

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **BLUE CREEK**)
WIND FARM, LLC for a **Second** Amendment to its)
Certificate to Install a Wind-Powered Electric) Case No. 11-3644-EL-BGA
Generation Facility in the Counties of Van Wert and)
Paulding, Ohio.)

STIPULATION AND RECOMMENDATION

Applicant Blue Creek Wind Farm, LLC (“Blue Creek” or “Applicant”) and the Staff of the Ohio Power Siting Board (“OPSB Staff”), who represent all the parties to this Amendment proceeding (“Signatory Parties”), submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the parties to modify the original Condition 43, as set forth in the Opinion, Order and Certificate in Blue Creek’s initial application in Case No. 09-1066-EL-BN issued on August 23, 2010.

This Stipulation and Recommendation is supported by adequate data and information; represents, as an integrated and complete document, a just and reasonable resolution of the issues between the Signatory Parties in this proceeding; violates no regulatory principle or precedent; is in the public interest; and is the product of lengthy, serious bargaining among knowledgeable and capable parties, and parties that are representative of the interests in a cooperative process undertaken by the Signatory Parties.

The Signatory Parties hereby stipulate that Condition No. 43 should be amended to state:

That after the commencement of commercial operation and upon receipt of a project noise complaint from a non-participating residence, the Applicant shall conduct further review of the project’s noise impacts. Mitigation shall be required if the project contribution at the exterior of a non-participating residence within one mile of the project boundary exceeds the greater of: (1) the project ambient nighttime L_{EQ} (43.6 dBA) plus five dBA; or (2) the validly measured ambient plus five dBA. The sound measurements must be conducted at the same time as identified in the complaint. Mitigation shall be reviewed by and acceptable to OPSB


Staff in coordination with the affected receptor(s).

The Signatory Parties agree that the stipulated project nighttime L_{EQ} of 43.6 does not result in any material increase or significant adverse environmental impact of the certified facility.

The undersigned further stipulate and agree and each represents that it is authorized to enter into this Stipulation and Recommendation this 30th day of September 2011.


Respectfully submitted on behalf of,

**THE STAFF OF THE OHIO POWER
SITING BOARD**



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Summary: Stipulation and Recommendation electronically filed by Teresa Orahod on behalf of Blue Creek Wind Farm, LLC