

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
Carroll County Energy, LLC for an )  
Amendment to its Certificate of ) Case No. 16-841-EL-BGA  
Environmental Compatibility and )  
Public Need to Construct an Electric )  
Generation Facility. )

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board, in considering the above-entitled matter and having determined that a public hearing is not necessary, grants the application filed by Carroll County Energy, LLC to amend its certificate to construct an electric generating facility in Oregon, Ohio.

OPINION:

I. Summary of the Proceeding

All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

On April 28, 2014, the Board granted the application of Carroll County Energy, LLC (CCE or Applicant) for a certificate to construct an electric power generating facility on 77 acres in Washington Township, Carroll County, Ohio. *In re CCE*, Case No. 13-1752-EL-BGN (*Certification Case*), Opinion, Order, and Certificate (Apr. 28, 2014). The Board granted CCE's application pursuant to a stipulation filed by CCE, Washington Township, and Staff. CCE was approved to construct a natural gas fired, combined-cycle power plant, with a 742 megawatt capacity. At the time the application was filed, CCE expected commercial operation to begin in May 2017. *Certification Case* at 3, 5, 20, 27.

On March 9, 2015, the Board granted CCE's application to amend the certificate issued in the *Certification Case*. The amendment proposed three changes to the generation plant and associated facilities including the addition of a 20-acre temporary construction area and 2.5-acre temporary stockpile area, an option to utilize an ion exchange demineralizing system in place of the reverse osmosis demineralizing system, and to re-orientate the switchyard along with other minor internal electrical system changes. *In re CCE*, Case No. 14-2085-EL-BGA (*CCE Amendment Case*), Order on Certificate Amendment (Mar. 9, 2015).

On May 2, 2016, in the above cited case, CCE filed a second application to amend the certificate issued in the *Certification Case*, to install a septic system on the facility property. According to the amendment application, the proposed septic system will include a pretreatment system, force main pipeline, and septic mound system to treat approximately 735 gallons per day of wastewater from the facility. Construction of the septic system will necessitate work in an area of approximately .65 acre, including additional tree clearing of approximately .53 acre. CCE agrees to restrict tree clearing to October 1 through March 31, to avoid potential impacts to summer roosting bat species that may be present in the region. The Ohio Environmental Protection Agency (OEPA) has issued a permit for CCE to install the septic system. Construction of the generation facility had commenced as of the date this second amendment application was filed. The expected date for the commencement of commercial operations of the facility has been revised to December 2017. (Second Amendment Application at 2-3.)

On May 2, 2016, CCE also filed its proof of service of the Second Amendment Application on local officials, the library, and parties to the *Certification Case*. Notice of the amendment application was published on May 12, 2016 in *The Free Press Standard*, a newspaper of general circulation in Carroll County. CCE filed the proof of publication with the Board on May 20, 2016. On June 6, 2016, Staff filed a report evaluating the amendment application (Staff Report).

## II. Summary of Ohio Revised Code and Ohio Administrative Code

CCE is a corporation and a person under R.C. 4906.01(A) and is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10 in accordance with the Board's Order in the *Certification Case*, as amended in the *CCE Amendment Case*.<sup>1</sup>

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and provides that such facilities must be certified by the Board prior to the commencement of construction. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-1 *et seq.*, prescribing application requirements for a certificate to construct an electric generation facility and for the amendment of a certificate.

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<sup>1</sup> The Board notes that on May 19, 2016, the Board approved an application to bifurcate and transfer from CCE to AEP Ohio Transmission Company, Inc. the portions of the CCE generation certificate which relate to the switchyard subject to all the terms, conditions, and modifications of the certificate, as it may be amended from time-to-time. *CCE Certification Case*, Case No. 13-1752-EL-BGN, et al., Entry (May 19, 2016) at 3. The certificate for the generation facility continues to be held by CCE.

R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing “\*\*\*if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility\*\*\*.” Under Ohio Adm.Code 4906-3-11(B) an applicant is required to provide notice of its application for amendment in accordance with R.C. 4906.06(B) and (C).

### III. Staff Investigation of Proposed Amendment

The septic system was designed in consultation with OEPA and the OEPA issued CCE a Permit to Install. The septic system will be located entirely on facility property and would be screened from any nearby residences. The facility property was previously studied for the presence of archaeological and historic impacts, and no significant impact to cultural resources is expected as a result of the proposed amendment. According to the Staff Report, there is a category 2 wetland approximately 57 feet from the location of the proposed septic system; however, the wetland would not be impacted. The septic system is designed to treat all effluent before flowing to subsoils and would not discharge to any body of water. No streams would be impacted by the proposed amendment. (Staff Report at 1.)

Installation of the septic system would necessitate .53 acre of tree clearing. To avoid impacts to tree roosting bat species, CCE has committed to seasonal tree clearing from October 1 through March 31. According to the Staff Report, no potential impacts to any other federal or state listed species are anticipated. (Staff Report at 1.)

Based on its investigation, Staff concludes the proposed amendment is not expected to result in additional social or cultural resources impacts and minimal environmental impacts, provided the Applicant continues to adhere to all conditions of the certificate issued in the *Certification Case*, as amended, and recommends CCE adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees, unless CCE coordinates with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service to allow a different course of action. Accordingly, Staff recommends that the Board approve the proposed amendment. (Staff Report at 2.)

### IV. Conclusion

Upon review, the Board finds, pursuant to R.C. 4906.07, that the proposed second amendment to the certificate issued in the *Certification Case*, with the requirement that the Applicant conform to the conditions and commitments of the original certificate, and the CCE Amendment Case, does not result in any material increase in any social or environmental impact, or a substantial change in the location of the certificated facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Accordingly, the Board concludes that

CCE's certificate should be amended, as described in the amendment application, subject to the condition CCE adhere to seasonal cutting dates for the removal of trees, unless CCE coordinates with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service to allow a different course of action and CCE's continued compliance with the conditions set forth in the *Certification Case*, as supplemented in the *CCE Amendment Case*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) CCE is a corporation and a person under R.C. 4906.01(A).
- (2) CCE's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).
- (3) On May 2, 2016, CCE filed an application to amend, for the second time, the certificate issued in the *Certification Case*. The proposed amendment would add a septic system to treat wastewater on facility property.
- (4) Public notice of the proposed amendment was published in Carroll County, Ohio, and filed with the Board on May 12, 2016.
- (5) On June 6, 2016, the Staff Report was filed evaluating the amendment application.
- (6) The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any social or environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.
- (7) Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *Certification Case*, as previously amended in the *CCE Amendment Case*, should be further amended to add a septic system to treat wastewater on site, as described in the application, and subject to the conditions set forth in this case.

ORDER:

It is, therefore,

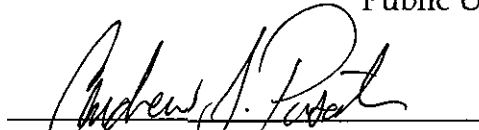
ORDERED, That CCE's amendment application be approved, subject to the conditions set forth in the *Certification Case*, as previously amended in the *CCE Amendment Case*. It is, further,

ORDERED, That a copy of this Second Order on Certificate Amendment be served upon all parties and interested persons of record.

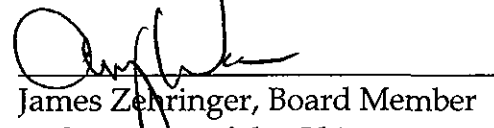
## THE OHIO POWER SITING BOARD



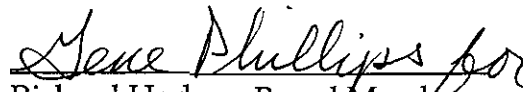
Asim Z. Haque, Chairman  
Public Utilities Commission of Ohio



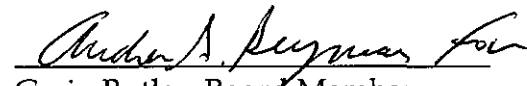
David Goodman, Board Member  
and Director of the Ohio  
Development Services Agency



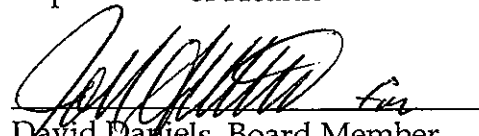
James Zehringer, Board Member  
and Director of the Ohio  
Department of Natural Resources



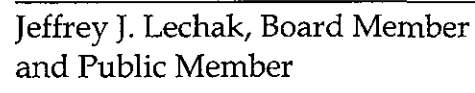
Richard Hodges, Board Member  
and Director of the Ohio  
Department of Health



Craig Butler, Board Member  
and Director of the Ohio  
Environmental Protection Agency



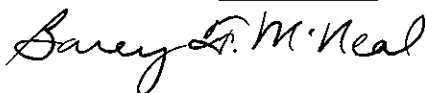
David Daniels, Board Member  
and Director of the Ohio  
Department of Agriculture



Jeffrey J. Lechak, Board Member  
and Public Member

GNS/dah

Entered in the Journal **JUN 30 2016**



Barcy F. McNeal  
Secretary