

PROPONENT TESTIMONY

Sub. SB 52

James W. Thompson III (Allen County)

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Chairman McColley, Vice Chair Schuring, Ranking Member Williams and members of the Committee. My name is Jim Thompson and I reside in Allen County. I am here in support of Sub. Senate Bill 52 and would like to share my, and the 900 members of Against Birch Solar who I represent today, reasons why we support the passage of this bill.

Since the passage of emergency legislation stripping local control from Townships and giving wind/solar developers carte blanche access to our communities, residents in Ohio have grown more than tired of seeing their health and welfare, property values and pursuit happiness infringed by the wind/solar industry. They are tired of those in the wind/solar industry who have received special privileges and/or immunities from local regulations that have been developed for and applied to all other residents, and businesses, of a Township for more than a hundred years.

As it states in the Ohio Bill of Rights, Article 2, "All political power is inherent in the people. Government is instituted for their equal protection and benefit...". It goes on to say that "... no special privileges or immunities shall ever be granted, that may not be altered, revoked or repealed by the general assembly." Although the legislation that stripped local control from Townships may have been well intentioned at the time, decades have passed and the results measured. People in Ohio now wish to have the special privileges and immunities that the wind/solar industry has received revoked.

I find it amazing that the renewable energy industry continues to perpetuate a false narrative that the language in this substitute bill would stifle their industry in Ohio. I know of no language in this bill that would eliminate or remove the massive incentives this industry has enjoyed such as considerable tax generation credits, tax investment credits, the ability for Ohio counties to become Alternative Energy Zones, the granting of Payment In Lieu of Tax (PILOT) agreements nor does this bill impact development's application review process where more consideration is given to it being complete than the development's impact on a community.

A wind/solar application process that Theresa White, the Executive Director of the Ohio Power Siting Board, mistakenly stated in testimony before the House Committee last week where each wind/solar application is considered on eight (8) different criteria when in actuality it is only seven (7) criteria that apply to wind/solar. Knowing how arduous a task it can be to consolidate multiple points and attempt to convey them in a very short period of time can be, I do not believe this was done intentionally. However, one (1) of the eight (8) criteria she referred to only applies for electric transmission and gas pipelines. Of the seven (7) remaining criteria, nowhere is consideration of a Township's plans or desires for its current and/or future land use given consideration.

Solar/wind developments are unlike any other industry in which the Siting Board grants certification for as it engulfs a disproportional amount of usable acreage when compared to traditional forms of energy generation. This is why I, and many others, support the language in this substitute bill as it would return the ability for Townships, and those who reside there, to safely plan for their future without the looming threat of an industry that can come into a community and over the course of a few short months upend

all the planning, hard work, and/or financial contributions a Township has already made to better itself for its residents.

It is quite evident that wind/solar developers are less concerned about how their development impacts a community and becoming “good neighbor” and are more concerned about their corporate profits. This is no more evident than in Hardin County where more than ten thousand acres of prime agricultural land are being consumed with no regard to “how much is too much” since this isn’t one of the seven (7) criteria used by the Ohio Power Siting Board for granting of an application. Again, wind/solar developers have carte blanche access to as much land area as they deem profitable resulting in their ability to destroy communities within a Township as their special privileges have gone unchecked. This can continue no longer.

The language in this substitute bill will return the ability of Townships to prevent such atrocities from happening if so desired. Note that I said it gives Townships the “ability” to prevent such atrocities. Such is the beauty of this legislation. If a Township wishes to welcome such developments into their community then by all means they should be welcomed. Also, if Townships wishes to limit the land use for such developments, so it does not impede or encroach on their long term plans nor allow for its destruction, this legislation provides the opportunity of an overlay district to be established. And yes, if a Township wishes to restrict or deny such developments this too is provided for. How can this be seen as bad for residents Ohio?

I have listened to the hours of opponent testimony for the original legislation language and cannot think of a single instance where this substitute legislation language, when enacted, would have resulted in a different outcome other than what was realized by each person’s testimony.

I am however quite confused by the media spin coming from within the wind/solar industry as I keep hearing advertising and references to public opinion polling, by organizations like the Utility Scale Solar Energy Coalition of Ohio (USSEC of Ohio), who claim the majority of Ohioans are “pro-solar”. To be exact, their polling states 76% of Ohio voters are “overwhelmingly welcome [solar] development in their communities”. If this were indeed true and wind/solar developers desire to be “good neighbors” what on God’s green earth do developers in this industry have to be worried about with this legislation?

I believe they realize their polling and what they are telling the public is a tad bit flawed. Specifically, the opinion poll conducted, by USSEC of Ohio, in regards to the Birch Solar project in Allen County, only involved 150 people (one of which was me) of the more than 250,000 people who reside within the polling area. The margin of error of this poll was +/- 7.5% or in my opinion reflects that this poll is utterly useless and/or a sham. However that did not stop the USSEC of Ohio from blasting such nonsense throughout local/state media such as 6 in 10 Lima-area voters’ support and welcome solar development in this community.

It is deceptive practices like this that has gotten the dander up of many across the Buckeye state. This USSEC of Ohio poll was conducted by Purple Strategies. A reputation management firm that, per their survey states they are a “bipartisan public affairs firm”, making the implication that this poll was independently conducted. What Purple Strategies fails to disclose in their polling is that they were previous employed by British Petroleum (BP) to respond with the Deepwater Horizon tragedy. If you are unaware, BP is a 50/50 partner in Lightsource BP, who is the developer for the Birch Solar project in Allen County and per local news media reporting, sponsored this poll.

Residents of Ohio are fed up with the countless misleading and less than honest statements being spewed upon them from developers within these industries. Developers with seemingly endless money to spend on public relations/marketing firms producing and transmitting nonsense similar to what I just shared. Residents in Ohio have found the decade's long experiment of granting the Ohio Power Siting Board complete authority for approving such developments to be flawed and time for this experiment to end. Residents in Ohio also wish to be able to plan for their future based on regulations and land use policies that have been instituted by a process that has been in place for more than a hundred years and without the fear of wind/solar developments swooping in and negating everything they worked hard to achieve.

The language in this substitute Bill is fair and just. It does not favor those who wish to have wind/solar developments within their community. It does not favor those who wish wind/solar developments to refrain from entering their community. This legislation even goes as far as providing an avenue for Townships who wish to have the best of both scenarios by granting them then right to establish overlay districts. Although I personally wish this legislation would grant more authority to Townships to regulate issues such as drainage, set-backs and/or provide restrictions from homes being surrounded on 3 or 4 sides by solar panels, I feel it is an acceptable compromise.

Let's be clear, the only reason the wind/solar industry does not want this substitute Bill passed is that it returns the power of local control to the one governing body who is closest too and knows what is in their jurisdiction's best interest, a Township. Wind/solar developers also realize their "gravy train" is in jeopardy and if local control is reinstated, even though at this most basic level, they will need to work much harder and more be more diligent in their efforts to gain public support.

You, and this general assembly, have the ability to correct this failed experiment by the swift and efficient passage of this legislation and encouraging the Governor to immediately sign it upon arriving on his desk. I humbly request you consider doing so and wish to thank you for your time.