

Resolution #2023-1214-02

A resolution to intervene in all solar-powered generation facilities within the boundary of the Fairfield Soil and Water Conservation District (District) or within adjacent* Soil and Water Conservation Districts who have shared watersheds with the District under the authority of the Ohio Power Siting Board.

**Adjacent is defined as within areas up to one mile from the Fairfield County line or Municipal Corporation limit where the District actively provides municipal storm water assistance services.*

WHEREAS, The Fairfield Soil and Water Conservation District (District), intends to file to intervene in all solar-powered generation facilities within the boundary of the District or within adjacent Soil and Water Conservation Districts who have shared watersheds with the District under the authority of the Ohio Power Siting Board; and

WHEREAS, the Board of Supervisors believes that its opinions, resources, and position would be useful to the Ohio Power Siting Board in any determinations regarding solar-powered generation facilities; and

WHEREAS, the Board of Supervisors wish to provide their opinions, resources, and positions to the Ohio Power Siting Board to best accomplish the District's role in protecting natural and agricultural resources; and

WHEREAS, the Board of Supervisors has the listed concerns found in Exhibit A, among other unique concerns that each facility may have; and

WHEREAS, the Board of Supervisors recognizes that the ability of parties to intervene in Ohio Power Siting Board cases is time-sensitive and can be missed if not acted on quickly;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FAIRFIELD SOIL AND WATER CONSERVATION DISTRICT, COUNTY OF FAIRFIELD, STATE OF OHIO:

SECTION 1. The Fairfield Soil and Water Conservation District shall file to intervene in all solar-powered generation facilities within the boundary of the District or within adjacent Soil and Water Conservation Districts who have shared watersheds with the District under the authority of the Ohio Power Siting Board;

SECTION 2. The Board of Supervisors appoints the Board Chair, District Manager, and a Resource Specialist to engage with the District's legal representation to intervene in cases, to participate at hearings, to provide the necessary responses to address the Ohio Power Siting Board's inquiries, and to submit testimony and evidence deemed necessary by the Ohio Power Siting Board.

Prepared by: Jonathan Ferbrache

Approved at 12-14-2023 board meeting by unanimous vote by Gregg Pontius, Amber Hoisington, Linda Claypool, Doug Tenney. David Ochs was unable to attend.

Exhibit A

As part of its standing resolution to file to intervene on all solar-powered generation facilities, within the boundary of the District or in adjacent* Soil and Water Conservation Districts who have shared watershed's with the Fairfield Soil and Water Conservation District (FSWCD) of Fairfield County, Ohio, under the oversight of the Ohio Power Siting Board; the FSWCD requests that all solar-powered generation facilities address the following concerns, allow the FSWCD review opportunity, and require the Applicant to conduct the following studies:

**Adjacent is defined as within areas up to one mile from the County line or Municipal Corporation limit where the District actively provides municipal storm water assistance services.*

I. Pre-Application

- A. The FSWCD requests that it be given 90 days to review all plans in coordination with the Ohio Environmental Protection Agency, but file comments and concerns separately.
- B. The FSWCD requests that it be given 90 days to review all plans in coordination with the Ohio Department of Agriculture, but file comments and concerns separately.
- C. The FSWCD requires implementation of best management practices to alleviate soil compaction to avoid root inhibiting growth concerns per the following prior to construction: Applicant shall obtain one field sample for water infiltration per ASTM D3385 Method in the approximate center of each 10-acre unit of disturbed surface area. Additionally provide twelve soil compaction probing tests to a depth of 18 inches within each 10-acre unit of disturbed surface area. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection.

II. Pre-Construction

- A. FSWCD requests that their staff shall be granted permission to access the site during plan reviews, during construction and after construction for up to one year with one or all of the following:
 - 1. Landowner
 - 2. An approved agent of the project owner
 - 3. In cooperation with ODNR, OEPA, ODA or the Ohio Power Siting Board to monitor and review conditions.
- B. The FSWCD requests that all water wells within the boundary and within 500 feet of leased property boundaries be tested by the Applicant, if landowners grant permission, prior to construction by OEPA Certified Laboratories for metals (including but not limited to Ag, Al, Cd, Cu, Ga, In, Ni, Pb, Se, Sn, Te, Zn) and a

verification of turbidity. Copies of the reports shall be delivered to the FSWCD and landowners willing to participate 45 calendar days prior to construction which is defined as clearing, grubbing and/or topsoil stripping. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection. *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.*

III. Construction

- A. At the conclusion of bulk earthwork and prior to the installation of solar array support systems, the Applicant shall collect samples where the preconstruction samples were surveyed, for water infiltration (ASTM D3385 Method) and compaction probing tests. Soil compaction probing tests shall not exceed 200 PSI at a depth of 18 inches. Mitigation measures shall be applied for greater than 200 PSI conditions through deep ripping in two directions and the planting of cover crops and/or permanent stabilization in compliance with the ODNR, OEPA and ODA guidance. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection; *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.*
- B. At the conclusion of the installation of solar array support systems, the Applicant shall collect samples where the preconstruction samples were surveyed, for water infiltration (ASTM D3385 Method) and compaction probing tests. Soil compaction and probing tests shall not exceed 200 PSI at a depth of 18 inches. Mitigation measures shall be applied for greater than 200 PSI conditions through deep ripping in two directions and the planting of cover crops and/or permanent stabilization in compliance with the ODNR, OEPA and ODA guidance. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection. *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.* Copies of the pre and post testing reports will be provided to the FSWCD within 14 calendar days of the testing at each 10-acre site.
- C. The FSWCD requests two photovoltaic modules are collected to develop a random sample per 10-acre section of the solar array to be tested by the Applicant following the representative sample extraction per ASTM E3325 Standard and Toxicity Characteristic Leaching Procedure (TCPL) Testing per EPA 1311 Standard. Copies of the reports shall be delivered to the FSWCD and landowners.
- D. The FSWCD requests soil samples collected by the Applicant to a depth of 18 inches once bulk earthwork and topsoil restrictions have been completed. One site per 10-acre section of the solar array to be tested by OEPA Certified Laboratories for metals (including but not limited to Ag, Al, Cd, Cu, Ga, In, Ni, Pb, Se, Sn, Te, Zn). Copies of the reports shall be delivered to the FSWCD and

landowners. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection. *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.*

IV. Decommissioning

- A. The FSWCD requests at the initiation of decommissioning soil samples be collected by the Applicant to a depth of 18 inches within 10 feet of where samples were obtained at the completion of bulk earthwork. One site per 10-acre section of the solar array to be tested by OEPA Certified Laboratories for metals (including but not limited to Ag, Al, Cd, Cu, Ga, In, Ni, Pb, Se, Sn, Te, Zn). Copies of the reports shall be delivered to the FSWCD and landowners. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection. *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.*

- B. At the conclusion of the removal of solar array support systems, the Applicant shall collect samples where the preconstruction samples were surveyed, for water infiltration (ASTM D3385 Method) and compaction probing tests. Soil compaction and probing tests shall not exceed 200 PSI at a depth of 18 inches. Mitigation measures shall be applied for greater than 200 PSI conditions through deep ripping in two directions and the planting of cover crops and/or permanent stabilization in compliance with the ODNR, OEPA and ODA guidance. Sealed and signed survey of the locations is to be provided to the FSWCD and landowners within 45 days of sample collection. *Electronic drawings compatible with Fairfield County GIS systems are required within 120 days of sample collection.* Copies of the pre and post testing reports will be provided to the FSWCD within 14 calendar days of the testing at each 10-acre site.