Ohio Administrative Code

Rule 4906-4-08 Health and safety, land use and ecological information.

Effective: May 30, 2024

(A) The applicant shall provide information on health and safety. Examples of relevant information include:

(1) Equipment safety. A description of the safety and reliability of all equipment, including:

(a) How the facility will be constructed, operated, and maintained to comply with the requirements of applicable state and federal statutes and regulations, including, but not limited to, the national electrical safety code, applicable occupational safety and health administration regulations, U.S. department of transportation gas pipeline safety standards, and Chapter 4901:1-16 of the Administrative Code.

(b) All proposed major public safety equipment.

(c) The reliability of the equipment.

(d) The generation equipment manufacturer's safety standards, including a complete copy of the manufacturer's safety manual or similar document and any recommended setbacks from the manufacturer.

(e) The measures that will be taken to restrict public access to the facility.

(f) The fire protection, safety, and medical emergency plan(s) to be used during construction and operation of the facility, and how such plan(s) will be developed in consultation with local emergency responders.

(g) The sensitive receptor considerations, ensuring that sensitive receptor index numbering is the same for all reports and maps listing sensitive receptors.

(2) Air pollution control. Except for wind farms and solar facilities, a description in conceptual terms of the probable impact to the population due to failures of air pollution control equipment.

(3) Noise. A description of anticipated noise from the construction, operation, and maintenance of the facility, including:

(a) An estimate the nature of any intermittent or, recurring, or particularly annoying sounds from the following sources:

(i) Blasting activities.

(ii) Operation of earth moving equipment.

(iii) Driving of piles, rock breaking or hammering, and horizontal directional drilling.

(iv) Erection of structures.

(v) Truck traffic.

(vi) Installation of equipment.

(b) A description of the operational noise levels expected at the nearest property boundary, including:

(i) Operational noise from generation equipment. In addition, for a wind facility, cumulative operational noise levels at the property boundary for each property adjacent to or within the project area, under both day and nighttime operations, using generally accepted computer modeling software (developed for wind turbine noise measurement) or similar wind turbine noise methodology, including consideration of broadband, tonal, and low-frequency noise levels.

(ii) Processing equipment.

(iii) Associated road traffic

(c) A description of the location of any noise-sensitive areas within one mile of the facility, and the operational noise level at each habitable residence, school, church, and other noise-sensitive receptors, under both day and nighttime operations. Sensitive receptor, for the purposes of this rule, refers to any occupied building.

(d) A description of equipment and procedures to mitigate the effects of noise emissions from the proposed facility during construction and operation, including limits on the time of day at which construction activities may occur.

(e) A preconstruction background noise study of the project area that includes measurements taken under both day and nighttime conditions.

(4) Water impacts. A description of relevant information, including:

(a) An evaluation of the potential impact to public and private water supplies due to construction and operation of the proposed facility.

(b) An evaluation of the impact to public and private water supplies due to pollution control equipment failures.

(c) Existing maps of aquifers, water wells, and drinking water source protection areas that may be directly affected by the proposed facility, including, at a minimum, an additional one-mile buffer around the project area.

(d) A description of how construction and operation of the facility will comply with any drinking water source protection plans near the project area.

(e) An analysis of the prospects of floods for the area, including the probability of occurrences and likely consequences of various flood stages, and describe plans to mitigate any likely adverse consequences.

(5) Geological features. A map of suitable scale showing the proposed facility, geological features of

the proposed facility site, topographic contours, existing gas and oil wells, injection wells, and underground abandoned mines, as well as:

(a) A description of the suitability of the site geology and plans to remedy any site-specific inadequacies, including proposed mitigation.

(b) A description of the suitability of soil for grading, compaction, and drainage, and describe plans to remedy any inadequacies and restore the soils during post-construction reclamation, including providing a preliminary grading plan that estimates maximum graded acreage expectations.

(c) A description of the suitability of the soils for foundation construction, and areas with slopes that exceed twelve per cent and/or highly erodible soils (according to both the natural resource conservation service and county soil surveys and any other available survey resources representative of the project area) that may be affected by the proposed facility.

(d) The results and initial analysis of preliminary test borings and describe plans for additional test borings, including closure plans for such borings, and describe plans for the test borings that contain a timeline for providing the test boring logs and the following information to the board:

(i) Subsurface soil properties.

(ii) Static water level.

(iii) Rock quality description.

(iv) Per cent recovery.

(v) Depth and description of bedrock contact.

(e) A description of coordination with the Ohio department of natural resources on the geological suitability of the project within the proposed site in order to provide a response letter from the department to staff.

(6) Wind velocity. An analysis of high wind velocities for the area, including the probability of occurrences and likely consequences of various wind velocities, and describe plans to mitigate any likely adverse consequences.

(7) Blade shear. For a wind farm, an evaluation and description of the potential impact from blade shear at the nearest property boundary and public road.

(8) Ice throw. For a wind farm, an evaluation and description of a site-specific ice throw risk analysis and assessment study, the potential impact from ice throw at the nearest property boundary and public road.

(9) Shadow flicker, For a wind farm, an evaluation and description of the potential cumulative impact from shadow flicker at the property boundary and sensitive receptors within a distance of ten rotor diameters or at least one-half mile, whichever is greater, of a turbine, including its plans to minimize potential impacts.

(10) Radio and TV reception. A description of the potential for the facility to interfere with radio and TV reception and describe measures that will be taken to minimize interference.

(11) Radar interference. A description of the potential for the facility to interfere with military and civilian radar systems and describe measures that will be taken to minimize interference.

(12) Navigable airspace interference. A description of the potential for the facility to interfere with navigable airspace and describe measures that will be taken to minimize interference, including plans to coordinate such efforts with appropriate state and federal agencies.

(13) Communication interference. A description of the potential for the facility to interfere with microwave communication paths and systems and describe measures that will be taken to minimize interference. Include all licensed systems and those used by electric service providers and emergency personnel that operate in the project area.

(14) Electric and magnetic fields. For electric power transmission facilities where the centerline of the facility is within one hundred feet of an occupied residence or institution, and for electric

substations where the boundary of the footprint is within one hundred feet of an occupied residence or institution, a description of the production of electric and magnetic fields during operation of the preferred and alternate site/route. If more than one conductor configuration is to be used on the proposed facility, a description of information for each configuration that constitutes more than ten per cent of the total line length, or more than one mile of the total line length being proposed. Where an alternate structure design is submitted, a description of information on the alternate structure, including:

(a) Calculated electric and magnetic field strength levels at one meter above ground, under the conductors and at the edge of the right-of-way for:

(i) Winter normal conductor rating.

(ii) Emergency line loading.

(iii) Normal maximum loading. Corresponding current flows, conductor ground clearance for normal maximum loading and distance from the centerline to the edge of the right-of-way using estimates for minimum conductor height. Also provide typical cross-section profiles of the calculated electric and magnetic field strength levels at the normal maximum loading conditions.

(iv) Where there is only one occupied residence or institution within one hundred feet of the centerline, a description of only one set of field strength values. Where there are two or more occupied residences or institutions within one hundred feet of the centerline, a description of field strength values for each configuration that includes these occupied residences and institutions, and constitutes more than ten percent of the total line length, or more than one mile of the total line length being certificated.

(b) References to the current state of knowledge concerning possible health effects of exposure to electric and magnetic field strength levels.

(c) A description of the company's consideration of electric and magnetic field strength levels, both as a general company policy and specifically in the design and siting of the electric power transmission line project including: alternate conductor configurations and phasing, tower height,

corridor location, and right-of-way width.

(d) A description of the company's current procedures for addressing public inquiries regarding electric and magnetic field strength levels, including copies of informational materials and company procedures for customer electric and magnetic field strength level readings.

(B) The applicant shall provide information on ecological resources. Examples of relevant information include:

(1) Ecological information. Information regarding ecological resources in the project area including:

(a) A map of at least 1:24,000 scale, including the area one thousand feet on each side of the proposed facilities that discusses the following features:

(i) The proposed facility and limits of disturbance.

(ii) Undeveloped or abandoned land such as wood lots or vacant tracts of land subject to past or present surface mining activities, not used as a registered game preserve or in agricultural production.

(iii) Wildlife areas, nature preserves, and other conservation areas.

(iv) Surface bodies of water, including wetlands, ditches, streams, lakes, reservoirs, ponds, and drainage channels. For wetlands, the estimated extent of the wetland if it extends outside of the project area..

(v) Highly-erodible soils and slopes of twelve percent or greater.

(vi) Areas of proposed vegetative clearing, including the vegetative community type.

(vii) Naturally occurring woody and herbaceous vegetation land.

(viii) Sensitive habitat areas, including habitat used for breeding, of species identified as potentially

impacted by the project through coordination with the Ohio department of natural resources and the United States fish and wildlife service in the project area, if present.

(b) The results of a field survey of the vegetation and surface waters within one-hundred feet of the potential construction impact area of the facilityincluding: a description of the vegetative communities, and delineations of wetlands and streams; a map of at least 1:12,000 scale showing all delineated resources; the probable impact of the operation and maintenance of the proposed facility on vegetation and surface waters.

(c) A description of the probable impact of the construction of the proposed facility on the vegetation and surface waters, including impacts from route/site clearing and grading, and disposal of vegetation, including the linear feet and acreage impacts, and the proposed crossing methodology of each stream and wetland that would be crossed by any part of the facility during construction equipment.

(d) The results of a literature survey of the plant and animal life within at least one-fourth mile of the project area boundary which includes aquatic and terrestrial plant and animal species that are of commercial or recreational value, or species designated as endangered or threatened.

(e) The results of field surveys conducted as to the plant and animal species identified in the literature survey, including; their federal and state protection status; and a description of the probable impact of the construction, operation, and maintenance of the proposed facility on the species described in this rule and procedures to minimize such impacts, including impacts from route clearing and any impact to natural nesting areas.

(f) A summary of any additional studies which have been made by or for the applicant addressing the ecological impact of the proposed facility

(2) Ecological impacts. Information regarding potential impacts to ecological resources during construction.

(a) An evaluation of the impact of construction on the resources surveyed in response to paragraph (B)(1) of this rule, including the following:

(i) A table displaying the report name, linear feet and acreage impacted, quality, flow regime, and the proposed crossing methodology of each stream that would be crossed by or within the footprint of any part of the facility or construction equipment.

(ii) A table displaying the report name, acreage impacted, quality, Cowardin classification, and the proposed crossing methodology of each delineated wetland that would be crossed by or within the footprint of any part of the facility or construction equipment.

(iii) A table displaying the extent of clearing of each vegetative community type, including a clearing total.

(iv) A description of how such clearing work will be done so as to minimize removal of woody vegetation and minimize forest fragmentation.

(v) A description of impacts to wildlife, including listed species identified through coordination with the Ohio department of natural resources and/or the United States fish and wildlife service, will be avoided or minimized.

(b) A description of the mitigation procedures to be utilized to minimize both the short-term and long-term impacts due to construction, including the following:

(i) Plans for post-construction site restoration and stabilization of disturbed soils, especially in riparian areas and near wetlands. Restoration plans should include details on the removal and disposal of materials used for temporary access roads and construction staging areas, including gravel.

(ii) A detailed frac out contingency plan for stream and wetland crossings that are expected to be completed via horizontal directional drilling detailing environmental specialist presence, monitoring of drilling pressures and discharges within surface water resources, containment measures, cleanup and vacuum truck availability, and timelines and methods of restoration.

(iii) Methods to demarcate surface waters and wetlands and to protect them, including any proposed

buffers, from entry of construction equipment and material storage or disposal.

(iv) Procedures for inspection and repair of erosion control measures, especially after rainfall events.

(v) Methods to protect and plans for restoration of vegetation in proximity to any project facilities from damage, particularly mature trees, wetland vegetation, and woody vegetation in riparian areas.

(vi) Options for disposing of downed trees, brush, and other vegetation during initial clearing for the project, and clearing methods that minimize the movement of heavy equipment and other vehicles within the project area that would otherwise be required for removing all trees and other woody debris off site.

(vii) Avoidance measures for state or federally listed and protected species and their habitat, in accordance with paragraph (D) of rule 4906-4-09 of the Administrative Code.

(viii) Measures to divert storm water runoff away from fill slopes and other exposed surfaces.

(ix) A description of any expected use of herbicides for maintenance.

(3) Operational ecological impacts. Information regarding potential impacts to ecological resources during operation and maintenance of the facility.

(a) An evaluation of the impact of operation and maintenance on the undeveloped areas shown in response to paragraph (B)(1) of this rule.

(b) A description of:

(i) the procedures to be utilized to avoid, minimize, and mitigate both the short- and long-term impacts of operation and maintenance.

(ii) methods for protecting streams, wetlands, and vegetation, particularly mature trees, wetland vegetation, and woody vegetation in riparian areas.

(iii) a description of any expected use of herbicides for maintenance.

(c) Any plans for post-construction monitoring of wildlife impacts.

(4) A description of any mitigation procedures to be used during construction, operation, and maintenance of the proposed facility to minimize the impact on vegetation, surface waters, and species identified in paragraph (B) of this rule.

(5) A description of anticipated actions to prevent establishment and/or further propagation of noxious weeds identified in rule 901:5-37 of the Administrative Code and invasive species identified in rule 901:5-30-01 of the Administrative Code during implementation of any pollinator-friendly plantings. Additionally, a description of the commitment to comply with any public orders concerning the abatement of noxious weeds.

(C) Information on land use and community development.

(1) Existing land use. Information regarding land use in the region and potential impacts of the facility through the following maps and related information, including a map of at least 1:24,000 scale showing the following:

(a) For a proposed electric generation facility, detail within one-mile of the project area boundary, and for a proposed electric power transmission, gas pipeline, or substation site within one thousand feet as to:

(i) The proposed facility, substation, or compressor station.

(ii) Centerline and right-of-way, if applicable, for each electric power transmission line or gas pipeline being proposed.

(iii) Land use, depicted as areas on the map. Land use, for the purposes of paragraph (C) of this rule, refers to the current economic use of each parcel. Categories should include residential, commercial, industrial, institutional, recreational, agricultural, and vacant, or as classified by the local land use authority.

(iv) Structures, depicted as points on the map. Identified structures should include residences, commercial centers or buildings, industrial buildings and installations, schools, hospitals, churches, civic buildings, and other occupied places.

(v) Incorporated areas and population centers.

(vi) Road names.

(b) For the types of structures identified on the map in paragraph (C)(1)(a) of this rule, a table showing the following:

(i) For all structures and property lines within one thousand five hundred feet of generation equipment or a wind turbine, the distance between both the structure or property line and the equipment or nearest wind turbine. Or, for all structures within two hundred feet of the proposed facility right-of-way for an electric power transmission line, gas pipeline, or substation site, the distance between the nearest edge of the structure and the proposed facility right-of-way.

(ii) For all structures and property lines within two hundred fifty feet of a collection line, access road, substation, or other associated facility component, the distance between both the structure or property line and the associated facility component.

(iii) For each structure and property in the table, whether the property is being leased by the applicant for the proposed facility.

(iv) A description of the mitigation procedures to be used during the construction, operation, and maintenance of the proposed facility to minimize impact to structures near the facility.

(c) An evaluation of the impact of the proposed facility on the above land uses identified on the map in paragraph (C)(1)(a) of this rule. Include, for each land use type, the construction impact area and the permanent impact area in acres, in total and for each project component (e.g., turbines, collection lines, access roads, substations), and the explanation of how such estimate was calculated. Also, a description of the construction impact area and permanent impact area in acres total for all land use

types.

(d) The identity of structures that will be removed or relocated.

(2) Wind farm maps. For wind farms only, (a) a map(s) of at least 1:24,000 scale showing the proposed facility, habitable residences, and parcel boundaries of all parcels within a half-mile of the project area. (b) indicator on the map, for each parcel, the parcel number and whether the parcel is being leased by the applicant for the proposed facility, as of no more than thirty days prior to the submission of the application. (c) indicator on the map the setbacks for wind turbine structures in relation to property lines, habitable residential structures, electric power transmission lines, gas pipelines, gas distribution lines, hazardous liquid(s) pipelines, and state and federal highways, consistent with at least the following information:

(a) Confirmation that the distance from a wind turbine base to the property line of the wind farm property is at least one and one-tenth times the total height of the turbine structure as measured from its tower's base (excluding the subsurface foundation) to the tip of a blade at its highest point.

(b) Confirmation that the wind turbine is at least one thousand, one hundred, twenty-five feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the property line of the nearest adjacent property, including a state or federal highway, at the time of the certification application.

(c) Confirmation that the distance from a wind turbine base to any electric power transmission line, gas pipeline, gas distribution line, hazardous liquid(s) pipeline, or public road is at least one and one-tenth times the total height of the turbine structure as measured from its tower's base (excluding the subsurface foundation) to the tip of a blade at its highest point.

(d) Minimum setbacks from property lines and residences may be waived pursuant to the procedures set forth in paragraph (C)(3) of this rule.

(3) Setback waivers. Setback requirements apply in all cases except those in which all owner(s) of property adjacent to the wind farm property waive application of the setback to that property. In order to be effective, waiver(s) must meet the following requirements:

(a) Content of waiver.

(i) Be in writing;

(ii) Provide a brief description of the facility;

(iii) Notify the applicable property owner(s) of the statutory minimum setback requirements;

(iv) Describe the adjacent property subject to the waiver through a-legal description;

(v) Describe how the adjacent property is subject to the statutory minimum setback requirements; and

(vi) Advise all subsequent purchasers of the adjacent property subject to the waiver that the waiver of the minimum setback requirements shall run with the land.

(b) Required signature. The waiver shall be signed by the applicant and the applicable property owner(s), indicating consent to construction activities without compliance with the minimum setback requirements.

(c) Recordation of waiver. The waiver shall be recorded in the county recorder's office where the property that is the subject of the waiver is located.

(4) Land use plans. Provide information regarding land use plans.

(a) Describe formally adopted plans for future use of the project area and surrounding lands for anything other than the proposed facility.

(b) Describe the applicant's plans for concurrent or secondary uses of the site.

(c) Describe the impact of the proposed facility on regional development, including housing, commercial and industrial development, schools, transportation system development, and other

public services and facilities.

(d) Assess the compatibility of the proposed facility and the anticipated resultant regional development with current regional plans.

(e) Provide current population counts or estimates, current population density, and ten-year population projections for counties and populated places within five miles of the project area.

(D) Information on cultural and archaeological resources

(1) Landmark mapping. A description on a map of at least 1:24,000 scale, of any formally adopted land and water recreation areas, recreational trails, scenic rivers, scenic routes or byways, and registered landmarks of historic, religious, archaeological, scenic, natural, or other cultural significance within ten miles of the project area if the proposed facility is an electric generation facility, or within one thousand feet if the facility is an electric power transmission line, gas pipeline, or substation. Examples of landmarks to be considered for purposes of paragraph (D) of this rule include those districts, sites, buildings, structures, and objects that are recognized by, registered with, or identified as eligible for registration by the national registry of natural landmarks, the state historical preservation office, or the Ohio department of natural resources.

(2) A description of any studies used to determine the location of cultural resources within the area of potential effects, and include correspondence with the state historic preservation office.

(3) A description of impacts on mapped landmarks, including an evaluation of the impact of the construction, operation, and maintenance of the proposed facility on the preservation and continued meaningfulness of these landmarks and describe plans to avoid or mitigate any adverse impact.

(4) Recreation and scenic areas.

(a) A description of the recreation and scenic areas identified under paragraph (D)(1) of this rule in terms of their proximity to the project, population centers, uniqueness, topography, vegetation, hydrology, and wildlife.

(b) An evaluation of the impact of the proposed facility on those identified recreational and scenic areas and describe plans to mitigate any adverse impact.

(5) A description of plans to avoid or mitigate any adverse impacts to cultural resources. A description of mitigation procedures to be used during the operation and maintenance of the proposed facility as developed in consultation with the Ohio history connection. A description of procedures for flagging and avoiding all landmarks in the project area, including measures to be taken should previously unidentified landmarks be discovered during construction of the project.

(6) Visual impact of facility. The visual impact of the proposed above-ground facility within at least a ten-mile radius from the project area, as conducted or reviewed by a licensed landscape architect or other professional with experience in developing a visual impact assessment.

(a) A description of the visibility of the project, including a viewshed analysis and area of visual effect, shown on a corresponding map of the study area. The viewshed analysis should not incorporate deciduous vegetation, agricultural crops, or other seasonal land cover as viewing obstacles. Viewshed analysis that includes atmospheric conditions should incorporate the atmospheric conditions under which the facility would be most visible.

(b) A description of the visibility of the proposed facility from such sensitive vantage points as residential areas, lookout points, scenic highways, waterways, and landmarks identified in (D)(1) of this rule.

(c) A description of the existing landscape and evaluate its scenic quality including documentation of a review of existing plans, policies, and regulations of the communities within the study area, and list all references to identified visual resources or other indications of the visual preferences of the community.

(d) A description of the alterations to the landscape caused by the facility, including a description and illustration of the scale, form, and materials of all facility structures, and evaluate the impact of those alterations to the scenic quality of the landscape. This description should also include a narrative of how the proposed facility will likely affect the aesthetic quality of the site and surrounding area.

(e) An evaluation of the visual impacts to the resources identified in paragraph (D) of this rule, and any such resources within ten miles of the project area that are valued specifically for their scenic quality.

(f) Photographic simulations or artist's pictorial sketches of the proposed facility from public vantage points that cover the range of landscapes, viewer groups, and types of scenic resources found within the study area. The applicant should explain its selection of vantage points, including any coordination with local residents, public officials, and historic preservation groups in selecting these vantage points.

(g) A description of measures that will be taken to minimize any adverse visual impacts created by the facility, including, but not limited to, project area location, lighting, turbine layout, visual screening, and facility coloration. A description that these measures do not conflict with relevant safety requirements.

(E) Information regarding agricultural districts and potential impacts to agricultural land.

(1) Mapping of agricultural land. On a map of at least 1:24,000 scale, a description of the proposed facility, electric power transmission line or gas pipeline alignment, or substation site, inclusive of the potential disturbance area, and all agricultural land, and separately all agricultural district land existing at least sixty days prior to submission of the application located within the project area boundaries. Where available, distinguish between agricultural uses such as cultivated lands, permanent pasture land, managed woodlots, orchards, nurseries, livestock and poultry confinement areas, and agriculturally related structures.

(2) Agricultural information. For all agricultural land, and separately for agricultural uses and agricultural districts identified under paragraph (E)(1) of this rule, the following:

(a) A quantification of the acreage impacted.

(b) An evaluation of the impact of the construction, operation, and maintenance of the proposed facility on the land and the following agricultural facilities and practices within the project area:

(i) Field operations such as plowing, planting, cultivating, spraying, aerial applications, and harvesting.

(ii) Irrigation. A description of irrigation systems and demonstrate how impacts to those systems will be avoided or mitigated, and how damaged irrigation systems will be promptly repaired to original conditions.

(iii) Field drainage systems. A description and map of field drainage systems that can reasonably be determined and demonstrate how impacts to those systems will be avoided or mitigated, and describe how damaged drainage systems will promptly be repaired to restore original drainage conditions. A description of data sources and methods used to obtain information for field drainage system mapping.

(iv) Soils. A description of the anticipated impacts to soils in agricultural lands, how topsoil will be excavated and restored, and how compaction of soil will be avoided and how compacted soil will be restored to original condition.

(v) Structures used for agricultural operations. A description of all agricultural structures that will be removed or repurposed, the impacts of removal or repurposing on agricultural operations, and how such impacts will be mitigated or avoided.

(vi) The viability as agricultural district land of any land so identified, including identifying all agricultural district properties and properties enrolled in the Current Agricultural Use Valuation (CAUV) program, discussing the specific impacts on each property, and providing an evaluation on how those impacts will affect the viability of the property as agricultural land.

(c) A description of mitigation procedures to be utilized by the applicant during construction, operation, and maintenance to reduce impacts to agricultural land, structures, and practices, including how avoidance and mitigation procedures will achieve segregation of excavated topsoil, and decompaction and restoration of all topsoil to original conditions unless otherwise agreed to by the landowner.

(3) Drain tile considerations. Examples of relevant information include:

(a) Benchmark conditions of the project drain tile system by locating all mains and laterals and consult with owners of all parcels adjacent to the property, the county soil and water conservation district, and appropriate county representatives to request drainage system information over those parcels.

(b) Plans to avoid known drain tile systems that flow into or out of the construction area and repair any damage that occurs from the project.

(c) Plans to locate and avoid all mains and laterals in the construction area and, where any main or lateral is damaged, to repair such damage in a timely manner.

(d) Plans to avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas.

(e) Plans to promptly repair, at applicant's expense, damaged field tile systems to at least original conditions or modern equivalent. However, if the affected landowner agrees to not having the damaged field tile system repaired, the landowner may do so only if the field tile systems of adjacent landowners and public rights-of-way remain unaffected by the non-repair of the landowner's field tile system. Following completion of any repair, the applicant will file a map of the repaired drain tile systems in the case docket at the close of the project's construction.