

# Utility Facility Siting FAQs

Updated May 18, 2022



## **What is Senate Bill 52?**

Senate Bill 52, which took effect on October 11, 2021, provides local governments and their residents a stronger voice in determining the location of **large-scale** solar and wind utilities. **The new law does not regulate residential solar panels or individual small-scale wind turbines.**

S.B. 52 has three parts: the designation of restricted areas (ORC 303.57 ff.), County and Township involvement in utility project reviews (ORC 4906.01 ff.), and utility decommissioning requirements (ORC 4906.21 ff.)

## **How does the new law empower local residents?**

Ohio law has not historically allowed counties and townships to play a substantial role in the utility siting process.

S.B. 52 establishes new procedures to increase local oversight and control of site selection for utility-scale wind and solar electric generation facilities before and during the Ohio Power Siting Board (OPSB) review process.

A. The new law authorizes the Board of County Commissioners to designate areas where utility-scale solar and wind developments may not locate.

B. The OPSB cannot grant approval for a project in a restricted area as designated by the County Commissioners.

C. If the County Commissioners designate a restricted area, local residents may file a petition for referendum, challenging the designation of the restricted area and placing the designation on the ballot for the voters to decide.



D. The new law also requires advance notice of utility facilities to local communities, provides for a public hearing in the affected community, and grants a seat at the decision-making table for county and township officials.

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For additional information on Senate Bill 52 and Utility Facility Siting in Butler County, contact the Butler County Department of Development at (513) 887-3411 or [development@bcohio.us](mailto:development@bcohio.us)

## **What types of facilities does the new law address?**

S.B. 52 affects large, utility-scale wind and solar facilities that send energy through a single connection to the electric grid.

Three types of utility-scale facilities are controlled by S.B. 52:

- “Economically significant wind farms” - wind turbines and associated facilities designed to generate between 5 and 50 megawatts of electricity
- “Large wind farms” - electric generating plants that consist of wind turbines and associated facilities designed for operation at a capacity of 50 megawatts or more
- “Large solar facilities” - electric generating plants that consist of solar panels and associated facilities designed for operation at a capacity of 50 megawatts or more



## **Why is planning for a utility facility's end-of-life so important?**

A typical solar or wind lease agreement can range from 25 to 50 years. The long-term change in the land use can significantly alter the landscape of a farm and will possibly affect future of the farmland following project decommissioning.

When negotiating lease agreements, it is important for landowners to think long-term about the site management and remediation to minimize land use impacts.

S.B. 52 requires a developer to make plans for dismantling a wind or solar facility at the end of its useful life. Additional information on the new decommissioning rules is available from Ohio State University Extension.

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