

Ohio Power Siting Board Process Overview & Key Requirements

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Eastern Cottontail Solar is committed to engaging with the community by providing regular communications, hosting local office hours, and educating the broader community about the project. We are pleased to provide information within this newsletter edition regarding requirements from the Ohio Power Siting Board (OPSB) for viewshed considerations, decommissioning, and setbacks, as well as a broader process overview.



What is the Ohio Power Siting Board?

Prior to construction of any utility-scale solar facility, a project must receive a Certificate of Environmental Compatibility and Public Need (CECPN or Certificate) from the Ohio Power Siting Board (OPSB or Board).

With authority and criteria¹ provided by the State of Ohio legislature, the OPSB decides whether a proposed utility power facility, such as Eastern Cottontail Solar, will receive a CECPN. The Board has 11 members, including four non-voting legislative members, one voting public member who must be a Professional Engineer, and six voting members from state agencies: the Chair of the Public Utilities Commission, the Director of the Environmental Protection Agency, and the Directors of the Departments of Agriculture, Development, Health, and Natural Resources. The OPSB staff is drawn from the member agencies' staff and coordinates its work with other state and federal agencies.² Additionally, ad-hoc members may be selected and participate on the Board, depending on a project's S.B. 52 grandfathering status.

The process of applying for a CECPN from the OPSB includes: a preapplication period of public outreach, an OPSB staff review of the project application for completeness, an OPSB staff investigation of the application, and public hearings, culminating in a decision from the Board.³ Many aspects of the project are reviewed during this process to deem whether or not it meets outlined criteria.

Below you will find explanations of the OPSB's requirements for fencing, vegetation management, setbacks, and decommissioning.

Perimeter Fencing Requirements

Sometimes called "agricultural fencing" or "wildlife friendly fencing," Eastern Cottontail Solar's perimeter fencing will be constructed using wooden posts and wire mesh 'fabric' that contains approximately 6-inch square holes. This fencing is also permeable, allowing for the passage of small animals.

Exterior facing portions of the Eastern Cottontail Solar facility are currently anticipated to have six-foot fences to restrict the public, with gates at entrance points to control access for maintenance personnel. Internal areas, including around the substation, may have seven-foot chain link fencing where necessary in compliance with National Electrical Safety Code.

Vegetation Management Requirements

The Ohio Department of Natural Resources (ODNR) has created guidance for solar energy facilities and their vegetation management plans.⁴ Eastern Cottontail Solar will consult with the ODNR on the project's vegetation management plan,



References

¹<https://codes.ohio.gov/ohio-revised-code/section-4906.10>

²<https://opsb.ohio.gov/about-us>

³<https://opsb.ohio.gov/wps/wcm/connect/gov/18756ad4-5c2d-4441-b509-939665ec12bb/SB%2B52%2BOverview%2B%28Jan%2B2023%29.pdf?MOD=AJPERES>

⁴https://ohiodnr.gov/static/documents/real-estate/ODNR-Guidance_for_ProposedSolarEnergyFacilities_in_Ohio.pdf

⁵https://ohiodnr.gov/static/documents/real-estate/Ohio_Solar_Site_Pollinator_Habitat_Planning_and_Assessment_Form.pdf

⁶<https://ohioline.osu.edu/factsheet/cdfs-4106>

⁷<https://codes.ohio.gov/ohio-revised-code/section-4906.22>

⁸<https://codes.ohio.gov/ohio-revised-code/section-4906.22>

⁹<https://opsb.ohio.gov/news/sb52>

and the plan will include goals to plant a 70% minimum of the developed project area in beneficial vegetation, as outlined by the ODNR. The project will also follow the Ohio Solar Site Pollinator Habitat Planning and Assessment Form⁵ with a minimum score of 80 points. The assessment form outlines guidelines on native and flowering plant diversity within the site perimeter and buffer area, planned vegetative buffers, site preparation, and more. Routine mowing will be limited to allow for natural reseeding of plantings and reduce impacts to ground-nesting birds. Further, the Eastern Cottontail Solar Project will aim to select a seed mix to also assist with drainage, prevent erosion, and further regenerate soil health.

As solar projects become more abundant across the Midwest, the possibilities for dual land use strategies have begun to grow, as well. Some examples of this dual land use include specialty vegetable crop production, livestock grazing, and pollinator habitats.⁶ Eastern Cottontail Solar will continue to update the community on its design plans throughout the development process.

Decommissioning Requirements

The decommissioning of a solar farm is a dedicated portion of the planning process, to ensure leased land is restored at the end of a solar project's useful life. As part of the permitting process, Eastern Cottontail Solar is required to submit a detailed decommissioning plan at least 60 days prior to construction that guarantees the fulfillment of the decommissioning process.⁷ To guarantee compliance, Eastern Cottontail Solar will be required to post a performance bond to ensure funds are available for decommissioning the facility at its end-of-life.⁸ The bond must be adjusted every five years and the Ohio Power Siting Board (OPSB) will be the obligee of the bond.⁹

Setback Requirements

For utility-scale solar facilities, OPSB requires specific setbacks from non-participating parcel boundaries, residences, and roadways. Eastern Cottontail Solar will incorporate the following setback requirements from solar panels into the project layout:

- 50-foot setback from non-participating parcel boundaries
- 300-foot setback from non-participating residences
- 150-foot setback from the edge of the pavement of any public road within or adjacent to the project area



For more
information, contact us:

Office Hours

Tuesday 5pm - 8pm

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