

PROPONENT TESTIMONY
HB 118 House Public Utilities Committee
Rachael M. Vonderhaar – Preble County
March 9, 2021

Chairman Hoops, Vice Chair Ray, Ranking Member Smith, and the members of the Committee. My name is Rachael Vonderhaar and I reside in Israel Township in rural Preble County. I am here in support of HB 118 that addresses the need for local participation in responsibly siting utility-scale wind and solar in Ohio.

The focus of my testimony is on my experience over the past 2 and half years participating in the siting of Angelina I Solar Generation Facility proposed before the Ohio Power Siting Board (OPSB, OPSB.ohio.gov). OPSB is the siting authority for utility scale wind and solar generation facilities over 50 MW, these projects are not farms, they are energy generation on an industrial scale. We do not refer to water passing through dams to create energy as aquaculture, wind and solar generation of this size and scale are clearly not agriculture. The footprint of the physical size and scale of these industrial projects on the land use, view scape, and technology band space alone impact the local communities at a footprint not seen by other forms of energy already located in Ohio. This is new, Ohio needs to make sure our rural communities are not left holding the risk and clean up responsibility of the out-of-town LLCs. The only way for that to happen is to make sure local communities even want a project let alone carrying the burden of the location and have a voice in the responsible siting process. A local referendum opportunity is the surest way of community choice and voice for holding the risk bag associated with these projects.

Preble County has a Land Use Management Plan – In our community we believe agricultural land is valuable to us, Ohio, The United State of America, and the 90% of the worlds consumers that live outside of our country’s borders. Solar can be sited a lot of places. Once fertile agricultural land is taken out of production it is likely to never return to production. Preble County has a standard of care established in our community for valuing an irreplaceable resource as set forth in our CEDS and Land Use Plan.¹

“Environmental Objectives

- 1. To recognize that the natural environment is an integrated system of interacting land, water and air resources, and to protect the health and stability of this resource system.**
- 2. To regard land as a finite and irreplaceable resource, and to ensure that the use of it does not impair its value for future generations.**

1

http://www.prebco.org/Preble_County_Downloads/Land%20Use%20Management/2016_Preb_County_CEDS.pdf

3. To provide a safe, healthful and visually pleasing environment in order to enhance the quality of life for all Preble County residents.”

In Preble County we have the “40-acre rule,” if you would like to buy agricultural land to build a house on, in Preble County you will need 40+ acres to do it. Otherwise, you will be seeking “special use provision”, essentially, permission from Planning, Zoning, and the Commission. Our community understands the value of agriculture and the need to protect our blessings.

Only so much space available on the power lines and upload substations, these sites are valuable, a commodity in themselves. We must strategically think about the best most efficient use of the potential for development and the impact both positively and negatively on a community. Not just a parking lot for tax credits. I have put together a list of my concerns I have created while participating in the siting process at the OPSB for the Angelina I proposed project for Ohioans should be concerned about:

1. Lack of Transparency- from the development of the project all the way through the OPSB process. Lack of communication with the community being impacted. When you receive your notification letter of the project 2 weeks before the informational hearing you are supposed to learn all your rights and how to participate from the OPSB staff and website as described in the letter. **Exhibit A**
 - a. **“Following the public information meeting, Angelina Solar I, LLC plans to file an application for a Certificate of Environmental Compatibility and Public Need for the project with the Ohio Power Siting Board (“OPSB”). The staff of the OPSB will then review and investigate the application and will issue a report with recommendations. An evidentiary hearing will be scheduled before an Administrative Law Judge and a local public hearing will also be scheduled. Following the evidentiary hearing, the OPSB will issue a written decision. If you want to file a motion to intervene or file comments in this proceeding, you may do so by sending them to the OPSB at its address below and referencing OPSB Case No. 18-1579-EL-BGN. If you would like to contact the OPSB about this process or the public information meeting (including notification on the timing of the meeting), you may reach its staff at the following contact information: The Ohio Power Siting Board 180 East Broad Street Columbus, Ohio 43215 1-866-270-OPSB (6772) contactOPSB@puc.state.oh.us www.opsb.ohio.gov “**
 - b. No Map of the Project was included for the visual of the 900+ acre project that would give perspective of impact to encourage turn out for the Public meeting.
2. Energy Site Packagers vs Owner Operator Community Partners- The difference between the out of towners, out of state, out of country LLC taking valuable agricultural land out of production in 20, 30 and or 40 years lease agreements depending on the project. Entities with no asset value inside created for the opportunity to sell the site certificate as soon as it is granted.
3. OPSB- Process – No Plan exists inside the project’s application only maybes and possibilities of what equipment and construction methods could possibly be used by the project in the future.
4. Site Certificate Value – less accountability inside the site certificate the more valuable it is, and more likely our communities and landowners are taken advantage. Marketing the site certificate is the real profit of these large scale “Green Projects”. The lack of oversight of

the valuation (having a standard measure for each project) of the site certificates and the movement of the ownership of the site certificates is a secondary market that needs tracking.

5. No inhouse experts for large scale solar are on staff at the OPSB to review potential impact to community of what is submitted by project's plans do not exist until after a site certificate is granted.
6. No one seems to have any answers to the Emergency Management Services and Security that will be needed in each rural community for hazards of generation facilities like fire, terrorism, vandalism. Communities like my township that potentially could be responsible for 700 acres of solar and contracts with volunteer fire departments outside the township. The safety resources do not exist. Funding of emergency services, the education and expectation related to emergency services is a one-shot opportunity to ask for prior to site certificate being granted. But that requires a community to know what the need is and to know how to ask for it.
7. PILOT- payment in lieu of taxes, the position our schools are placed in to stay silent as the taxing district is devalued, the district is divided, and the school treasurer is tasked with not losing money. While the solar developer is marketing that the schools will receive a windfall of income.
8. Feasibility studies are submitted to the PJM (Pennsylvania, Jersey, Maryland) but waivers are asked for at the OPSB for protection of proprietary information.
9. Economic development studies that are submitted for projects seem to be cookie cutter, being passed off as project specific. When you read them, you recognize the University did not even drive through the community being impacted.
10. To have a voice at the OPSB in the process of siting you must have an attorney to file a "motion to intervene" according to the **OPSP Standard Application Process Flowchart**.²To address any issue in the future related to a project you need to have standing, to have standing, you needed to have filed a "motion to intervene" so you are listed in the site certificate to give you standing. The price tag attached to participation for having a voice is unacceptable. If siting were done at a local level the opportunity for participation becomes more affordable financially and physically with time for Township Trustees, County local officials, but most importantly the impacted community members that carry the future burdens of the project. HB 118 offers an opportunity for those impacted that cannot afford to participate at the OPSB a chance to speak and be heard.

Where are the policies, state laws, and the regulations to which protection and accountability will be measured? What are the standards the OPSB should be using to measure all solar energy generation facilities? What should be the zoning of the land under each project? The site certificates themselves express special treatment and value for resale without a standard measurement. For a standard to exist, policy, laws, and regulations need created, written, and passed so we may have a conversation about responsible siting of utility wind and solar generation projects.

² <https://opsb.ohio.gov/wps/portal/gov/opsb/processes/standard-process>

To this point the State of Ohio and rural counties, townships, and communities across the state are left holding the bag of risk for out of town and some out of country project developers and owners.

Above all our local communities need a voice to say "yes" or "no" to the siting of these industrial scale utility solar and wind generation facilities that impact our way of life, how we do business, our tax burden, our health, and our safety.

Attachment

Exhibit A

2018 Letter Received by Angelina I adjacent neighbors.



FIRST CLASS MAIL

October 23, 2018



Re: Public Information Meeting for the Angelina Solar Farm

Dear [REDACTED]:

I am writing to let you know about a public information meeting scheduled for 6:00-8:00 p.m. on Thursday, November 15, 2018, about a proposed solar energy project in your area. The meeting will be held at the Toney Building on the Preble County Fairgrounds, which is located at 722 South Franklin Street, Eaton, Ohio 45320. The meeting is open to the public and will provide information about the Angelina Solar Farm. Angelina Solar I, LLC, an affiliate of Open Road Renewables, LLC, is proposing to build the Angelina Solar Farm, which will be a 100-megawatt solar electric generating project about eight miles east of Camden.

Following the public information meeting, Angelina Solar I, LLC plans to file an application for a Certificate of Environmental Compatibility and Public Need for the project with the Ohio Power Siting Board ("OPSB"). The staff of the OPSB will then review and investigate the application and will issue a report with recommendations. An evidentiary hearing will be scheduled before an Administrative Law Judge and a local public hearing will also be scheduled. Following the evidentiary hearing, the OPSB will issue a written decision. If you want to file a motion to intervene or file comments in this proceeding, you may do so by sending them to the OPSB at its address below and referencing OPSB Case No. 18-1579-EL-BGN. If you would like to contact the OPSB about this process or the public information meeting (including notification on the timing of the meeting), you may reach its staff at the following contact information:

The Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215
1-866-270-OPSB (6772)
contactOPSB@puc.state.oh.us
www.opsb.ohio.gov

Please call me at (512) 524-1195 or email me at doug@openroadrenewables.com with any questions about the public information meeting or the Angelina Solar Farm. Additionally, I will be in Preble County in the weeks before the meeting and would appreciate the chance to connect and discuss any questions or concerns. We look forward to hearing from you.

Kind Regards,

Doug Herling
Open Road Renewables

Open Road Renewables, LLC. *Leading the way to a brighter future.*

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