

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Power Siting Board's)	
Review of Chapters 4906-1, 4906-5,)	
4906-7, 4906-11, 4906-13, 4906-15, and)	Case No. 12-1981-GE-ORD
4906-17 of the Ohio Administrative Code)	

COMMENTS OF CHAMPAIGN COUNTY, OHIO

Champaign County and several townships within the footprint of two projects before the Ohio Power Siting Board ("OPSB") for certificate approval have intervened and been involved in applying the current rules to those particular projects. These public entities continue to want to see projects vetted completely and meaningfully by the Ohio Power Siting Board according to the law passed by the legislature and according to reasonable rules put into place in order to protect the property owners, the neighbors and the general public within and around the proposed project's footprint. Further, what we do not want is to see a process where just anything is filed in order to complete the requirements, basically checking a box, without it actually fulfilling the basis for the requirement, one of the purposes which is to protect the public interest. Therefore, we are happy to see that these rules are being reviewed after many projects have been approved, some of which are operational, in order to resolve perceived deficiencies in the process and also to comply with the letter and spirit of recent legislation. We believe that the OPSB should be conservative in establishing rules for approving applications for new alternative energy projects as even the legislature appears to be revising the applicable laws. There have been very few wind projects here in Ohio and Champaign County was involved in the very first case before the OPSB and also a later case still before the Ohio Supreme Court. The conditions protecting the public which were not viewed as necessary in the first project, are now found to be necessary. That is progress, but no project should be a test case.

Therefore, we have set forth the following:

COMMENTS ON PROPOSED RULES:

OAC 4906-4-08(A)(1)(c); Paragraph 18(c) of the Order of November 12, 2015:

Champaign County supports the requirement that applicants must provide copies of all manufacturer safety manuals and recommended manufacturer setbacks. However, we concur with UNU that, in addition to formal safety manuals and setback recommendations, turbine manufacturers have also developed written recommendations concerning siting of turbines to address safety hazards and other siting considerations. Champaign County believes that the required minimum setback from the turbines to non-participating landowners' property lines is just that, a minimum standard which can be increased based upon a number of factors before the OPSB, including the manufacturer's setback recommendation, whether it be permanent in nature or temporary due to safety concerns of fire or other emergency situations.

Therefore, Champaign County requests that the Board to revise Ohio Adm. Code 4906-4-8(A)(1)(c) to read as follows:

"Provide the generation equipment manufacturer's safety standards, a complete copy of the manufacturer's safety manual or similar document, any manufacturer-recommended setbacks, and any other manufacturer recommendations relating to safety, health, or turbine siting, whether considered permanent or temporary."

OAC 4906-4-08(C)(1)(a); Paragraph 18(j) of the Order of November 12, 2015:

Proposed subsection (C)(1)(a) requires submission of a map showing specified information, such as prevailing land use, within one mile of the proposed facility. The Board's existing rule requires a map showing such information within five miles of the proposed facility. Champaign County is confused why the substantial decrease is recommended. Certainly a one-mile mapping area around the proposed facility may not note land uses, such as airports, subdivisions, municipalities, etc., that would be affected

by the facility. Champaign County urges the OPSB to retain the five-mile mapping distance set forth in its existing rule.

OAC 4906-4-08(C)(1)(b)(i); Paragraph 18(k) of the Order of November 12, 2015:

The rule should not only require specification in its required table of distances from turbines to structures, but also to adjacent property lines and public roads. Additionally, adjacent properties should be identified by parcel numbers given by the county. Such identification would allow use of information already held by the county auditor and county engineer to identify the boundaries of a property and the current owner of such property.

OAC 4906-4-08(C)(2); Paragraph 18(l) of the Order of November 12, 2015:

Champaign County supports the proposal to require all parcels leased by the Applicant to be mapped and concurs with UNU that an Applicant should be required to indicate all land that has been leased for wind development in the county or counties where the proposed project is located. Specifically, the OPSB did not see the relevance in having such information in the first or second Champaign County project before it and, therefore, did not take into consideration the aggregate impact of two projects overlapping in footprints. Filing projects in stages should not hinder the ability of the OPSB to ascertain the aggregate impact of multiple projects on an area, the residents living within the footprint of multiple projects and the public.

OAC 4906-4-08(E)(2)(c)(ii); Paragraph 18(p) of the Order of November 12, 2015:

Champaign County does not agree with Everpower's requested change to this rule. There is a concern that there is unequal bargaining power between the Applicant and the landowner, and allowing Applicant to avoid the expense by making the landowner responsible for damaged field tiles may leave a

landowner's property damaged for a significant period. Such damage, being an interruption to drainage may affect not only the landowner, but surrounding property owners who are not parties to such agreements. The lease arrangement can be controlled by the Applicant as one of the parties thereto and, therefore, there is no valid reason for the requested change.

Respectfully submitted,

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