

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Clear)
Mountain Energy Center, LLC for a Certificate)
of Environmental Compatibility and Public) Case No. 23-0045-EL-BGN
Need to develop, Construct, a 100 megawatt)
Solar-Powered Electric Facility located in)
Clermont County, Ohio)

**RESPONSE TO STAFF'S DATA REQUESTS
DATED MAY 29, 2024**

- 1) The application includes a generic Inadvertent Return Control Plan. Does the Applicant plan to submit a project specific Inadvertent Return Control Plan prior to construction?

RESPONSE: The Applicant worked with Timmons Group to develop a standard field procedure for Inadvertent Return during drilling activities, which was included with the Application as Exhibit M. This Inadvertent Return Control Plan is used as a standard procedure for all of Savion's construction projects as a best practice for field implementation. Once the final design is complete, the Applicant will work with the Engineering, Procurement, and Construction (EPC) contractor to update the Inadvertent Return Control Plan (Plan) to detail the horizontal directional drilling (HDD) locations and incorporate any site-specific procedures that may be necessary for those specific HDD locations.

- 2) The Application states that no water wells are present within the project area. A review of figure 8-2 depicts that some water wells exist within close proximity to the project area border. How close (in feet) would the closest project infrastructure be to any water wells?

RESPONSE: The closest well (well 100481) to Project infrastructure is 310 feet south of the Project.

- 3) The Application states that 16 water wells are present within a one-mile radius of the project area, however correspondence from the ODNR states there are 23. Please clarify.

RESPONSE: The data provided in the Application regarding well locations came from the ODNR server available for download through ArcOnline at https://gis.ohiodnr.gov/arcgis/rest/services/DSW_Services/waterwells/MapServer. This dataset does not appear as up-to-date as their web portal. The Applicant has now reviewed the wells within the ODNR portal. Seven additional wells were identified in the ODNR portal in the vicinity of the Project, however none of the seven newly identified wells are closer to the Project than previously identified wells.

- 4) For the water wells within one mile of the project area:
 - a. Based on well log records, what is the range in depth of these wells (in feet)?
 - b. Based on well log records, what is the sustainable yield range for these wells (gpm)?

RESPONSE:

- a. **Three of the 23 wells are monitoring wells likely associated with an environmental investigation. All three were set within the consolidated overburden with the deepest being 20.2 feet in depth. The other two are 19.8 and 20 feet in depth. The remaining 20 wells appear to be residential water wells and range in depth from 43 to 163 feet and are all set within the underlying limestone bedrock.**
 - b. **There is limited information on the sustainable yield for the wells. Several did not have any test data, but others reported test rates ranging from 1 gallon per minute (gpm) up to 35 gpm; however, the test times varied, and some had a notable drawdown, even at low pumping rates. For example, well 3572 had a reported test pumping rate of 1 gpm and dropped the water level 55 feet in 20 minutes. Others reported much higher rates, with lower drawdowns (eg. Well 35 gpm for 1 hour and 20 foot of drawdown.) This is typical in limestone aquifers where higher yielding wells typically encounter water bearing fractures. Wells within the same unit may also not encounter significant fractures and produce very low yields. Of the 13 wells that had test pumping rates, the pumping rates ranged from 1 to 35 gpm, with test durations ranging from 20 minutes to 7 hours; however, most were generally 1 hour test durations.**
- 5) Table 8-6 of the application indicates that 0.0077 acres of impacts to streams are anticipated. What are the temporary impacts? Please describe and include anticipated acreage. What are the permanent impacts? Please describe and include anticipated acreage.

RESPONSE: There are no proposed temporary impacts to streams. Efforts have been taken to reduce wetland and stream impacts to the extent practicable. The remaining impacts that cannot be avoided include three streams, with a cumulative disturbance of 0.0077 acre, which will be permanently impacted by the placement of culverts during the construction of access roads to connect the solar arrays throughout the footprint of the Project. These streams have already been extensively modified by agricultural activities.

- 6) Table 8-6 in the application indicates that 0.0814 acres of impacts to wetlands are proposed. What are the temporary impacts? Please describe and include anticipated acreage. What are the permanent impacts? Please describe and include anticipated acreage.

RESPONSE: There are no anticipated temporary impacts to wetlands. Efforts have been taken to reduce wetland and stream impacts to the extent practicable. The remaining impacts that cannot be avoided include permanent impacts to small portions of two palustrine forested (PFO) wetlands, with a cumulative impact of 0.0736 acre and to a small portion of one palustrine emergent (PEM) wetland with an impact of 0.0078 acre, for a total wetland impact of 0.0824 acres. Impacts result from the construction

of access roads that will connect the solar arrays throughout the footprint of the Project. The access roads result in these small areas of wetland fill that cannot be avoided and are necessary as the only access points to certain blocks of solar panels. One of the road areas also requires some tree clearing (0.021 acres) which results in a permanent wetland conversion from PFO to PEM wetland.

- 7) The Application states that project infrastructure would have a 50-foot setback from the closest wetlands and waterbodies. Staff recommends that the Applicant adhere to the setback recommendations defined in the ODNR's Guidance for Proposed Solar Energy Facilities in Ohio, which includes, 120 feet from Category 1 and 2 wetlands, 300 feet from Category 3 wetlands, and 120 feet along streams (including ephemeral and intermittent streams), retaining existing, non-invasive trees or shrubs. Please state the Applicants plans to adhere to these setbacks.

RESPONSE: It is not feasible to construct the proposed Project while adhering to the ODNR setback guidance. The Project siting and design efforts have taken great efforts to avoid and minimize direct wetland and stream impacts. However, the Project does have a complicated layout with several large wetland complexes and streams within the Project area. Panel array areas have been sited around these wetland areas to avoid impacts, but the constraints posed by wetland avoidance have led to a complex layout where it is not feasible to achieve the ODNR recommended setbacks and still site a utility scale solar project. The Project has been designed to minimize impacts to and maximize distances from wetlands and streams to the extent practicable. Buffer areas of existing wetlands have been significantly disturbed and are actively tilled agricultural fields within close proximity to the existing wetlands and streams. The Project has committed to preserving 50-foot setbacks from existing wetlands and streams, and removal of existing buffering habitat will be minimal and, in most cases, improved from existing heavily managed agricultural conditions. The Applicant is working closely with the Clermont County Soil and Water Conservation District to determine the most optimal soil and seed mixes to improve areas around wetlands and streams, and in particular, manage prairie buffer strips in setback areas between the Project fence line and existing wetland and stream areas. The Applicant intends to continue coordinating with ODNR and the Clermont County Soil and Water Conservation District to properly manage these wetland and stream setback areas.

- 8) The threatened and endangered species report conducted by Tetra Tech states that suitable habitat for the Kirtland's Snake is present within the project area. Please describe how impacts will be minimized for this sensitive species.

RESPONSE: The Project is within the range of the Kirtland's snake, a state threatened species. The Kirtland's snake prefers wet fields and meadows which are present on site in the form of wetlands and streams. By minimizing impacts to wetlands and streams to the extent practicable, impacts to Kirtland's snake habitat will also be minimized. In its correspondence dated July 3, 2023, ODNR stated that due to the location, type of habitat within the Project area, and type of work proposed, that this project is not likely to impact this species.

- 9) The Application states that the Applicant plans to conduct a hibernaculum field assessment and/or presence/absence survey in the spring and summer of 2024. Were these field surveys completed? If so, please provide the results.

RESPONSE: Presence/probable absence surveys will be undertaken in the summer of 2024 but have not yet begun. A survey plan is under development for approval from the USFWS. Surveys will take place within the survey window of June 1- August 15. The Applicant intends to adhere to time of year clearing restrictions and will only clear trees greater than three inches diameter at breast height between November 1 and March 31.

- 10) Please state the estimated cubic yards of waste expected to be generated during construction of the project.

RESPONSE: As noted in Data Request No. 1, Question #46, construction of the Facility will generate solid waste, consisting primarily of approximately 3,650 wooden pallets and cardboard boxes, and approximately 1,000 cubic yards of waste that will be regularly collected from 30 cubic yard dumpsters during the construction period.

- 11) State the estimated cubic yards of waste expected to be generated annually during operation of the facility.

RESPONSE: As stated in Section 4906-04-07(D) of the Application, the operation of the Project will generate small amounts of non-hazardous waste such as cardboard, plastic packaging, etc. as part of standard O&M efforts. As much of the material will be recycled as possible.

It can be difficult to estimate a total annual amount of waste from solar operations given the small volumes expected, and the inconsistent nature of waste production. However, based on our experience operating solar projects in the region, we typically have a local waste hauler contracted to regularly collect waste from the O&M operations office weekly using a 4 cubic yard dumpster. It is estimated that total waste collected from the O&M operations office would be less than 200 cubic yards per year. The operations staff will also have a contract for universal waste (i.e., lightbulbs, batteries, etc.) and oily waste if it is encountered (rags, oily waste from equipment, etc.), which will only be used in rare circumstances and is not expected to exceed 4 cubic yards per year.

- 12) Does the Applicant plan to follow the Ohio Solar Site Pollinator Habitat Planning and Assessment Form with a minimum score of 80 points?

RESPONSE: The Applicant is planning to follow the Ohio Solar Site Pollinator Habitat Planning and Assessment Form and will demonstrate a minimum score of 80 points for land under control of the Project that is not utilized for agrivoltaics. The Applicant is working to develop an agrivoltaics and vegetation management plan that will incorporate a patchwork of potential land cover, including traditional row crop agricultural production in some areas, hay and other forage crops between some of the solar panel array areas, native seed plantings in other solar panel array areas, and

pollinator refuge plantings in perimeter areas of the site. This practice could create a beneficial agricultural dual use of the site, while also maintaining these portions of the site in permanent ground cover and achieving scoring as beneficial vegetation under the Ohio Pollinator Habitat Initiative (OPHI). The details to determine the areas and extent of different land cover at the site are heavily dependent on engineering design details that will not be finalized until closer to construction. Therefore, a final vegetation management plan will not be available until after final design is completed. The Applicant expects to provide additional detail pertaining to the implementation of agrivoltaics and OPHI guidelines at the Project as part of the preconstruction agrivoltaics and vegetation management plans. This additional information will include areas of conservation that will be utilized for native pollinator habitat.

Within the Application the Applicant specified that the OPHI guidelines may not be feasible in areas where agrivoltaics are being implemented. Further, the ODNR Guidance related to the OPHI acknowledges that a OPHI score of 80 and 70% planting of beneficial vegetation is not applicable to “sites committed to alternative agricultural uses to control vegetation, as described in the vegetation management plan,” which the Project would fall under if agrivoltaics are implemented in some areas of the site. Further, the Applicant is actively involved with agrivoltaics research at a different solar project that is currently under construction in Madison County, Ohio, including a research grant from the U.S. Department of Energy to investigate agrivoltaics best practices. The Applicant expects to benefit from these various efforts to determine best practices for agrivoltaics and environmentally-beneficial vegetation management efforts and will continue to coordinate with OPSB, the Clermont County Soil and Water Conservation District, and other environmental stakeholders to document these activities as the Project progresses toward construction.

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Summary: Response to Staff's May 29, 2024 Data Request electronically filed by
Teresa Orahood on behalf of Herrnstein, Kara.