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Proposed changes and Comments on OPSB Wind Rules Case 12-1981-GE-BRO

4906-4-08 Health and safety, land use and ecological information

1) 4906-4-08 (A) (1) (c)

Providing manufacturer's safety standards and recommended safe setbacks from the manufacturer's safety handbook or manual.

Comment: The OPSB is empowered by Ohio Statute to impose greater setbacks for wind turbines than required in the ORC if needed. In regard to manufacturer's recommended setbacks and safety requirements Vestas in a safety manual has stated that in some cases a requirement in the manual may exceed a state or provincial requirement --- the higher level requirement will prevail. In the event that a state or provincial requirement exceeds the manual --- the higher level requirement will prevail. This commonsense approach recommended by the manufacturer is within the authority of the Board and would provide safety for participating and non-participating property owners.

2) 4906-4-08 (A) (7)

propose change rule to read:

--- and instruct landowners and workers of potential hazards.

3) 4906-4-08 (A) (8)

propose change rule to read:

--- and instruct landowners and workers of potential hazards.

Comments: These wind projects could not exist without participating landowners leasing their property to wind developers. Instructing landowners as well as wind project workers of potential hazards should be a priority. These farmers use their property in all weather conditions and equally need to be aware of any potential safety hazards.

4) 4906-4-08 (C) (2)

Comment: It is important that the maps note which parcels are leased property and which parcels are not leased property so that property owners living inside the project boundary, the public and Staff can better evaluate a proposed project.

5) 4906-4-08 (C) (2) (a)

propose change rule to read:

--- of the leased wind farm property ---

6) 4906-4-08 (C) (2) (b)

propose change rule to read:

--- nearest non-leased adjacent property ---

Comment: If paragraph (a) is referring to participating properties and paragraph (b) is referring to non-participating properties these changes would clarify their intent, because not all properties within a proposed wind project boundary are leased.

7) 4906-4-08 (E) (2) (b) (I)

propose change rule to read:

Field operations such as plowing, planting, cultivating, aerial crop applications, spraying, harvesting.

8) 4906-4-08 (E) (2) (c) (ii)

propose change rule to read:

--- at the applicant's expense, and affected landowners approval.

Comments: This is needed because field drainage tile systems from a non-participating landowner may course through a participating landowner's property in the same watershed. Affected landowners approval would refer to both and better protect all landowners within a project boundary.