



# Power Siting Board

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## OPSB 2020 Rule Review Stakeholder Meeting Questions

The Ohio Power Siting Board (OPSB) has a framework of statutes and rules that currently provide for its [application review process](#). In connection with its review of the operating rules in Ohio Administrative Code Chapter 4906, the OPSB seeks feedback on the current process framework, as well as recommendations as to modifying or updating the process.

The OPSB seeks comments regarding three main areas: (1) public awareness and participation in the evaluation of projects; (2) the application review and adjudication process; and, (3) certificate monitoring and enforcement. In combination with general input regarding these issues, the OPSB seeks comments regarding:

1. How can the Board better engage the public?
  - a. How can the process provide meaningful participation in project reviews?
    1. Prior to the filing of applications by the applicant or the Board?
    2. During the period between the application filing and the finding of completeness?
    3. During the period of Staff review and development of its report (within the statutory deadline of 15 days prior to public hearing - R.C. 4906.07)?
    4. What methods of participation are most useful to the public (i.e. public testimony, verbal comments on the record, written comments, or other forms of participation)?
  - b. How can Staff become better informed as to local knowledge and project concerns prior to completing its formal report?
  - c. Current rules require 4 public notices regarding a proposed project: (1) pre-application informational meeting; (2) the determination of application completeness; (3) the first public notice 15 days after the application is accepted; and, (4) the second public notice 7-21 days prior to public hearing. What additional public notices might be helpful during the evaluation of a project?
  - d. How else should the Board modify or update the current processes, including the public information meeting, public hearing, and evidentiary hearing?
  - e. Staff currently consults with and engages subject matter experts from state and federal agencies to seek and provide information while reviewing projects for possible approval. Can this process be improved? And if so, what recommendations do you have?
  - f. How can the Staff improve the quality and timeliness of its review of transmission projects through coordination with regional planning authorities such as PJM Interconnect LLC?
2. What modifications should occur as to application processing?
  - a. With regard to the findings that the Board must make pursuant to R.C. 4906.10, to what extent can any of the required determinations be deferred after a certificate is authorized to accommodate

the receipt of information for which the provision may not be feasible until after the certificate is authorized?

- b. If any such determination is so deferred, should the Board consider unbundling a certificate to construct and operate, and permit construction to move forward while the operating authority is deferred until such time and any open items are addressed? Should certain phases or components of the application be: (1) approved only upon submission of “final designs;” or, (2) approved pursuant to more fully developed project information if it is impractical or not feasible to provide final detailed studies/designs or plans? What should the Board consider when making this determination of feasibility?
  1. Landscape/lighting plans?
  2. Solar glare studies?
  3. Cultural resource studies?
  4. Vegetation management and plant/animal impact action plans?
  5. Final decommissioning plans?
  6. Geotechnical and other testing results?
  7. Adaptive engineering plans (i.e. turbine modifications)?
  8. Impacts to agricultural land?
  9. Land use authority?
  10. Transparent safety information, including access to non-proprietary safety manual information?
  11. Interconnection information?
  12. land lease/use arrangements
  13. Other
- c. What level of design and engineering drawings should be provided in the application? Should the final design be provided?
- d. To the extent the applicant submits supportive studies, should the studies be subject to a trustworthiness standard such as the evidentiary standard applicable to expert opinions? If so, what standard? If not, why not?
- e. Does the application need to be expanded, including the required information in the filing?
- f. Should multi-stage projects be required to be filed as one combined application (i.e., transmission line, substation, generating facility)? Why or why not?
  1. For multi-stage projects involving a generating plant and a dedicated transmission line, how should “need” for the transmission line be determined?
- g. What criteria should determine the difference between a “modification” versus an “amendment?”
- h. What criteria should determine if a proposed change in the facility would result in any material increase in environmental impact or a substantial change in location for purposes of R.C. 4906.07?
- i. Where provision for decommissioning is appropriate, should the applicant be required to demonstrate project financial viability/adequate cash flow sufficient to accommodate estimated and actual decommissioning expense?

- j. Should an applicant be required to submit manufacture safety manuals and other materials and to what extent should such information be available to the public?
  - k. Should the applicant be required to address issues and concerns raised in public comments?
3. How should the Board monitor and enforce the terms of its certificates?
- a. How should compliance with certificated conditions be documented both with regard to the determination of when construction may commence and through the life of the certificate/facility?
  - b. To the extent that permits, licenses or other consents must be obtained from federal, state or local authorities before the project can move forward, how should the applicant document satisfaction of these requirements and update the Staff and Board as a result of changes in circumstances that may affect the authority provided by such permits, licenses or other consents.
  - c. More generally, what post-construction monitoring and enforcement procedures should apply, including during the operation and decommissioning phase?
  - d. What additional procedures should apply, if any, to certificate transfers beyond the transferee agreeing to comply with the terms, conditions, and modifications imposed upon the certificate by the Board? What enforcement mechanisms should exist to ensure compliance with certificated conditions, board orders, rules, or laws (i.e. suspension of certificate or operating authority in the event of a violation of 4906.98)?
  - e. By what process should decommissioning costs be revisited and evaluated for purposes of establishing the bond level?