MAREC
MID-ATLANTIC RENEWABLE ENERGY COALITION

Re: MAREC Action opposition testimony for SB 52 – strongly oppose

Chairman Peterson, Vice Chair Schuring, Ranking Member Williams and members of the Senate Energy and Public Utilities Committee, I am Bruce Burcat, Executive Director of the Mid-Atlantic Renewable Energy Coalition (MAREC). We appreciate the opportunity to provide this testimony in **strong opposition** to Senate Bill 52.

MAREC is a nonprofit member organization that was formed to help advance the opportunities for renewable energy development in Ohio and the broader region where the PJM Interconnection Regional Transmission Organization (RTO) operates. MAREC members include utility-scale wind and solar energy developers, wind turbine and PV solar panel manufacturers, and affiliated organizations. Many of MAREC's members have developed or are developing projects in Ohio.

Those renewable energy developers see a major opportunity for investment in Ohio that will provide local communities—especially rural communities—with vital tax revenue for schools, infrastructure, and emergency services, as well as dependable income to farm owners and other landowners. As a result, Ohio is on the cusp of substantial economic gains—adding to the more than 6,000 Ohioans already working in renewable energy and more than $2 billion in private capital invested by the industry—provided the state does not make radical changes to the robust siting and permitting authority of the Ohio Power Siting Board as proposed in SB 52.

MAREC and its member companies oppose SB52 in the strongest possible fashion. If passed, the bill would serve to discourage almost all future solar and wind energy development in Ohio, thereby stifling the opportunity for billions of dollars of investment, numerous jobs, and revenue for local communities and landowners. In the midst of a pandemic that has ravaged the U.S. economy, including Ohio's economy, SB 52 is antithetical to the needs of the state today and in the future. It also sends the wrong message to businesses in general, which need consistent and fair laws and regulations that lead to certainty of process. Most project developers (whether they develop energy projects, commercial buildings, or other major investments) rely on third-party financing, which would certainly dry up given the high level of uncertainty created by SB 52.

The bill creates a double jeopardy situation for renewable energy project approvals with unnecessary and untimely layers of bureaucratic red tape—including a highly unusual referendum process. Businesses looking to invest in Ohio energy resources could find their projects rejected after years of development work and millions of dollars spent. Prospective solar and wind lease holders, including Ohio farmers and ranchers, would face disappointment and economic uncertainty if a referendum including people living miles away restricts their freedom as private property owners. The result is clear,

P.O. Box 385
Camden, DE 19934 302-331-4639 bburcat@marec.us

Ohioan's private property rights would be violated, and township-level public opinion battles would replace facts as the determining factor in Ohio energy decisions.

SB 52 would implement two levels of authority to review and potentially reject project permits. All of the consequences described above, lost private investment and landowner rights, could occur *after* a renewable energy project has its permit application vigorously and extensively reviewed by the Ohio Power Siting Board (OPSB). The existing OPSB process requires numerous studies and analyses, and places rigorous conditions on project approvals that ensure community impacts are avoided or otherwise mitigated. Even after that process, which can take a year or more, SB 52 would then permit a single township to nullify a permit approved by the OPSB. Solar and wind projects can cross multiple townships and one township's vote to quash a project could spell the end for the entire economic development opportunity.

No state in the nation requires the local project evaluation to be through zoning by popular referendum on a project-by-project basis as SB 52 would establish. Other states take a variety of approaches to siting and permitting for renewable energy projects, with some vesting siting power at the state level, the local government level, or through a hybrid approach. The key distinction between SB 52 and local zoning in other states is the inclusion of a community referendum. To our knowledge, in all other states that do provide for local authority over siting decisions, the deciding power rests with local government officials who can weigh the facts and decide for the good of the whole community.

There's a good reason why no state in the U.S. allows for solar and wind generation projects to be rejected by popular referendum. We are concerned that rampant misinformation belies many of the objections to renewable energy projects. This is not to say that renewable energy siting does not have impacts on our shared environment—all energy sources do. However, it is unquestionable that misinformation on renewable energy issues, exaggerating or fabricating impacts on communities, flows freely across social media and the opinion pages of publications. Combined with the requirement for one or more referenda before project approval, Ohio would become trapped in a system of energy siting by social media outrage. Furthermore, this bill singles out solar and wind energy—which are essentially passive generation sources with the smallest environmental impacts—to undergo a lengthy and fraught process that in effect would likely deter them from making **any** investment in the state.

These elements of SB 52 foreshadow a future, if the bill were to pass, where emotion-based public opinion campaigns seek to mobilize votes for or against projects in township referendums, rather than letting facts and net benefits determine outcomes at the Ohio Power Siting Board. That's assuming worthy renewable energy projects can even secure financing amid all the ensuing uncertainty.

Lastly, proponents of SB 52 have frequently ignored the bill's impact on a landowner's right to utilize his or her land as they would like. Not only is this an important property rights issue, but it also goes to the heart of the economic difficulty farmers and other landowners are facing even before the devastating impacts of the pandemic. The property owners have a right to earn income from their land, that should not be decided by a popular vote. Farmers can earn three to five times the income from leasing a solar farm than they would ordinarily earn from a crop. The income from a solar or wind farm is not only higher, but it is consistent year-to-year, as opposed to a crop that could be destroyed or lose significant

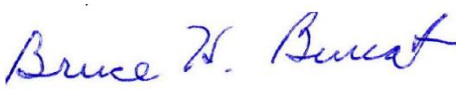
P.O. Box 385
Camden, DE 19934 302-331-4639 bburcat@marec.us

value due to bad weather or economic factors out of a farmer's control. Importantly, the land utilized to develop a solar or wind farm can be returned to agricultural use once the project has come to an end of its useful life. In the case of a wind farm, 98 percent of a project's footprint is undisturbed during the life of a project allowing for that land to be used for farming or other uses.

I raise this issue because the idea that solar and wind farms permanently take agricultural land out of production it is one of the myths frequently circulated among project opponents. In reality, solar and wind projects can contribute to agricultural land remaining in production as explained above. It is even likely that some farmers who are unable to make sufficient income from their land, and that are denied the right to host solar or wind projects, would be apt to sell that land for other types of development that could indeed take most or all a farmer's land permanently out of production.

Thank you again for the opportunity to provide testimony in strong opposition to SB52. I am available to answer questions about MAREC's testimony and related matters.

Respectfully,



Bruce Burcat

P.O. Box 385
Camden, DE 19934 302-331-4639 bburcat@marec.us