Public Utilities Commission of Ohio
Ohio Power Siting Board
Sam Randazzo - Chairman

2/16/2020

Mr. Chairman,

I write as the Republic Wind project in Seneca County OH is awaiting final vote by the OPSB and the Emerson Creek Wind project is being reviewed by staff. Note that at this time no construction has begun on either project.

During the adjudicatory hearing process for the Republic Wind project portions of the turbine safety manual, which heretofore had been deemed proprietary, were released into the public record. Among the information released was the turbine manufacturer recommendations for assured clear safety distances in case of a fire or when "thunderstorms are in the area". These distances were listed as 500 meters or 1640 feet from turbine for protection from fire and 1000 meters or 3280 feet from turbine for protection from thunderstorms.

The current distance prescribe by Ohio law for a turbine to be placed from non-participating property is 1125 ft. The ORC also states that this is a "minimum" distance and that OPSB rules "shall prescribe reasonable regulations" regarding wind turbine locations.

Given that the designated minimum setback is insufficient to meet the turbine manufacturer's own prescribed safety distance, it would be incumbent upon any reasonable regulation to specify a distance greater than any designated minimum should such be recommended by the turbines manufacturer or any other authoritative professional engineering group.

Now that it is public knowledge that setbacks allowed by staff report in the Republic Wind project and designed into the Emerson Creek project plans are entirely insufficient to protect public safety it would be a dereliction of duty for the PUCO, the OPSB, and indeed the State of Ohio, to grant a certificate allowing construction of any such facility with said insufficient turbine setbacks.

I trust that this issue will be addressed and remedied by applying the manufacturer's safe setback distances to any and all wind turbines under OPSB jurisdiction which have yet to be built. Given the frequency of thunderstorms in Ohio this distance should be 3,280 feet for the Republic Wind project.

Thank you for your attention to this most important matter as no wind turbine must be allowed construction which knowingly violates safety requirements.

Jim Feasel
Tiffin, OH
Seneca County

Ohio Power Siting Board

Sam Randazzo, Chairman

March 11, 2020 Rule Review Meeting

RE: Remarks and comments on OPSB
supplied Stakeholder Meeting questions by
Seneca County Anti Wind Union grass roots members.

Mr. Chairman and members of the Board,

Thank you for this opportunity to bring the view of local citizens who are not participating in proposed wind projects to this rule review process. I will comment on some of the questions from the list provided as they pertain to Wind Projects but let me start by stating that from our perspective there are two important overriding concerns.

The first is that we feel the current process, which forbids all local control over the design and/or zoning on industrial wind projects, is abusive to Ohio citizens. Wind projects are unlike any other form of generation project because they transform ENTIRE communities into heavy industrial zones by forcing residents to live among some of the biggest industrial machines on the planet. We feel it is imperative that local citizens be given a voice by vote in this process but realize that is not yet allowed by Ohio law and not a subject for this meeting. So we are working diligently with both Ohio House and Senate Committees to address this issue with legislation and will continue to do so.

Our second major concern is the issue of public safety in the design of wind projects. The Board has already implemented new rules requiring safety incident reporting at wind projects and that is a start, but only a start. Testimony given to the Board in blade throw workshops prior to those rule changes show there have already been documented blade throw incidents in Ohio where fragments as heavy as bricks have been thrown hundreds of feet farther than Ohio's minimum setback distance which the board now considers adequate for new projects. Further, in a manufacturer's turbine safety manual which became public during the Republic Wind adjudicatory hearing, the manufacturer recommended a safety distance of 3280 feet from a turbine whenever “thunderstorms are in the area”. This is nearly triple the 1125 feet distance that the OPSB currently allows turbines to be built from non-participating neighbors. Triple the distance that you currently accept as safe. There is no logic in such a policy and in this case Ohio law does provide authority to this Board to apply safe setbacks. The setbacks designated in current law are clearly labeled “minimum” and the board is clearly given authority to implement “reasonable” rules regarding the “location” of turbines. Any rule which ensures that turbines are placed a safe distance which allows for documented safety incidents and manufacturer safety recommendations would certainly qualify as “reasonable” and meet the intent of current Ohio law.

We the people who are first forced to live inside wind projects and then be further subjected to known safety hazards consider the Siting Board's policies which enable it to be blatantly abusive. It's time for it to stop.

Comments on questions follow on next page:

To address some of the questions on the list:

1. b Staff should have greater presence at the public hearing and actually run the meeting and ask questions. By not directly engaging with the public the staff tends to appear biased toward the wind developer with whom they have many meetings, ongoing conversations, and negotiations.

1. c&d Wind projects are working on putting projects together for many years before they make a pre-application and hold the required public information meeting. From experience I can tell you this takes the vast majority of the public by complete surprise and gives little time for them to get educated on what is happening, how it will affect them, and where and how to speak up with their concerns. There should be an additional required preliminary public information meeting at least a year before the currently required one. And it should also be required that the maps be clear and more legible than those which have been presented by developers to date. In today's world of high resolution aerial maps and computer graphics there is no excuse for displaying images that appear to be generated more to hide information than to make it public. These maps should also be available online, from the time of this year earlier public information meeting, in very high resolution format to allow residents to easily see how close proposed turbine locations are to their property.

1 e. On the matter of consulted experts and studies. While we do believe that all preliminary studies should be at the cost of the developer we also believe that letting the developer chose the experts to do the study is unwise at best and insulting at worst. The staff should hire the study done by an expert of their choosing and the developer should pay the cost. All studies must be up to date when staff is reviewing them, ie less than 6 months old.

2 a&b. Regarding whether some studies and surveys should be delayed until after the certificate is issued - To the local residents this does not appear to provide sufficient protection for the community. A case in point is the very problematic karst issue in the Republic Wind project. The ODNR even recommends severe restrictions on development in such areas. Yet the staff condition more or less says “we'll give you a certificate, you go out and dig your foundation holes and if there are any problems we'll cross that bridge when we get to it.” This is an entirely inadequate approach, especially given the known magnitude of the issue. A thorough study should be done before any certificate is issued. And again, the study should be done by experts secured by staff and billed to the developer. After all it is the developer who chose to design a project in a known high risk area. The risk should be on them and not the local residents who could easily suffer well water and drainage issues with such activity in the area. Delaying remedies until the problem occurs and the damage is done is not in keeping with the planning oversight role which the Board administers, and does not provide adequate protection to citizens.

Any “unbundling” of construction and operation would seem nonsensical and could lead to a community covered with machines which would not be operable yet extremely difficult to remove. In the karst circumstance, any damage done by foundation installations could well be irreparable. This is the opposite of planning ahead!

Certificates should only be given to projects after the FINAL plans have been submitted instead of the “kind of final plans” which are currently allowed. When final plans are in hand there will be far less need for several dozen “conditions” to be applied by the staff. The more conditions there are the more it appears that the plans are not final and a certificate is being given more on an “idea of a project” instead of a final design. A rigorous regulatory process would not allow for such open ended design. Deviation from final plans should not be allowed during construction without a thorough review of the changes in an open process in which the public participates.

2-c The final design plans should absolutely be provided before any certificate is issued. The current policy of issuing a certificate if 50 conditions are met during construction should move toward having more of those things specified in the plans. A certificate with dozens of conditions attached seems more like a bandaid approach instead of a thorough planning process. As many details as possible should be nailed down in the plans before any approval by certificate should be considered.

2-d As stated before any studies should be done by an expert of staff's choosing and not a developer provided expert. There are many obvious reasons for this, not the least of which is to satisfy the citizens of Ohio that things are being done above board by people who do not have financial interests in getting the project approved using shady tactics. The Daubert ER702 evidence Federal Standard which is used in 25 states including Ohio should be applied to all studies and expert opinions submitted on behalf of the developer by staff chosen experts.

2-f Any transmission line needed to connect a project to the grid should be considered a part of the project because in reality it is a part.
2-f-1 A generation project and the associated transmission lines needed to connect it should only be considered “needed” if there is a proven lack of generation because of demand growth or retirement of old generators. Market prices for electricity can provide additional guidance for such decisions. Allowing over development of generation facilities, or any kind of economic development for that matter, is unwise and leads to abandoned facilities and stressful financial circumstances that are detrimental to the community and Ohio as a whole.

2-i Decommissioning is extremely important for wind projects. Public perception is that current policy on the matter is woefully inadequate. Actual numbers should be made available to the public and kept updated. No discount should be made for any recycle value of the equipment when calculating the monies needed in reserve for decommissioning since such value is subjective and impossible to predict so far into the future. Disposal costs for non-recyclable parts could easily increase to an amount that overwhelms the value of recyclable parts.

2-j Applicants should ABSOLUTELY be required to make all equipment safety manuals available to the public!! Further, all safety issues mentioned in these manuals should be addressed in the plans for the facility. It is inexcusable that this isn't being done already in wind projects. It is not the prerogative of state agencies to allow public safety to take second place to any business or development concern. Forcing the public to wait for a likely incident to happen and then sue for damages is not the reason public oversight agencies were established, in fact the opposite is the case.

2-k If public comments are to be the input which they are portrayed to be then of course they should be addressed. Right now all they are is a method for the public to vent since there are no rules specifying how to address them.

3 a. Independent building inspectors should be on sight throughout the construction phase of the project.

If the OPSB is to properly exercise a true regulatory process then projects must be monitored on a ongoing basis. Self reporting by operators should not be relied upon as proof of compliance. OPSB should maintain a team of experts to do semi-annual inspections. This process should be funded with inspections fees paid by the project. Any failure of inspection should result in the immediate shutdown of the facility until the condition is remedied. Projects that have not produced power for a 2 year period because of such issues should be ordered to decommission.

3 c. Post construction monitoring should include <u>independent</u> verification of bird and and bat kills along with any other environmental impacts which occur.

3 d. A complete re-bonding of the project should take place whenever the operating certificate transfers to a new party.

3-e When calculating the bond amount for decommissioning no credit should be given for possible recycling value of components since such amounts are wildly variable and unpredictable. The bond should cover all costs. Any monies received from recyclables can be credited to the project owner after ALL decommissioning costs (including disposal fees) are paid. All disassembled parts and components MUST be removed from premises and disposed of at a State approved facility.

Additional Notes:
As stated in the opening, the setback distances for all wind turbines from nonparticipating parcel property lines should be 3,280 feet (one kilometer) since that is the safety distance recommended by the turbine manufacturers.

Notwithstanding the above, a greater setback distance should be applied from all schools, public parks and preserves, churches and any other facility where the public gathers on a regular basis, to ensure public safety. Several regulatory boards across the US have established a 1-1/2 mile+ setback from such facilities. The same should be applied in Ohio to protect the citizens of our State wherever they congregate.

There is no economic benefit or degree of climate protection for which the safety of Ohio citizens should be traded. The fact that the OPSB does not ensure AT LEAST the safety distance recommended by the people who engineer and build the turbines has come to overshadow every other protection the Board attempts to administer. Current Ohio law does not prevent the implementation of safer setbacks. In fact we would contend that the intent of current law is to place public safety as the number one priority.

- Leave the wind farm.
- Wait in a vehicle at a safe distance from the WT – approx. 1 km – until the thunderstorm has passed.
- Wait one hour after the thunderstorm has passed before entering the WT.

9.3 Fire

DANGER

Life-threatening injuries due to falling turbine parts

In case of a fire in the tower, in the nacelle or on the rotor, parts may fall off the WT.

Keep a safety distance of 500 m around the WT.

Do not enter the WT.

DANGER

Risk of death when using the service lift in case of fire

Do not use the service lift in the event of a fire in the WT.

NOTE

The WT is equipped with fire extinguishers for fighting incipient fires.

At least one fire extinguisher is located in the tower base near the door and another in the nacelle near the Topbox.

This makes it possible to extinguish burning solids and liquids, as well as fires in electrical systems of up to 1000 V.

These fire extinguishers are not suitable for extinguishing a fire on the high-voltage elements, see chapter 9.3.2 "Fire in the nacelle".

9.3.1 Fire in the WT

- Remove any persons from the danger area.
- The burning object must be disconnected from the grid, if possible.

[redacted]

- Call the Nordex emergency phone number and describe the situation.