



House Energy and Natural Resources Committee, Chairman Nino Vitale

Opposition Testimony on House Bill 401

**Representative Nino Vitale, Chair
Energy and Natural Resources Committee
The Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215**

**Opposition - Testimony of Andrew Gohn
Eastern Region Director of State Affairs
American Wind Energy Association**

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Chair Vitale, Vice Chair Kick, Ranking Member Denson, and members of the Ohio House Energy and Natural Resources Committee, thank you for the opportunity to appear before you today to offer opponent testimony on House Bill 401. My name is Andrew Gohn and I am the Eastern Region Director at the American Wind Energy Association (AWEA).

I speak on behalf of the over 1,000 member businesses of the American Wind Energy Association, and the 114,000 workers who are employed in this industry in the United States, around 3,000 of them right here in Ohio. Beyond the strong winds and good opportunities for project development, Ohio is a huge wind energy component-manufacturing state. Sixty-four factories across this state produce key wind turbine components that are used in turbines operating right here in the state of Ohio, and in wind turbines distributed across the nation.

This is important because it means that what happens with wind projects in one corner of the state impacts all Ohioans. Thousands of Ohio citizens work directly in the deployment and maintenance of wind energy projects and the manufacturing of wind turbine components. This workforce is critical to Ohio's tax base, economic growth and industrial expansion. This does not even consider the environmental benefits of wind energy, reducing emissions of harmful pollutants associated with traditional forms of energy production.

The wind energy industry is one of the fastest growing economic sectors in the country, with about 1,400 projects operating across 45 states. In communities all over the country, developers have working in partnership with host communities, and have operated those 1,400 projects with broadly positive results. Study after study confirms that attitudes of residents within 5 miles of U.S. turbines are seven times more likely to be positive than negative.¹

Despite the industry's commitment to responsible development, wind farm developers and proponents have been under continual attack by legislators in Columbus for several years now. In 2014, a late-hour amendment was added to a mid-biennial budget bill that arbitrarily tripled wind turbine setbacks (without any legislative discussion) to unworkable distances far in excess of what might be reasonably necessary for health and safety. Only one wind farm has been certified in the more than five years since.

¹ [http://eta-publications.lbl.gov/sites/default/files/hoen et al. 2019 attitudes of u.s. wind turbine neighbors.pdf](http://eta-publications.lbl.gov/sites/default/files/hoen_et_al._2019_attitudes_of_u.s._wind_turbine_neighbors.pdf)

In that time, the wind industry and localities that support wind projects have come before members of the General Assembly on multiple occasions over the past five years to seek solutions to these setbacks including allowing counties local control to revert to the original setbacks where it made sense to do so. In those instances, local control and the desire for wind development were rebuffed in favor of the statewide siting process.

Now, however, proponents of House Bill 401, who strongly support state control over local zoning for all other new energy projects, indicate that, for wind energy, they will make an exception. Everyone agrees that many types of power plants create impacts on communities, and that some of those impacts include significant air and water contamination that can damage public health and degrade the environment. House Bill 401 ignores local sentiment regarding those energy projects altogether and singles out one technology – wind energy – for a completely unique process.

A wind farm is one of the few ways to generate energy that doesn't emit any chemical pollution, any radiation, any odor or has any impact on drinking water. To require such a significant additional step for wind energy would “put the thumb on the scale” against wind energy development in the State. It would create such a fundamentally different regulatory treatment for wind energy projects in a way that would skip the objective and adjudicatory approach that has worked for all types of energy infrastructure in Ohio for decades and replace it – for only this one sector of the energy industry – with a process that would be unduly exposed to political pressures, misinformation campaigns and disproportionately strong local voices.

The Ohio Power Siting Board already conducts a lengthy regulatory review of each proposed wind farm that includes significant participation from all host communities. In this process, the Board reviews project proposals that can span several townships and ensures that all parties have a voice in the process. In fact, last week in a Duke Energy pipeline certification case at the Ohio Power Siting Board, Chairman Randazzo spoke to the thoroughness of the OPSB process and the multiple opportunities for local voices to be heard and provide substantive input, praising the more than 1,600 comments received and the large number of interveners. We agree with Chairman Randazzo, that this approach allows the state to bring the best expertise to bear in reviewing proposed energy generation of any type.

But House Bill 401 goes further and asserts that wind projects should be subject to a township-level override even after going through the multi-year, multi-million-dollar certification process under the state's Power Siting Board. Even worse, the proposed township referendum would not occur until the next scheduled primary or general election, potentially jamming up the project timeline and causing severe impacts on project viability.

It is important to remember that wind projects cover several townships, making this process exponentially more complicated and unpredictable. Under this proposal, if any township having any part of a wind project – even a single turbine – within any part of its borders voted to deny the project, it would essentially veto the project, even over a project supported by every other township in the project footprint and over approval of the OPSB after a thorough and rigorous regulatory process.

Finally, House Bill 401 would impose a significant burden even on projects that are currently certified and in an advanced stage of development, by mandating that simple amendments to existing certifications will also trigger a new window for township referendum petitions. This would even apply to insignificant changes in the diameter of tower foundations or tiny shifts in the exact placement of individual turbines. This provision serves further indication that the bill is intended to halt wind development altogether in Ohio.

No other state has this kind of double-jeopardy permitting scheme in which proposed energy projects must survive full state-level scrutiny and adjudication, only to face a series of local township elections with varying timelines. No wind company will develop in Ohio under these conditions. Development expense is already at-risk capital. The uncertainty with the post-permitting referenda is a bridge too far and will actually stop development at the outset. House Bill 401 is clearly an attempt to impose a further wind

development moratorium without calling it such. It's a true signal to the market that wind is not welcome in Ohio. That's why this anti-investment proposal is opposed by the Ohio Chamber of Commerce, who stated clearly that "Proposals such as SB 234 and HB 401 do not create a friendlier business climate in Ohio. In fact, they do just the opposite."²

The passing of this bill would put Ohio's wind industry, the host communities that rely on revenue generated back into their local economic infrastructure from the industry, and the thousands of Ohioans that work in the supply chain in a truly unsustainable position. Rather than let the free market operate and let all energy sources compete on a level playing field, House Bill 401 tells wind developers that even if they are successful in the free market, and even if they somehow manage to develop projects within a mandatory statewide one-size-fits-all setback requirement, they must then run a gauntlet patchwork of several various local election-based approval processes.

In other words, under this bill, the state ignores local voices that want to support projects, by waiving the draconian statewide setback standards, and empowers just the few local voices opposed to projects which allows them to impose that patchwork election requirement on wind - and only wind - in collecting as few as eight percent of township resident signatures. No reasonable business enterprise would subject themselves to this type of inconsistent treatment.

This bill would devastate wind farm development in Ohio and the fallout is likely to be felt, for example, by engineers and technicians in Urbana, where firms like Honeywell and Hughey & Phillips supply FAA compliance technology to the wind industry. They may feel the impact at the Kaydon Bearings plant in Avon, where they manufacture large diameter turntable bearings and slewing rings and supply the wind industry with high precision pitch and yaw bearings. The impact is also likely to be felt on the investment climate of the state where large industrial customers are increasingly looking to lower their long-term operating costs by purchasing power from wind farms. Ultimately, Ohio residents will suffer by being denied the lower costs of power that free market competition is designed to ensure.

This proposal is fundamentally discriminatory and anti-competitive. Whether at the local level or at the state level, the wind industry just wants to participate on the same terms as other energy-generation facilities. We therefore ask this Committee to end this regulatory assault on a great American industry and reject House Bill 401.

² <http://allforohio.com/2019/11/11/wind-project-referendum-bills-introduced/>