

The Future of Solar Development in Ohio

**Stark County Governmental Law Seminar
March 2, 2024**

**Matt Butler, Public Information Officer
Julie Graham-Price, Community Liaison
Ohio Power Siting Board**



Today's presentation

- Learn about the OPSB: who we are and areas of jurisdiction.
- Review the wind and solar siting process.
- Review Senate Bill 52 and status of implementation.
- Discuss solar siting trends.
- Answer your questions.

Who is the Ohio Power Siting Board?

- Independent state government body that reviews plans for the construction of major utility facilities.
- Issues a permit, known as a “certificate,” before a developer can construct a solar energy facility in Ohio capable of generating 50 MW or more.



OPSB Board



**Public Utilities
Commission**



**Voting
members**



Two ad hoc members

- County
- Township

**Non-voting
members**



**Two representatives
from the Ohio Senate**



**Two representatives from the
Ohio House of Representatives**

Solar facilities in Ohio



Project locations are provided by applicants. Case and construction status is determined by the case filings. The nameplate capacity shown in the legend is the maximum capacity in megawatts (MW) that could be built based on the number of approved photovoltaic panels and the highest nameplate capacity of the approved panel models. The estimated project size is shown in acres. Pre-Application project locations, capacity, and acreage may be approximated. MW and acreage totals in the legend represent the entire State of Ohio.

Map 1 of 3
*Project application contains a battery storage component. Capacity values in the legend do not represent any portion of battery storage.
Map produced on 11/15/2023

Operational Solar		Approved Solar		Potential Solar (Pending and Pre-application)	
Operational MW:	724	Approved MW:	6,484.8	Potential MW:	2,948.2

Operational Solar Facilities (50 MW or greater)					
Case Number	Related Cases	Project Name	Operational Date	County	MW
17-0773-EL-BGN	NA	Hardin I*	2/5/21	Hardin	150
17-1152-EL-BGN	NA	Hillcrest	11/16/21	Brown	200
20-1288-EL-BGN	NA	New Market	3/30/22	Highland	100
20-0972-EL-BGN	NA	Yellowbud	6/22/23	Pickaway, Ross	274
TOTALS:					724

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18-1334-EL-BGN	NA	Highland*	5/16/19	Highland	300
18-1360-EL-BGN	20-1321-EL-BGA	Hardin II*	5/16/19 1/21/21	Hardin	170
18-1546-EL-BGN	NA	Nestlewood*	4/16/20	Brown, Clermont	80
18-1823-EL-BGN	21-1190-EL-BGA	Big Plain*	3/18/21 2/17/22	Madison	196
18-1880-EL-BGN	NA	Atlanta Farms	12/22/20	Pickaway	199.6
18-1881-EL-BGN	21-0509-EL-BGA	Madison Fields*	12/21/21 10/21/21	Madison	180
20-0979-EL-BGN	NA	Arche*	4/15/21	Fulton	107
18-1578-EL-BGN	NA	Alamo	6/24/21	Preble	69.9
18-1579-EL-BGN	NA	Angelina	6/24/21	Preble	80
20-1084-EL-BGN	NA	Powell Creek*	7/15/21	Putnam	150
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21-0164-EL-BGN	NA	Harvey	10/20/22	Licking	350
22-0094-EL-BGN	NA	Springwater*	12/15/22	Franklin, Madison	155
21-0277-EL-BGN	NA	Border Basin	2/16/23	Hancock	120
21-0909-EL-BGN	NA	South Branch	2/16/23	Hancock	129.6
21-0041-EL-BGN	NA	Palomino	4/20/23	Highland	200
22-0151-EL-BGN	NA	Blossom	5/18/23	Morrow, Marion	144
20-1880-EL-BGN	NA	Yellow Wood	6/15/23	Clinton	300
21-0768-EL-BGN	NA	Dixon Run	9/21/23	Jackson	140
TOTALS:					6,484.8

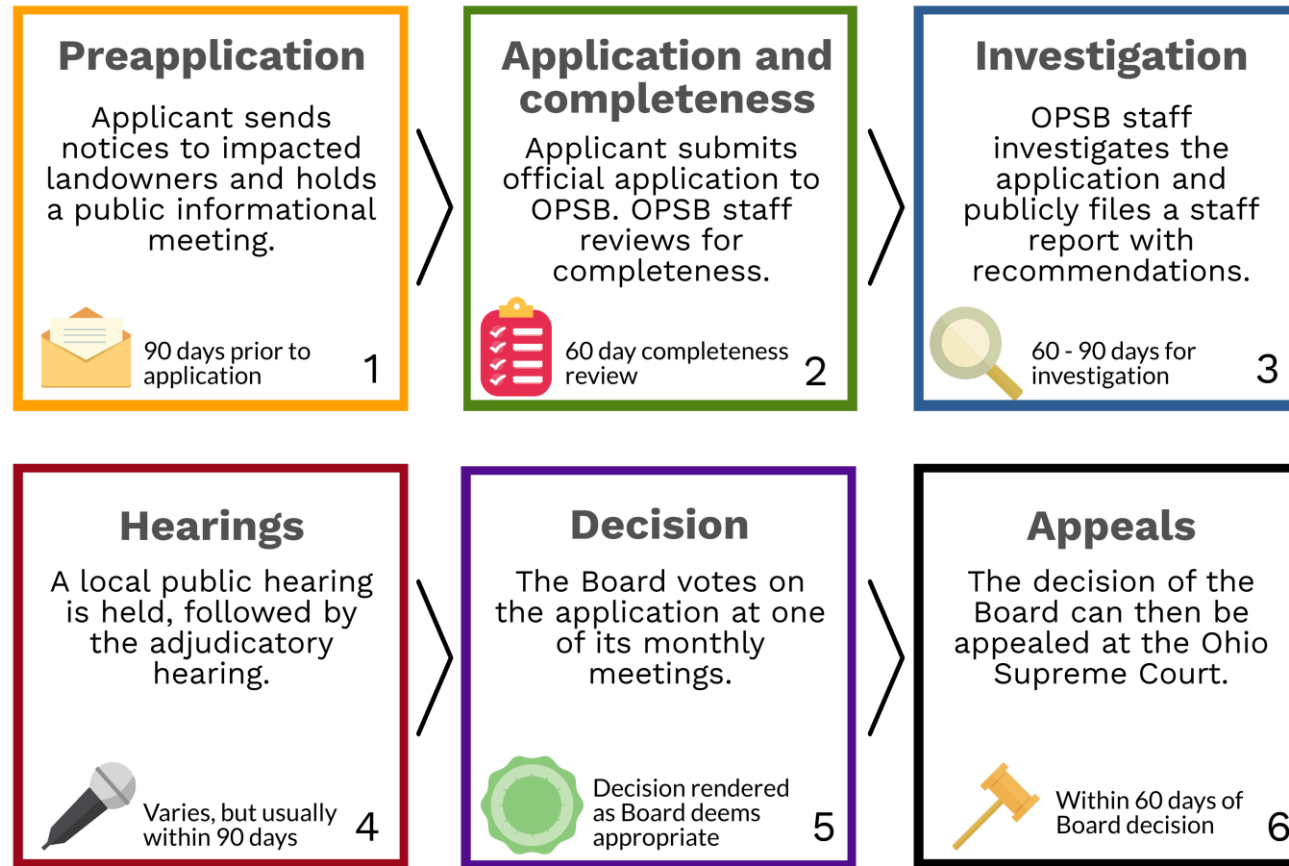
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Pending and Pre-application Solar Facilities (50 MW or greater)					
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21-0202-EL-BGN	Cephreus	Grandfathered	7/30/21	Defiance	68
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23-0045-EL-BGN	Clear Mountain*	Ad Hoc members required	pre-application	Clermont	152.2
23-0146-EL-BGN	Scioto Ridge*	Ad Hoc members required	8/15/23	Hardin	130
23-0713-EL-BGN	Mink	Ad Hoc members required	10/19/23	Defiance, Paulding	140
23-0709-EL-BGN	Franklin	Ad Hoc members required	10/19/23	Knott	120
23-0930-EL-BGN	Richwood*	Ad Hoc members required	pre-application	Union	250
23-0931-EL-BGN	Stark	Ad Hoc members required	pre-application	Stark	150
TOTALS:					2,948.2

*Project application contains a battery storage component.

OPSB siting process

Ohio Power Siting Board Standard Process



OPSB process

Pre-Application

- Optional conference between OPSB and developers to discuss project.
- Pre-application letter & public notice.
- Developer hosts public information meeting, like an open house.
- OPSB shares info about siting process and how to participate.
- **Local officials are welcome to attend the information meeting.**

Application & Completeness

- Staff conducts a preliminary review. Ensures application contains info needed for the investigation.
- Application incomplete? Project is put on hold and application goes back to developer.
- Application complete? OPSB issues Letter of Completeness.
- **Commissioners and trustees have 30 days to choose ad hoc board rep.**

OPSB process

Investigation

- Staff conducts thorough analysis of the application and site visits.
- Coordinate with other state and federal agencies such as Ohio EPA, ODOT, ODNR, USFWS, and OHPO.
- Provide findings, **including a summary of public comments and local government input**, in a recommendation to the Board.
- Known as the staff report.

Case Record For:

20-1679-EL-BGN

[File a Public Comment](#)

Case Title:	In the Matter of the Application of Pleasant Prairie Solar Energy, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a
Status:	OPEN-OPEN
Industry Code:	EL-ELECTRIC
Purpose Code:	BGN-Application for a certificate/ generating station
Date Opened:	11/12/2020 1:00:28 PM
Date Closed:	

[Case Documents](#) [Public Comments](#) [Parties of Record](#) [Related Cases](#)

[Printable Docket Card](#)

[Service List](#)

31 - 45 of 83 documents

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Date Filed	Summary	Pages
07/16/2021	Reply in Support of Petition for Leave to Intervene by No Prairie Solar, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of No Prairie Solar, LLC.	18
07/16/2021	Proof of Pub and Service of Procedural Schedule and Accepted, Complete Application electronically filed by Christine M.T. Pirik on behalf of Pleasant Prairie Solar Energy LLC.	4
07/12/2021	Memorandum Contra Petition to Intervene of No Prairie Solar, LLC electronically filed by Christine M.T. Pirik on behalf of Pleasant Prairie Solar Energy, LLC.	11
07/06/2021	Third Supplemental Response to Third Data Request and Supplemental Response to Fifth Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Pleasant Prairie Solar Energy, LLC.	14
07/01/2021	Service Notice.	5
07/01/2021	Staff Report of Investigation electronically filed by Mr. Jason Cross on behalf of Staff of OPSB.	55
06/28/2021	Service Notice.	5
06/28/2021	Administrative Law Judge Entry converting the local public hearing and evidentiary hearing to in-person and requiring applicant to publish notice of the same; granting the petitions and notices to intervene electronically filed by Ms. Mary E. Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board.	7
06/25/2021	Petition for Leave to Intervene of No Prairie Solar, LLC electronically filed by Mrs. Kimberly W. Bojko on behalf of No Prairie Solar, LLC.	8
06/22/2021	Motion to Intervene of the Ohio Farm Bureau Federation electronically filed by Amy M. Milam on behalf of Ohio Farm Bureau Federation.	8

OPSB process

Hearings

Two formal hearings:

1. Public Hearing - held in the local community. Public offers sworn testimony entered into the public record. **Local officials are encouraged to attend.**
2. Evidentiary hearing - the applicant, staff, and intervening parties provide testimony and ask questions.

Intervention allows local government and the public to participate and appeal Board decisions.



Wilmington News Journal

OPSB process

Decision

For any project, the Board can approve, deny, or approve with conditions.



Board decision

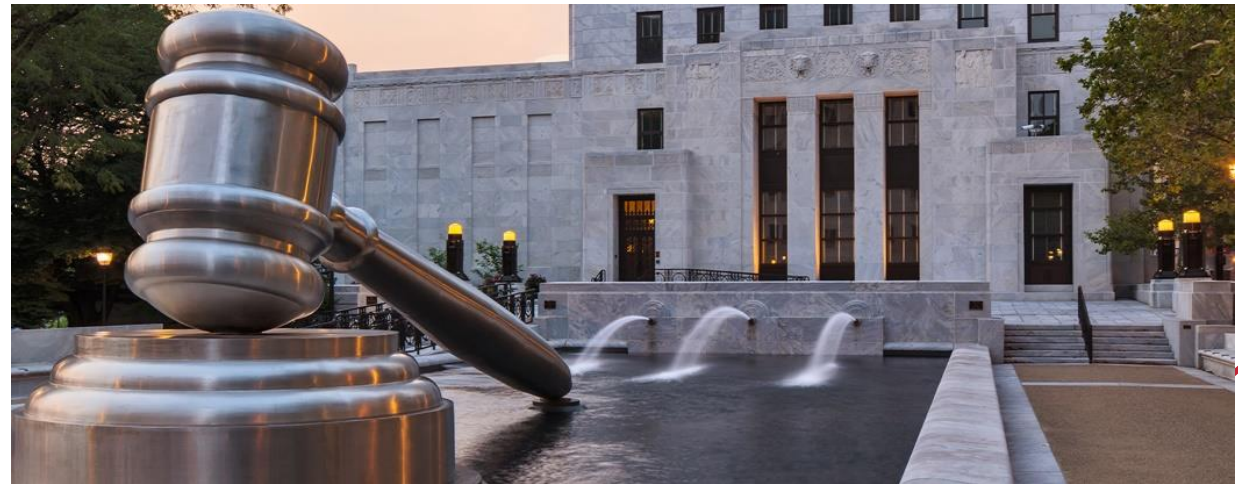
The OPSB must find and determine eight criteria:

1. For electric transmission and gas pipelines, the basis of need
2. Nature of the probable environmental impact
3. Minimum adverse environmental impact
4. Consistent with regional plans for expansion of the electric power grid
5. Compliance with air and water pollution laws, solid waste disposal laws, and air navigation rules and standards
6. The facility must satisfy the public interest, convenience, and necessity
7. Impact on the continued agricultural viability of land
8. Incorporates maximum feasible water conservation practices

OPSB process

Appeals

- Following the Board decision, any intervening party can appeal and ask for a rehearing.
- After exhausting the rehearing process, any intervening party can appeal directly to the Ohio Supreme Court.



Construction and operation

If approved, the OPSB issues a certificate for the construction, operation, and maintenance for the life of the facility.

The OPSB assures that each approved facility:

- benefits Ohio's citizens.
- promotes the state's economic interests.
- protects the environment & land use.

Public and local government participation are welcomed during the process.



New compliance section

The OPSB recently established a new compliance section focused on oversight during the construction and operation of each facility.



Senate Bill 52



Provides new opportunities for local officials in the siting of solar and wind projects in their community.

Effective Oct. 11, 2021
(but still in transition)

Senate Bill 52: Main components

Increased communication

Restricted area designations

**Decommissioning plans and
bonding requirements**

Ad hoc board representatives

County Commissioner options

1

Designate “restricted areas” where solar and wind facilities cannot locate.

2

Prohibit construction or limit scope of a specific project outside restricted area.

3

Let project proceed to OPSB without action.

Decommissioning plans

Developers submit decommissioning plans and performance bonds before construction begins for removal of a facility at the end of its lifetime.

Bond amounts are reviewed every five years.



Local involvement

Ad Hoc Board Members

Two
representatives:
one county
commissioner &
one township
trustee, or their
designees.

Each
county/township
determines how
to select their
representative.

Does project cover
multiple
jurisdictions?

Still only one
township &
one county
representative.

Who can't serve

Prohibited from serving as an ad hoc board member if you or an immediate family member have a lease agreement or have granted an easement to the developer of a utility facility.

Conflict of interest?

Cannot serve as an ad hoc member.
New member must be appointed.

Confidentiality

May not disclose or use classified information acquired during your duties as an ad hoc board member.



Senate Bill 52: Transition

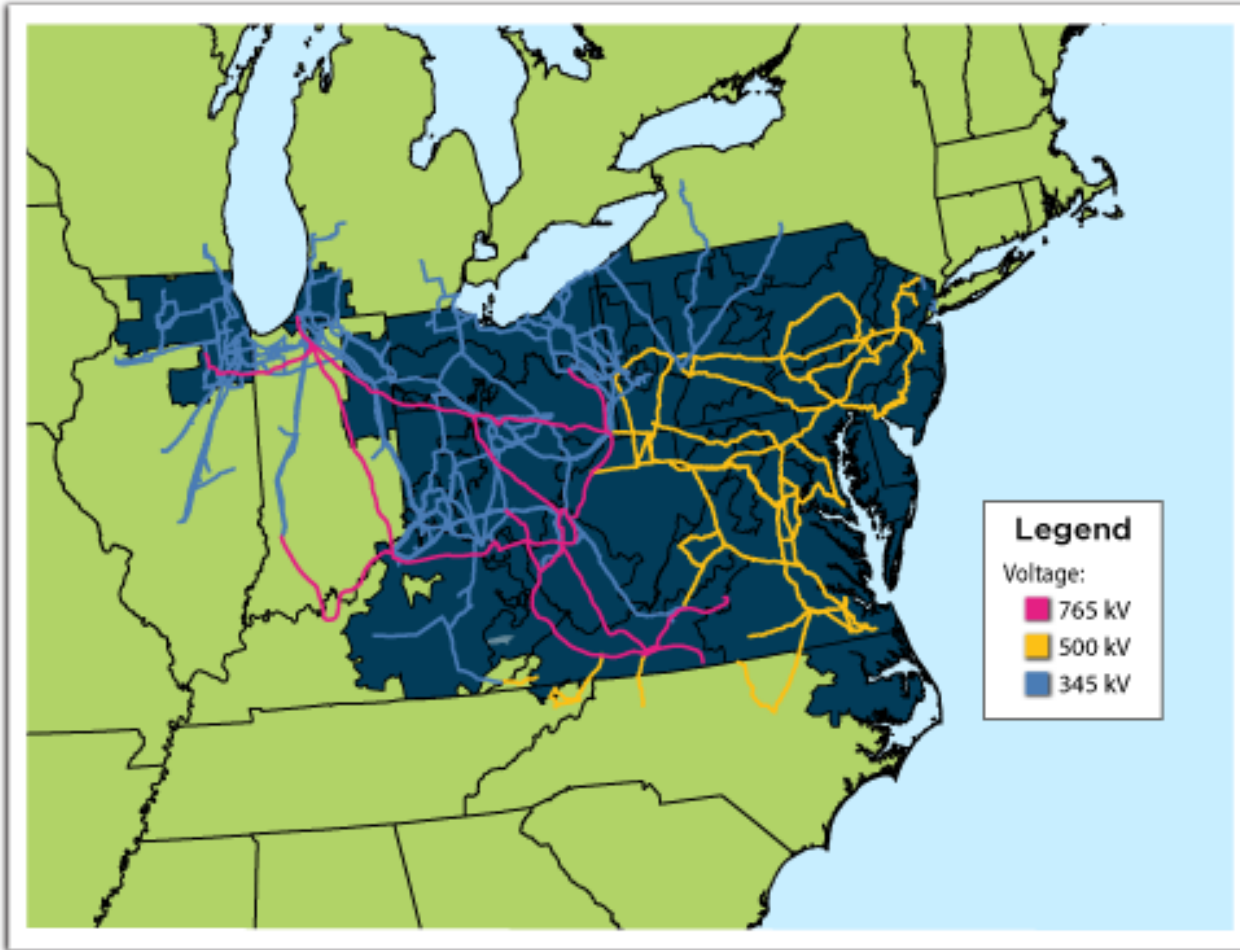
SB 52 allowed certain pending solar projects to be grandfathered.

Grandfathered projects
have received:

1. OPSB Letter of Completeness
by Oct. 11, 2021
2. System impact study from
PJM, and
3. Paid PJM fees



Role of PJM application and fees



PJM coordinates the movement of wholesale electricity in all or part of 13 states, including Ohio, and Washington, DC.

Every energy generation project that wants to tie into the power grid must first undergo a series of studies as part of PJM's interconnection process and pay the required fees.

Progress so far

County Restrictions

Estimated 31 counties have passed restrictions in at least one township.

Referendum vote

- One referendum vote
- County restrictions upheld

Ad Hoc Board members

- 17 projects have board members
- Aug. 2022: 1st Board vote with ad hoc board members

Progress so far

Transition

All projects before the Board are partially grandfathered.

New compliance section

Dedicated OPSB field staff focused on oversight during construction and operation.

Communication materials

Multiple ways to communicate the impact of the new law and keep local officials informed.

Is my project grandfathered?

WHEN IS A SOLAR PROJECT “GRANDFATHERED?”

Every energy project that wants to tie into the power grid must conduct a series of studies as part of PJM’s interconnection process. This helps ensure the project can plug into the electric grid safely and without disruption.

The legislature recognized that lengthy process by including a transition period to Senate Bill 52 before it is fully implemented. The law allows solar projects already in the pipeline to be “grandfathered” and not subject to the law’s conditions.



Tier 1: Completely grandfathered projects

Exempt from all Senate Bill 52 (SB 52) provisions. Completely grandfathered projects have received:

System impact study from PJM by Oct. 11, 2021,
Paid the PJM application fee by Oct. 11, 2021, and
OPSB Letter of Completeness by Oct. 11, 2021.



Tier 2: Partially grandfathered projects

Exempt from SB 52 except for the addition of ad hoc board members to represent the local community. Partially grandfathered projects have received:

System impact study from PJM by Oct. 11, 2021, and
Paid PJM fees by Oct. 11, 2021.
Have **not** received the OPSB Letter of Completeness by Oct. 11, 2021.



Tier 3: Full implementation of Senate Bill 52

Projects will first go to the county commissioners for approval before heading to the OPSB. Will include ad hoc board members and may have areas in the county restricted from solar development.

Projects that are completely subject to SB 52 have **not**:
Received system impact study from PJM by Oct. 11, 2021,
Paid PJM fees by Oct. 11, 2021, or
Received the OPSB Letter of Completeness by Oct. 11, 2021.

Senate Bill 52: Grandfather clause

All projects currently pending before the OPSB except for the ad hoc board member provision.

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Senate Bill 52: Website resources

OPSB / Processes / Senate Bill 52 resources

Senate Bill 52 resources

Information for public officials navigating the solar and wind siting process.



OPSB HOME

Click the button to navigate back to the homepage.

Take me back

The recent passage of Senate Bill 52 (SB 52) provides new opportunities for county commissioners and township trustees to participate in the siting of solar and wind projects in their communities.

This SB 52 resource page is intended to assist the public and local government officials in navigating the new requirements and participate in the review and approval process.

Senate Bill 52

The new law became effective on Oct. 11, 2021 and gives local elected officials the ability to influence new wind and solar projects before they come to the Ohio Power Siting Board (OPSB). SB 52 provides additional local oversight:

- A project must complete two levels of review: the county and, if there is no objection from the county, the OPSB.
- County commissioners can designate "restricted areas" where solar and wind facilities cannot locate. County residents can vote on the restricted designation through a referendum.
- Developers are required to hold a public meeting overviewing the proposed facility in each county where it would be located. The applicant must notify all impacted boards of county commissioners and township trustees on the details of the project.
- Two local representatives are required to serve on the OPSB as ad hoc members: one county commissioner and one township trustee, or their designees.

The law strengthens current requirements for wind and solar developers to submit decommissioning plans and performance bonds to address removal of a facility at the end of its lifetime. It also grandfathered existing proposed projects currently going through the OPSB approval process.

Share this



For more information

[SB 52 Fact Sheet](#)

[How to participate in OPSB process](#)

[Solar map and chart](#)

[Wind map and chart](#)

[OPSB Siting Process Flow Chart](#)

[SB 52 bill analysis](#) (Legislative Service Commission)

PUCO News Bureau: [Where does the power go?](#)

Trends in solar siting



Final Thoughts



Local officials are on the front lines of receiving public comments and input.

Your opinions are very important when considering new projects.

Thank you for your service!

Contact Us

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