

Ohio House Committee on Energy and Natural Resources

Sub. HB 6

TESTIMONY

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Chairman Vitale, Vice Chairman Kick, Ranking Member Denson and members of the Committee, I am here to provide support for Sub. House Bill 6 and would like to specifically address the provision on giving impacted communities a voice in the development of wind and solar projects.

For the past decade, the siting of industrial wind and solar power plants in rural residential and agricultural communities has been a one-sided process with all the cards on the side of the developer. Too often we have seen unregulated landmen use predatory practices to secure leases from elderly landowners who do not understand what they are signing. Or landowners who are told they might as well sign up because their neighbor has signed and they are going to have to look at turbines anyway so they might as well get some money. These are often false statements but there is no right of rescission and there are no professional standards that regulate agents peddling leases.

Some wind leases or lease option agreements commit the signer to confidentiality as well as waivers for complaints of nuisance effects from noise, vibration or moving shadows. Developers boast few, if any, complaints from people living near wind facilities but often the confidentiality clauses keep complaints hidden from the public. In Ohio, this situation is especially harmful as the Ohio Power Siting Board has never established a rule limiting noise emissions. Instead they allow “design goals” using manipulated averages across wide swaths of the community. Affected persons are left with no recourse other than to pay expensive lawyers to prosecute nuisance claims after the fact.

Industrial wind facilities change the character of the community. In some places like Paulding County this is a welcome change. In other places like Seneca, Van Wert and Erie the changes are not welcome. In some areas the local geology is unsuitable such as the karst areas of Erie and Huron Counties where underground water flows are at risk. In some areas dependent on medical air transport, access to emergency helicopter service will be cut off. Likewise, aerial spraying for agricultural purposes can be severely curtailed on neighboring non-participating land. (SEE Attachments A and B) Military aviation installations can also become vulnerable to loss. I understand this is currently an issue in NW Ohio. Last week two large projects in Oklahoma were abandoned due to military air space concerns.

Next door in Indiana, a “no turbine zone” is being established in Jasper County to protect the Jasper-Pulaski Fish and Wildlife Area, and to protect and provide an aviation buffer with respect to the Jasper County Airport and established military operations within the county. In Tippecanoe County residents determined that a growing county couldn’t afford to hamstring other kinds of development with long-term leases tying up tens of thousands of acres around Lafayette and West Lafayette.

The point is that every industrial power plant featuring 600’ turbines with lights that pulse and flash through the night has its costs as well as its benefits. And it is only the people who will be directly affected that can credibly assess the impact and determine whether or not the costs outweigh the proposed benefits.

HB 6 gives back to the community their seat at the table and a voice that was taken away ten years ago. By having a seat at the table, local citizens can demand that developers work honestly and collaboratively with the community. I doubt that their fuzzy site maps with no roads or identifiable parcels would continue to be used in public information meetings if there was true accountability to the community.

Perhaps a developer would think twice about trying to use an average noise level instead of considering the real impacts on individual properties. And just maybe, a developer would be more solicitous of a tenant living on the property of an absentee landowner who signed a lease waiving project impacts but did not think of or disclose the consequences to the tenant. Under HB 6, that tenant would have a vote in whether or not a project should go forward. And yes, in some instances a project may be rejected but in other instances they will go forward.

The National Conference of State Legislatures has evaluated siting regulations for industrial wind turbine projects. This assessment is available on their website. In nearly half of the states, complete local autonomy though local zoning governs whether and how industrial wind is developed. In the other half of the country, a collaborative process is employed by state and local government working together. In these states, great deference is given to the local community. Ohio is an outlier in the national scheme of things. HB 6 will fix that. I urge your favorable consideration.