

Stakeholder Meeting Questions - OPSB 2020 Rule Review
Kevin Ledet 3205 Omega Rd Greenwich, OH 44837 kaledet1@gmail.com
Answers to questions that I felt qualified to answer are in **RED**

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? **During the course of the project development the individuals that are not involved in the leases are referred to as non-participating property owners. I believe that is exactly what the developers want and many of the OPSB rules foster! To me the process is flawed from the beginning. Leases being obtained in secrecy and lease signers constrained by confidentiality clauses. When the community is first notified of the proposed project, it is in a newspaper ad. Example supplied. This ad, and it's "description of the project", basically means nothing. What would be helpful, I believe, is the physical dimensions of the turbines should be disclosed. 500 feet tall, 3,000 HP, visible for 10 miles, red flashing lights at night. Maybe this would grab the attention of the general public and lead to more participation.**

The developers should be required to display the DMS coordinates for the GPS location of the turbines. I believe they use the UTM system because it is easier for them to measure distances between the turbines and other objects. Using the UTM system makes it difficult for individuals to determine which turbines are being identified in the application exhibits. These exhibits concern noise, shadow flicker, ice throw etc. When comparing turbine locations the FAA uses DMS also Google, ODNR, FSA and county auditors use DMS.

2. During the period between the application filing and the finding of completeness? **Is the accuracy of the exhibits and information presented by the applicant examined during this time? Is 60 days really enough time?**

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)? **All are good if they are being responded to.**

b. How can Staff become better informed as to local knowledge and project concerns prior to completing its formal report? **By reaching out to any person or group that has made input and pursuing them for clarification or further input.**

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? **The public informational meeting would have more impact if any opposition was allowed to present their view point also. This was done at the Emerson Creek public meeting in Bellevue and I believed it was well received.**

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- 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? **Most of the supportive information that I see the applicants use is a matter of conjecture. Take the case of property devaluation in a Berkley study by the NREL that they use at the public informational meeting. The data is skewed by using properties that can be far away from the turbines. Any rational person should see that at that distance there would be no effect, but what about one or two miles away. As long as there are studies that are funded by any agenda you will get twisted results.**

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- 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? Yes, because they are intertwined and dependent on each other. You don't need a substation without a generation facility and you don't need a transmission line without the substation.
1. For multi-stage projects involving a generating plant and a dedicated transmission line, how should "need" for the transmission line be determined? If the public need provision is not applicable to the wind facility then the public need is not applicable for the transmission line. The "need" is only for the project not the public. The need therefore is for the project to get connected to the grid.
- g. What criteria should determine the difference between a "modification" versus an "amendment?" A modification adds something that was not there before and is designed to fulfill a function; an amendment corrects something or increases or decreases the scope/emphasis of something. Both are similar and I don't think that you can differentiate between them in a siting issue.
- 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? Yes. To me the simplest way to ensure financial viability is for the developer to open an escrow account for the amount of decommissioning and revisit it every 5 years for adjustment. Don't rely on the developers to provide financial assurances that they will, at some time in the future, have the monies to restore the area.
- 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? Absolutely, they did in the Greenwich case. Concerning fire and other turbine failures, the safety manuals state that a safety zone of 500 meters (1,640 feet) distance must be enforced to protect people. I honestly don't know how the OPSB can allow any turbine to be sited closer than this minimum safety distance to someone's property.
- k. Should the applicant be required to address issues and concerns raised in public comments? I believe that not only the applicant but also the OPSB should respond to a legitimate comment. There have been comments that challenge the voracity of many documents that have been posted by the applicants and have never been responded to by either the applicant or OPSB, leading people to believe that no one cares. Note separate document: Greenwich shadow flicker report challenged with no response from either the applicant or OPSB.
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? Good question. The board should verify that the developer did indeed satisfy each condition and then document this on the case document section of the project. This enables the public to see were the project stands. If a condition has to be met prior to construction and it is not met how can construction begin?
- How does the OPSB enforce the terms of the certificate? In the case 13-0990-EL-BGN, on August 26 2019, a motion was made to the OPSB to enforce the conditions of the certificate that was approved for the Greenwich wind project. This motion cited various conditions that have not been met by the developer in order to start construction of the facility prior to the August 25 2019 deadline for the start of construction.
- Condition 2 (interconnection agreement) condition 45 (roads and bridges RUMA) both prohibit construction unless the condition is satisfied. As of March 10, 2020 no RUMA with Huron County. The OPSB has this project listed as under construction!

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- 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)? *The OPSB should have any and all authority necessary to shut down or stop any activity of a facility that is being constructed or operating in a manner that is not adhering to the certificate and the conditions of the certificate.*
- e. By what process should decommissioning costs be revisited and evaluated for purposes of establishing the bond level? *As stated earlier a bond is not a financial guarantee, an escrow account would be better. A five year review should be adequate to address any need to adjust the level of funding in the decommissioning account.*

Kevin Leal

Notice of Proposed Major Utility Facility (Wind Farm) FACILITY DESCRIPTION

6011 Greenwich Windpark, LLC, a wholly owned subsidiary of Windlab Developments USA, Ltd. has an application pending before the Ohio Power Siting Board in Case No. 13-990-EL-BGN. 6011 Greenwich Windpark, LLC proposes to construct, own and operate up to 60 MW wind-powered electric generation facility consisting of up to 25 2.4 MW wind turbines (the "Greenwich Windpark") within approximately 4,650 acres in Greenwich Township, Huron County. The general purpose of the project is to produce clean, renewable, reliably priced, low cost electricity to the Ohio electric marketplace, and bring dozens of new jobs to Huron County and the surrounding area. The application includes the proposed locations of turbine sites and information related to them. The map below reflects the turbine sites in the application supplement.

LOCATION AND GENERAL LAYOUT

The general location and planned project layout of the Greenwich Windpark is shown on the map.

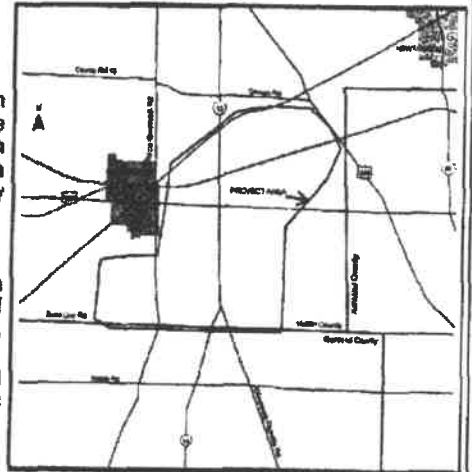
APPLICATION NOW PENDING

6011 Greenwich Windpark, LLC, a wholly owned subsidiary of Windlab Developments USA, Ltd. has an application pending before the Ohio Power Siting Board. The assigned docket number for the Application is Case No. 13-990-EL-BGN, and copies of all filings in the case, including the application can be located at the Ohio Power Siting Board website at (<http://www.opsb.ohio.gov>) by scrolling down to "Pending Cases" and selecting the case by name or docket number. A copy of the application may also be reviewed online at <http://www.greenwichwindpark.com>.

PUBLIC OFFICIALS SERVED WITH COPIES OF THE APPLICATION

The following public officials were served with a copy of the Application: Gary W. Bauer, Joe Hintz, Tom Dunlap, Huron County Commissioners; Joseph B. Kovach, P.E., P.S., Huron County Engineer; Carol Knapp, Huron County Development Council; and David Seidel, Michael Robinson, Michael White, Greenwich Township Trustees.

Copies of the Application of 6011 Greenwich Windpark, LLC for a Certificate to Site a Wind-Powered Electric Generation Facility in Huron County are available for public inspection at the Greenwich Public Library, 4 New Street, Greenwich, OH 44837 and The Ohio Power Siting Board, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. A copy of the application may also be reviewed online as indicated above.



OHIO POWER SITING BOARD APPLICATION REVIEW CRITERIA

Pursuant to Ohio Revised Code Section 4906.10(A) the Ohio Power Siting Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following: (1) The basis of the need for the facility; (2) The nature of the probable environmental impact; (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations; (4) In the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability; (5) That the facility will comply with Chapters 3704, 3734, and 6111, of the Revised Code and all rules and standards adopted under those chapters and under Sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under Section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under Section 4561.341 of the Revised Code; (6) That the facility will serve the public interest, convenience, and necessity; (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility; rules adopted to evaluate impact under Division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site; and (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

STATEMENT PURSUANT TO OHIO REVISED CODE SECTION 4906.07

Upon the receipt of an application complying with Section 4906.06 of the Revised Code, the Ohio Power Siting Board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable. The public hearing for this case shall consist of two parts:

- (1) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person has been scheduled for May 6, 2014, at 6 p.m., at the South Central High School, 3305 Greenwich Angling Road, Greenwich, Ohio 44837; and,
- (2) The adjudicatory hearing has been scheduled for May 19, 2014 at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 11th Floor Hearing Room C, 180 East Broad Street, Columbus, Ohio 43215-3793.

The chairman of the Ohio Power Siting Board shall cause each application filed with the Ohio Power Siting Board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing, submit a written report to the Ohio Power Siting Board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and the report shall contain recommended findings with regard to division (A) of Section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

STATEMENT OF OHIO REVISED CODE SECTION 4906.08(C)

The Ohio Power Siting Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to thirty (30) days following the publication of this notice required by Rule 4906-5-08(C)(1), O.A.C., or later if good cause is shown. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible but by no later than April 18, 2014. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite Case No. 13-990-EL-BGN

March 10, 2020

Timeline of the Greenwich Wind Facility shadow flicker report challenge.

12/24/2013 Case Document section docket Shadow flicker exhibit
4/18/2014 Case Document section docket Staff report
9/17/2014 Public comment section docket K Ledet chairman GNU shadow flicker wrong

On Saturday the 20th or 27th of September 2014, Gene Lamoreaux and I had a meeting with Monica Jensen from Windlab in Norwalk. During the meeting conversation turned to the comments I made about the errors in the shadow flicker report.

9/30/2014 Case Document section docket Condition 16 Shadow flicker update Sally Bloomfield

What changes were made except the accuracy of exhibit P?

Neither the OPSB nor any Windlab official ever directly contacted me about the issues that I brought up about the accuracy of exhibit P. It appears that someone must be reading them because an updated version was submitted, of course with no admission of error. This adds to the possible reasons for mistrust in the public comments section and therefore the lack of participation in the process.

Kevin Ledet

FILE

3

Butler, Matthew

From: Kevin Ledet <kaledet1@gmail.com>
Sent: Monday, September 15, 2014 2:32 PM
To: Puco Contact OPSB
Subject: Exhibit P Shadow Flicker Report
Attachments: OPSB flicker.docx

Mr. Irwin, concerning Case No. 13-0990-EL-BGN, would you please see that the voting and nonvoting members of the OPSB as well as the public comments section receive this information. Thank you Kevin Ledet

Don't ever highlight in green
AND send to OPSB

RECEIVED-SOCKETING DIV
2014 SEP 17 PM 2:11
PUCO

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Jim Date Processed SEP 17 2014

The following images were scanned as received

to the greater than 30 hour maximum for exposure to flicker. This home is occupied by an elderly couple and the man has had a stroke. This part of the area I am familiar with and I know this to be true because I live on Omega Rd. I don't know how many other properties aren't accounted for in this report but there probably are more if they missed these.

On pg. 5 of Exhibit P under Modeling results they make a statement that there are 298 residential structures located within 1170m of a proposed turbine and all this data is included in Appendix D. If there are 298 residential structures why is there 314 House ID numbers in Appendix D? The 298 residential structures count is already wrong by not including the 14 houses from Omega Rd. and SR 13 and now adding another 16 residences, who is doing the math?

On pg. 6 of Exhibit P section 4.1 House 272, this is a very interesting read. Even though this house is an involved landowner, (leased) Windlab states that it has the potential of experiencing 63 hours of flicker per year. This is the results of 4 turbines 17, 18, 20 and 21. The report goes into a lengthy discussion of winter solstice and which of these 4 turbines will impact this house and when and for how long. My big problem with this data is, how did they come to this conclusion:

Turbine 17 is approximately 1.5 miles NNE of this residence.

Turbine 18 is approximately 2 miles almost due north of this residence.

Turbine 20 is approximately 2.2 miles NNE of this residence.

Turbine 21 is approximately 2.3 miles NNE of this residence.

None of these turbines will ever have any flicker impact on this residence. The question needs to be asked, how did Windlab's computer model come up with this data? How many other mistakes are in this report?

This is, at least to me, something that should not be overlooked. In the green highlighted area, the applicant (Windlab) has stated that any turbine forecasted prior to construction to create in excess of 30 hours per year of shadow flicker at a non-participating receptor will be subject to mitigation or minimization. The staff recommends no more than 30 hours flicker at any non-participating receptor, with a complaint resolution process being established. With the above listed examples of corrupted data, should this flicker report be trusted? Could you please direct me to anyone who has authority to review this type of information and has authority to bring it to a proper resolution?

Sincerely Kevin Ledet
Chairman Greenwich Neighbors United

Concerning case 13-0990-EL-BGN

To the voting and nonvoting members of the OPSB and the public comments section,

With the OPSB refusal to grant us this simple request much of this projects misrepresentation will likely not come to the light of day. I am going to try to explain to you what appears to me as a blatant misrepresentation of data by Windlab, that has been submitted to the OPSB. Obviously, the OPSB must not review all the exhibits that have been submitted by Windlab for accuracy or they simply accept the exhibits without question. Either way it appears that the OPSB staff is so unfamiliar with the area that they can't interpret the exhibit.

Following below is a statement from the shadow flicker section out of the Staff Report of Investigation Case No. 13-0990-EL-BGN dated April 18, 2014 and filed with the OPSB.

“The Applicant conducted a shadow flicker analysis of the facility to calculate the yearly shadow flicker impact to receptors within approximately 1,170 meters of turbines. The Applicant used the following inputs to calculate shadow flicker impact: turbine coordinates, turbine specifications, shadow receptor coordinates, monthly sunshine probabilities, wind speed probability distribution, wind direction data, and elevations for each residence. The model developed for this facility included 298 receptors.

The position of the sun relative to the turbine rotor disk and the resulting shadow is calculated in time intervals of one minute throughout a complete year. If the shadow of the rotor disk, which in the calculation is assumed solid, casts a shadow on a receptor at any time, then this step is registered as one minute of potential shadow impact. The model's calculations take into account the wind turbine location, elevation, and dimensions, and the receptor location and elevation.

The model showed that five non-participating receptors would be exposed to more than 30 hours of shadow flicker per year by the facility. Of those five receptors, three were determined to not exceed the 30 hour limit after further evaluation using actual site-specifics conditions such as obstacles that would mitigate shadow flicker exposure. The Applicant has stated that any turbine forecasted prior to construction to create in excess of 30 hours per year of shadow flicker at a non-participating receptor within 1,000 meters would be subject to shadow flicker minimization measures and possible mitigation. Mitigation would be completed before commercial operation commences and consist of either reducing the turbine's forecasted impact to 30 hours per year, or other measures confirmed by Staff to be in compliance with this commitment.

This representation is based on model results, and actual shadow flicker levels may differ when the wind farm is in operation. Therefore, Staff recommends that the certificate be conditioned upon the requirement that the Applicant operate the facility so that no more than 30 hours of shadow flicker per year are actually experienced at any non-participating receptor. Additionally, Staff recommends that the Applicant establish a complaint resolution process through which complaints related to shadow flicker from the facility can be resolved.”

In exhibit P, filed by Windlab, dated December 24, 2014 there appears to be many misleading and erroneous statements. On pg.3 section 3.2 House Locations, Windlab states that “all buildings within 1170m or 3838ft (10 blade diameters) were considered in this analysis,”. This is not true. There are at least 14 houses on Omega Rd. and SR 13 that are within that distance from turbine 23 that are not shown are counted, one of which appears dangerously close

to the greater than 30 hour maximum for exposure to flicker. This home is occupied by an elderly couple and the man has had a stroke. This part of the area I am familiar with and I know this to be true because I live on Omega Rd. I don't know how many other properties aren't accounted for in this report but there probably are more if they missed these.

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Sincerely Kevin Ledet
Chairman Greenwich Neighbors United



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Sally W. Bloomfield
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September 30, 2014

Via Electronic Filing

Ms. Barcy McNeal
Public Utilities Commission of Ohio
Administration/Docketing
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Letter of Notification of Compliance for 6011 Greenwich
Windpark, LLC, Cas No. 13-990-EL-BGN**

Dear Ms. McNeal:

On August 25, 2014, the Ohio Power Siting Board ("Board") issued 6011 Greenwich Windpark, LLC ("Greenwich") a Certificate of Environmental Compatibility and Public Need subject to a number of conditions ("Order").

Condition No. 16 of the Order requires the following:

The facility shall be operated such that the turbine shadow flicker does not exceed 30 hours per year for any nonparticipating receptor. Applicant shall confirm with Staff that the mitigation measure or mitigation has been completed for the two receptors at the model and this prediction allowed to - be in excess of 30 hours per year of shadow flicker. The analysis shall show how modeled shadow flicker impacts have been reduced to 30 or fewer hours per year for each receptor. The analysis shall be provided to Staff at least 30 days prior to the preconstruction conference, for review and confirmation that it complies with this condition. This analysis may incorporate shadow flicker reduction from trees, vegetation, buildings, obstructions, turbine height, operational hours, wind direction, turbine probabilities and other mitigation confirmed by Staff to be in compliance with this condition. After commencement of commercial operation, Applicant shall conduct further review of the impact and provide mitigation of all facility related shadow flicker complaints through the complaint resolution process.

In compliance with Condition No. 16 of the Board's Order, attached is a copy of the updated Shadow Flicker Report for Greenwich. This report considers the slight change in the project area layout, and updates the Shadow Flicker Report filed as Exhibit P to Greenwich's Application. The findings of the updated report do not differ from the previously filed Shadow Flicker Report (Exhibit P), which found:

What changes except the accuracy of Exhibit P

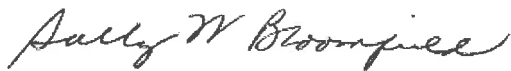
September 30, 2014

Page 2

- There is no increase in the number of homes that may be impacted by shadow flicker located within 10 rotor diameters of a proposed wind turbine.
- There is no increase in the number of homes that may be affected by more than 30 hours of shadow flicker annually.

If you have any questions please call at the number listed above.

Sincerely,



Sally W. Bloomfield

Attachment

Cc: Grant Zeto (w/Attachment)
Parties of Record (w/Attachment)