

**Ohio Senate
Energy and Public Utilities Committee
Opponent Testimony
Senate Bill 52**

**Leo Almeida, The Nature Conservancy in Ohio
May 19, 2021**

Chairman McColley, Vice Chair Schuring, Ranking Member Williams, and members of the Senate Energy and Public Utilities Committee, I am Leo Almeida, Senior Policy Associate for The Nature Conservancy in Ohio. Thank you for the opportunity to provide testimony in opposition to Senate Bill 52.

The Nature Conservancy is a non-partisan, science-based organization that seeks to conserve the lands and waters on which all life depends. We work collaboratively with businesses, farmers, sportsmen groups, government, non-profit entities, and local communities to develop pragmatic, market-based solutions to conservation challenges, including water quality, environmental habitat degradation/fragmentation and climate change. More than 65,000 Ohioans are Nature Conservancy supporters.

Prior to 2014, Ohio law included a requirement that a wind turbine be setback from a habitable, residential structure a total distance of 1,125 feet plus the length of the turbine's blade. A change in the setback requirement in 2014 kept the same distance but changed the required setback to be measured from the property line instead of a habitable, residential structure. This action was unnecessary as the Ohio Power Siting Board already has the authority to require greater setbacks on a case-by-case basis, which indicates our existing approval process anticipated needing greater flexibility. This new setback is an unnecessary regulatory burden on business which is counterintuitive to the many actions taken by Ohio's lawmakers to reduce regulatory burdens. This more restrictive setback has been a major obstacle for Ohioans who want to lease their private property for wind energy development, especially farmers seeking to diversify their income sources on their land with new windfarm developments, offering them a chance to remain in farming and offer their families financial security. The construction of new windfarms would generate many new job opportunities in the state and, long-term, the presence of existing windfarms provides local tax revenue. Indeed, there are areas in Ohio that seek cleaner energy via wind and solar to provide their energy needs and this setback prevents not only farmers from reaping benefits, but municipalities from potentially exercising their local control rights under Ohio's laws.

SB 52 adds yet another obstacle for both wind and solar energy development in Ohio by restricting renewable energy siting to designated areas called "energy development districts" which will be established by Township Trustees. Approving the addition of this process makes it clear that Ohio's policy is to create winners and losers by making it even more difficult to site new windfarms or solar arrays in Ohio. This is particularly concerning as this body is entertaining legislation to prevent local

communities from taking any action to stop natural gas facilities in their boundaries. This contradicts the momentum in the General Assembly to reduce regulations and streamline permitting to improve our business climate, relieve the regulatory burdens businesses face, and provide for local control. We need a well-balanced, fair approach to our state's energy policies that adds protection for human health and safety while making it possible for new commercial wind and solar to be located in Ohio and fairly compete in the energy market.

Recent polls continue to affirm the results of our July 2017 poll conducted by Public Opinion Strategies, on the attitudes of registered voters in Ohio toward clean energy. We interviewed 813 voters. The results showed that a vast majority of Ohio voters support clean energy policies and nearly nine out of ten of those interviewed would tell an elected official to support policies that encourage renewable energy development in Ohio.

When asked specifically about wind and solar energy, 69 percent of voters said more emphasis should be placed on the development on wind energy and 77 percent said the same for solar energy. In addition, 86 percent of voters support creating more reasonable setback limits for the placement of new wind turbines to attract new development to Ohio.

The need for the economic benefits of renewable energy are evident as Ohio farmers experience increasingly tough years with low crop yields due to the increased frequency of rain events or even drought occurrences. As reported by *Energy News* in an article published on October 31, 2019, "Unusually wet weather made it a bad year for many Ohio farmers, but those with wind turbines on their land had a welcome and predictable source of additional income to make up for some of the losses." Not only can farmers harvest the wind during years of low crop yields, but wind turbines can provide additional income during the good years too because farmers can grow crops right up to the base of a wind turbine.

We know that wind siting has become a very controversial issue in Northwest Ohio. All energy sources have pros and cons, and all of them have a footprint and a way of altering the landscape of the area where they are developed. I grew up in Northwest Ohio and I am very familiar with the rural landscape that so many value in that area of our state. I understand how those members of the community feel because I always disliked having to look at a nuclear power plant as part of the Lake Erie shoreline. While adding wind turbines to this area might change the landscape, it is important to remember that compared to other energy sources, it is much easier to remove wind turbines from the landscape after they have been decommissioned. In Southeast Ohio, there are numerous abandoned coal mines and plants as well as oil and gas drilling sites that have changed the landscape and created many safety issues that local communities and the state end up having to fund and manage. Instead of passing this bill that will create a statewide policy to address a local matter, we should look at improving the opportunities for Ohioans to participate in the existing Ohio Power Siting Board process. We have heard of policies in other states that allow local citizen participation on review/siting boards so that voices are heard. In Kentucky, the power siting board has three permanent members and two ad hoc members. The ad hoc members are appointed to the board based on the location of the proposed energy site. One of the two ad hoc members is either the chairperson of the local planning commission

or a local elected official if a planning commission doesn't exist, and the other ad hoc member is a resident of the county in which the facility is proposed to be located. This seems like a much easier way to get local input on siting projects than creating energy development districts that would be subject to a referendum. We also believe it is important that people have their voice heard on all energy siting issues, including oil, natural gas, nuclear, hydropower and coal facilities, not just those that relate to wind and solar development.

Removing roadblocks to renewable energy development like the restrictive wind setback and proposed township resolution process for creating energy development districts sends a clear message to businesses and investors that Ohio is open for business and supports all forms of lower carbon and renewable energy growth. Replacing the current wind turbine setback with a more reasonable distance requirement in compliance with all recommended safety measures, will serve to address local resident concerns about safety, provide farmers with additional income options, and will create opportunities for attracting new investments to the state that create jobs and provide Ohioans with cleaner sources of energy.

For these reasons, The Nature Conservancy opposes SB 52 as it is unnecessary to protect health and the environment, moves our state backwards while other surrounding states are moving forward to embrace all forms of renewable and low carbon sources of power, and hurts business growth. We should be looking for opportunities to grow the clean energy sector in Ohio instead of passing bills that will put the 114,000 Ohioans who work in the clean energy sector at risk. Additionally, we will lose the investments in our state by passing another bill creating more regulatory hurdles for business growth, reduce the opportunities to site cleaner sources of power in Ohio, and lose another opportunity to develop a comprehensive energy plan that creates a fair playing field for all sources of energy. Developing a true comprehensive energy plan will allow us to harness all the potential we have as a state to be a leader in lower carbon energy sources and respond to current and future demand for a forward-thinking energy portfolio. We have no doubt Ohio's policymakers, businesses and manufacturers, municipalities, environmental and conservation groups, consumer advocacy agencies and all the others that have been a part of the process can come together to craft an approach that will better respond to what Ohioans want and need. We need a well-balanced approach that adds protection for human health and safety while making it possible for new commercial wind and solar to be located in Ohio.

Thank you again for the opportunity to provide testimony in opposition to SB 52. I'm happy to answer any questions you might have.

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