

In the Matter of the Application of **OREGON
CLEAN ENRGY, LLC** for a Certificate of
Environmental Compatibility and Public Need for
an Electric Generating Facility in Oregon, Ohio,
Lucas County

Applicant, Oregon Clean Energy, LLC (“OCE” or “Applicant”) and the Staff have had and continue to have discussions regarding matters likely to be raised during the Staff’s pending investigation of this project. To date, certain issues have been identified that the Applicant is willing to address in this Second Supplement to its Application filed on January 17, 2013. These matters include the following:

- 6184342v1

- (3) At least 30 days before the preconstruction conference, the Applicant will submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design, including the facility, temporary and permanent access roads, any crane routes, construction staging areas, and any other associated facilities and access points so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout will be provided in hard copy and as geographically-referenced electronic data. The final design will include all requirements of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific requirement in order to comply with the certificate.
- (4) If any changes are made to the project layout after the submission of final engineering drawings, all changes will be provided to Staff in hard copy and as geographically-referenced electronic data. All changes outside the environmental survey areas and any changes within environmentally-sensitive areas will be subject to Staff review and acceptance, to ensure compliance with all requirements of the certificate, prior to construction in those areas.
- (5) Within 60 days after the commencement of commercial operation, the Applicant will submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant will use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (6) As the information becomes known, the Applicant will provide to Staff the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (7) The Applicant will not commence any construction of the facility until it has a signed Interconnection Service Agreement with PJM, which includes construction, operation, and maintenance of system upgrades necessary to reliably and safely integrate the proposed generating facility into the regional transmission system. The Applicant will provide a letter stating that the Agreement has been signed or a copy of the signed Interconnection Service Agreement to Staff.
- (8) Any new transmission line constructed in order to deliver electricity from the generation project will become part of a filing with the Board, and must be approved prior to construction of the generation project.

SOCIOECONOMIC REQUIREMENTS

- (9) The Applicant will avoid, where possible, or minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems will be promptly repaired to at least original requirements at the Applicant's expense. If applicable, excavated topsoil will be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils will be plowed or otherwise de-compacted, if necessary, to restore them to original requirements unless

otherwise agreed to by the landowner.

ECOLOGICAL REQUIREMENTS

- (10) The Applicant will contact Staff, ODNR, and the USFWS within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals will be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and ODNR in coordination with the USFWS. Nothing in this requirement will preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.

PUBLIC SERVICES, FACILITIES, AND SAFETY REQUIREMENTS

- (11) The Applicant will restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (12) At least 30 days before the preconstruction conference, the Applicant will submit to Staff for review and confirmation that it complies with this requirement, a proposed emergency response plan to be used during construction, to be developed in consultation with the fire department(s) and emergency personnel having jurisdiction over the area. The Applicant will coordinate with fire, safety, and emergency personnel during all stages of the project.
- (13) The Applicant will use inert gases or compressed air for all cleaning of pipes during construction, consistent with the NFPA 56 (PS) "Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Pipeline Systems."
- (14) Prior to commencement of construction activities that require transportation permits, the Applicant will obtain all such permits. The Applicant will coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination will include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination will be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this requirement.
- (15) General construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving, hoe ram, and blasting operations, if required, will be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify affected property owners or tenants who were notified pursuant to Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.
- (16) Should site-specific requirements warrant blasting, the Applicant will submit a blasting plan, at least 60 days prior to blasting, to Staff for review and confirmation that it complies with this requirement. The Applicant will submit the following information as part of its blasting plan:

- (a) The name, address, and telephone number of the drilling and blasting company.
 - (b) A detailed blasting plan for dry and/or wet holes for a typical shot. The blasting plan will address blasting times, blasting signs, warnings, access control, control of adverse effects, and blast records.
 - (c) A plan for liability protection and complaint resolution.
- (17) Prior to the use of explosives, the Applicant or explosive contractor will obtain all required local, state, and federal licenses/permits. The Applicant will submit a copy of the license or permit to Staff within seven days of obtaining it from the local authority.
- (18) The blasting contractor will utilize two blasting seismographs that measure ground vibration and air blast for each blast. One seismograph will be placed at the nearest dwelling and the other placed at the discretion of the blasting contractor.
- (19) At least 30 days prior to the initiation of blasting operations, the Applicant must notify, in writing, all residents or owners of dwellings or other structures within 1,000 feet of the blasting site. The Applicant or explosive contractor will offer and conduct a pre-blast survey of each dwelling or structure within 1,000 feet of each blasting site, unless waived by the resident or property owner. The survey must be completed and submitted to Staff at least ten (10) days before blasting begins.

AIR, WATER, SOLID WASTE, AND AVIATION REQUIREMENTS

- (20) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant will obtain and comply with such permits or authorizations. The Applicant will provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant will provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (21) The Applicant will comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.

Respectfully submitted on behalf of
OREGON CLEAN ENERGY, LLC



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Summary: Text OREGON CLEAN ENRGY, LLC SECOND SUPPLEMENT TO APPLICATION
electronically filed by Teresa Orahod on behalf of Sally Bloomfield