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MEMORANDUM

To: The Energy and Natural Resources Committee
From: Senators Bill Reineke and Rob McColley
Date: February 17th, 2021
RE: Sponsor Testimony for S.B. 52

Chairman Peterson, Vice-Chair Schuring, Ranking Member Williams, and members of the Senate Energy & Public Utilities Committee: thank you for allowing us the opportunity to present sponsor testimony on Senate Bill 52. This legislation would grant local townships the ability to decide whether a solar or wind development project is a good fit for their area via a referendum vote. Currently, once the Ohio Power Siting Board process for these projects begins, it is a long, uncertain, and costly fight for the constituents in those areas that don't believe they should have these project constructed near their property. Many times,

constituents remain unaware of these projects' very existence making it even more difficult to make their opinions known. Via this legislation, a referendum would give more local control to our townships and allow the residents, themselves, to decide what is and is not a good fit for their areas.

Senate bill 52 is a fair bill and is truly about local control. I have broken this down into several segments of why I feel this legislation is really important:

1. My constituents and public awareness: As I became more and more familiar with this issue, one reoccurring theme was the lack of public awareness about these wind and solar projects when the developer is laying the groundwork for them. I'd ask myself, "how can residents not be aware of more than 60 structures as tall as the Rhodes Tower (621 ft.) being planned for their local area?" It turns out, many of these lease agreements contain gag orders. Local residents should

know what is happening in their local community.

The other problem I discovered through conversations with my constituency is that there is no mechanism for meaningful public input in the development process for these types of projects. Opponents of this bill tell me that the public has plenty of opportunity for input during the OPSB process. These “opportunities for input” have no real meaning, and are essentially only a checkbox for the certification process. As it turns out, these “public forums” are somewhat meaningless. One of my local judges – who, by the way, has been a judge for 20 years – attended a meeting and was essentially ignored during his *opportunity for input*. He is not alone in this regard. Countless constituents have shared similar stories and experiences with my office over the last four years.

2. The outsider agenda: We have so many people from out-of-state and out-of-

district that are coming to support these projects and force them on us here in north-west Ohio. I understand that we should all be interested in moving clean energy development forward in Ohio, but when it comes to building structures as tall as the Huntington building (591ft tall) next to my constituents' properties, shouldn't they get some kind of say? Why can't we build these projects where they are wanted by local residents? If we could be assured that these turbines generated a sensational amount of energy for the grid, or that they directly reduced **OUR** energy costs, that would be great. Maybe some of these outsiders pushing these projects on us can build them in their back yard, or at least acknowledge what these turbines do to our properties and our landscapes. If it's that good for our communities – a decision, by the way, that we are more than capable of making for ourselves – then surely it's just as

good for your communities. Isn't what's good for one good for all?

3. The financials: All we hear about is how wonderful these projects are, how they will bring back so much money to our communities and schools. Well, let's really examine the financial benefits of these projects, just as the Seneca County Commissioners did before they rescinded their AEZ agreement. Our quality of life is in jeopardy, and for what? But they only generate a very small amount of energy for the grid relative to other sources and they are not going to affect my residents' energy costs in the slightest.

My constituents' property values are also in danger. Studies show that home values within 1 mile of the turbine footprint are likely to fall. Now consider that there are over 60 of them proposed in **ONE** project (there are at least 2 being proposed right now). Many residents will have 4-5 turbines within one mile of their property.

With regards to job creation, these projects only create 10-15 permanent jobs, the rest are temporary. We hear all about how wonderful these projects are with regards to jobs creation, but the data just doesn't support that.

4. Generational shelf life: Another issue with these turbines is the *Generational Shelf Life*. We are seeing in other areas that these turbines only last 10-15 years. Then they are in great disrepair. Why are we even going through all this hassle when these turbines won't even last a generation? One of the projects in my area sold itself on a 30-year operational life. What happens in year 20, when the turbines are on their last leg?
5. Agricultural issues: Ohio's agriculture is one of our state's top products. These turbines take out a significant amount of space from our farms topsoil. Their concrete base can be as large as 10 feet deep and 80 feet wide. I have maps detailing the karst, which is

porous rock that promotes water flow, layout in the district. Many of the proposed turbines for my area would be placed directly on top of the karst, which cannot handle heavy loads. The topsoil displacement, along with the huge concrete base, will adversely affect our farming output and quality farmland.

6. Other issues: The cost to the locals is not purely financial with a reduction of their property rights (or reduction in the quality of life that they paid for); they pay with loud noises, dead birds, 600ft tall structures right out door, flickering lights, ice throw, and other health effects.

Having listened to both sides of this issue over the last four years, this issue, and SB 52 is wholly about home rule. There are applications of wind and solar energy that make perfect sense, win-win scenarios. [explain the commercial applications and Findlay, etc.] There are however, projects that don't work for the local area, and it is imperative that locals have

meaningful input into where these projects are sited. When you see the 600 ft. tall turbines next to a small farm, you really see my constituents point of view on this whole issue.

And now I will let Senator McColley speak to the mechanics of the bill.

Senate Bill 52 will allow citizens of a township a voice in the decision to develop wind and solar projects in their community through a public referendum. This legislation requires that, 30 days prior to **applying** for a certificate from the OPSB, a wind or solar developer would need to share their application with the trustees of the township(s) that fall within the foot-print of the project. The trustees then have 30 days to decide and return their decision on whether or not they feel that this project is a good fit for the local community. They can choose to vote on a *Resolution Allowing Public Input*, a *Resolution Requiring Public Input*, or no resolution (which implies support of the project). A *Resolution Allowing Public Input* grants qualified electors within the affected township the right to **petition**

for a referendum. A *Resolution Requiring Public Input* stipulates that, if approved, a certificate (or amendment to such) is **required to be submitted to the voters of the township for approval via referendum.** Trustees that have a lease agreement, or who have an immediate family member(s) with lease agreements, with the developer cannot vote on a resolution. If enough trustees must recuse themselves, then a *Resolution Allowing Public Input* is automatically passed (locals will have the right to petition for a referendum).

The trustees will inform the developer and the OPSB of the adoption of any such resolutions, allowing the developer to have warning that a referendum could potentially be happening in they decide to go forward with their project. Under this bill, any certificate or amendment approval to a certificate issued by the OPSB **after** their application process is not valid until after 90 days unless a referendum, as a result of one of the previously mentioned resolutions (or in the case of a conflict of interest), is filed with the local board of

elections. If a *Resolution Allowing Public Input* is adopted, then the petition would require the signatures of qualified electors numbering at least 8% of those who voted in the last gubernatorial election in that township. Once the petition has the required number of signatures, the board of elections notifies the board of township trustees, and submits the certificate/amendment to the local electors for an up-or-down vote at a special election at the next primary or general election.

The certificate, or any qualifying change to such, will not take effect unless it is approved by a majority of voters. If the voters approve, it will take immediate effect. If the voters in a township reject a certificate for a project spanning multiple townships, the Power Siting Board will revise the certificate to exclude the area(s) of the township(s) that rejected the certificate. Amendments that qualify for potential referenda include adding more turbines, increasing the height, increasing the diameter, or changing the location of the turbines.

Additionally, this bill requires that, when applying for certification/amendments from the OSPB, project developers will need to include a copy of the turbine manufacturer's safety specifications (manual) including their recommended safety distances (should they exist). They must also include the safety distance prescribed in the manual in case of fires or thunderstorms. The minimum setback distance for the project shall be the greater of current ORC standards or that distance recommended within the manufacturer's safety specifications.

This legislation is permissive, and allows those townships that want these types of projects to let them go forward with little-to-no-hindrance.

The intent of this legislation is not to thwart wind development, or the development of renewable energy in Ohio at all. Rather, Senate Bill 52 aims to allow local citizens to decide what is best for their community instead of leaving that decision to unelected bureaucrats in Columbus. After talking to my constituents, it is

undeniably clear that once the OPSB process for these projects begins, it is a long, uncertain, and costly fight for those areas that don't want them. A referendum gives more local control to our townships to decide what is or isn't a good fit for residents.

As you can tell from all the cosponsors on the bill, this issue adversely and disproportionately affects northwest Ohio and our residents. Future proponent testimony will speak in greater detail about all the issues that we've raised here today. We are happy to answer any questions you may have at this time.