

Memorandum

To: Commissioners Christmann, Haugen-Hoffart and Fedorchak

From: Robert Frank Public Utility Analyst

RF

Date: August 5, 2024

Re: Oliver Wind IV, LLC, 200 MW Oliver Wind IV Energy Center, Siting Application, Case No. PU-23-317

Oliver Wind IV, LLC, 345-kV Transmission Line – Oliver & Mercer, Siting Application, Case No. PU-23-318

On July 18, 2024, Staff observed construction activities from approximately 8:45am until 2:00pm occurring at the Oliver Wind IV Energy Center (Energy Project) and Oliver Wind IV 345-kV Transmission Line. The issue under observation concerned dust mitigation efforts made by Oliver Wind IV. Staff determined it necessary to observe the conditions after receiving continued complaints from multiple landowners in the project area since construction started on May 9, 2024.

The Order in Case No. PU-23-317 limited the speed of construction vehicles to 25 mph during construction of the Energy Project. Staff observed two speed limit signs indicating that the speed limit for the project area was 35 mph with construction vehicles limited to 25 mph (21st St. SW). However, multiple other 35 mph speed limit signs were observed throughout the project area as well as one 45 mph speed limit sign marking the westernmost road to the project running to the north (53rd Ave. SW). Oliver Wind IV confirmed with staff that it is part of the orientation process for its contractors that all construction traffic is limited to 25 mph or removal from the project site will occur. Staff also confirmed that the 35 mph signs were installed by the authority of the Oliver County Commission.

Oliver Wind IV has been watering the roads for dust mitigation purposes, utilizing multiple water trucks and tankers. Staff observed that the main hauling routes were watered down to some degree, and that spot watering was occurring throughout the Energy and Transmission Projects. However, there were various routes and areas that appeared to be utilized that were not being watered including the batch plant as well as other routes south of the project that were being utilized to haul aggregate.

On July 22, 2024, Oliver Wind IV filed a Dust Mitigation Update with the PSC outlining additional steps being taken to help control dust. On July 22, 2024, Oliver Wind IV adjusted its concrete pour schedule to 12:30 am to lessen the traffic during the day. Watering of the routes is still occurring at night with the added efficiency of the roads staying wet for a longer timeframe. Oliver Wind IV has also begun utilizing calcium chloride on county road intersections and in the front of homes.

On July 23, 2024, Staff participated in a call with Oliver Wind IV to discuss its current dust mitigation efforts. The company clarified that the 35 mph speed limit signs were put up by the county independently prior to construction activities. The company also took staff through the typical daily plan for road watering coordination with construction activity. Additional water trucks and tankers are being utilized as well as plans for on-site water storage to lessen travel distance. The typical daily plan for road watering included the batch plant and the aggregate hauling routes south of the project. The company has acquired water permits from local entities but points out that there is a constraint on the amount of water that can be pulled out of the area and increased mitigation efforts may not be feasible. Clarification was also given to the ineffectiveness of utilizing magnesium or calcium chloride for dust mitigation on the main haul routes. Shutting down a county road for 48 hours creates safety risks to the local population as well as losing its benefit after one rainfall, making reliance on it too variable and ineffective. The decision to lay calcium chloride in key areas allows the roads to be maintained and optimizes the effectiveness of its application.

Staff asked the company to place additional 'construction vehicles 25 mph' signs at every speed limit sign within the project area to reduce confusion related to the speed limit. The company expressed an intention to place multiple electronic speed monitoring devices in the project area. Staff also stressed the importance of the orientation process to clarify the speed limit and the priority of dust mitigation efforts to those involved with construction. This will help with construction vehicles using only the watered roads as well as maintaining the 25 mph speed limit. Staff recognizes that this is an ongoing process and continual monitoring of the construction crews must receive adequate attention.

Staff believes that Oliver Wind IV has been continually responsive to dust mitigation concerns and has put in place reasonable and adequate measures to mitigate adverse impacts to the project area and environment considering the constraints the company faces. Since the meeting on July 23, 2024, there have not been any additional complaints from landowners.

C. Casey Furey