County, Ohio)	

**PETITION TO INTERVENE OF THE MARION
COUNTY BOARD OF COMMISSIONERS**

Pursuant to R.C. 4906.08(A)(2) and Ohio Administrative Code (“OAC”) 4906-2-12, the Marion County Board of Commissioners (“Commissioners”) hereby submit this Petition to Intervene. The address of the Marion County Board of Commissioners is 222 West Center Street, Marion, OH 43302. A memorandum in support of this petition is provided below.

**MEMORANDUM IN SUPPORT OF
PETITION FOR LEAVE TO INTERVENE**

OAC 4906-2-12(B) provides that the Ohio Power Siting Board (“OPSB” or “Board”) or administrative law judge may consider the following criteria when considering petitions to intervene:

- (a) The nature and extent of the person’s interest;
- (b) The extent to which the person’s interest is represented by existing parties;
- (c) The person’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

For the following reasons, there is good cause under these criteria to grant intervenor status to the Commissioners in this proceeding.

Nature and extent of interest:

The Marion County Board of Commissioners is the duly elected body authorized to act for Marion County, Ohio. The proposed Chestnut Solar facility (“Project”) is located within Marion County. The Commissioners are responsible for preserving the general health, safety, and welfare within the county. The Commissioners have an extensive interest in the Project with regard to protecting the County roads, waterways, and environment so that no harm is done to the county. In particular, the Commissioners have concerns that include but are not limited to the following issues:

1. The Project’s adverse impacts on viewsheds;
2. The Project’s adverse impacts on wildlife;
3. Increased stormwater runoff and soil erosion into neighboring properties and water bodies;
4. The Project’s impacts on emergency services;
5. Noise from the Project’s construction activities;
6. Dirt tracked on the public roads during the Project’s construction;
7. Damage to the surfaces of public roads from construction traffic; and
8. Airborne dust from construction activities; and
9. Noise from the Project’s substation and inverters during operation.

The Commissioners will present evidence about the issues described above, among others, with respect to which the Project’s design and application fail to protect Marion County. The Commissioners should be granted intervention so that they can address these and other problems with the Project.

Extent to which interests are represented by existing parties and potential contribution to the just and expeditious resolution of these proceedings:

No other party represents, or can represent, the Commissioners' interests in protecting Marion County from the Project's impacts. The Commissioners are responsible for preserving the general health, safety, and welfare within the county. Their participation in the case is necessary to the just and expeditious resolution of this proceeding.

Potential for undue delay or unjust prejudice:

Granting intervenor status to the Commissioners will not unduly delay the proceedings or cause unjust prejudice to Chestnut Solar. The Commissioners will comply with whatever case management schedule that the Board establishes. Moreover, the Commissioners will be represented in these proceedings by counsel experienced in practice before the Board.

For the foregoing reasons, the Commissioners request that OPSB grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Jack A. Van Kley
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Counsel for Marion County
Board of Commissioners

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on March 18, 2024, a copy of the foregoing document also is being served by electronic mail on the following: Devan K Flahive at devan.flahive@nelsonmullins.com. Ambrosia Wilson at ambrosia.wilson@OhioAGO.gov; Ashley Wnek at Ashley.wnek@OhioAGO.gov; Chad Endsley at cendsley@ofbf.org; Leah Curtis at lcurtis@ofbf.org; Leah Hetrick at lhetrick@ofbf.org; Kevin Dunn at kdd@planklaw.com; and David Watkins at dw@planklaw.com.

/s/ Jack A. Van Kley
Jack A. Van Kley

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 22-0988-EL-BGN

Summary: Petition to Intervene electronically filed by Mr. Jack A. Van Kley on behalf of Marion County Bd. of Commissioners.