

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC, for a Certificate</b>	)	
<b>to Construct a Wind-Powered Electric</b>	)	<b>Case No. 13-1177-EL-BGN</b>
<b>Generating Facility in Hardin and</b>	)	
<b>Logan Counties, Ohio</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Certificate</b>	)	
<b>of Environmental Compatibility and</b>	)	<b>Case No. 13-1767-EL-BSB</b>
<b>Public Need for a Substation Project</b>	)	
<b>in Hardin County</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Certificate</b>	)	
<b>of Environmental Compatibility and</b>	)	<b>Case No. 13-1768-EL-BTX</b>
<b>Public Need for a 345kV Transmission</b>	)	
<b>Line in Hardin County</b>	)	

**NOTICE OF FILING LISTS OF COMMITMENTS**

In consideration of conditions adopted by the Ohio Power Siting Board in similar proceedings, Hardin Wind LLC hereby gives notice that it will abide by the conditions in the attached lists in the event its applications for certificates of environmental compatibility and public need are granted in the above-referenced proceedings and the listed conditions are incorporated into the respective certificates. The conditions are organized by proceeding, and each list represents Hardin Wind LLC's commitment to the conditions listed for that proceeding. Hardin Wind LLC notes that its submission of the conditions listed on the attached document is limited only to the above-referenced proceedings, and should not be considered for purposes of

any other proceeding.

Respectfully submitted,

/s/ Michael J. Settineri

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*Attorneys for Hardin Wind LLC*

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by electronically or by regular U.S. mail (as indicated) upon the following this 13<sup>th</sup> day of December 2013:

Thomas Lindgren  
Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, OH 43215  
[thomas.lindgren@puc.state.oh.us](mailto:thomas.lindgren@puc.state.oh.us)

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Michael A. Shepherd  
8922 Township Road 220  
Belle Center, OH 43310  
Via U.S. Mail

Joe and Deb Grant  
20616 State Route 68N  
Belle Center, OH 43310  
Via U.S. Mail

/s/ Michael J. Settineri  
Michael J. Settineri

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Certificate</b>	)	
<b>of Environmental Compatibility and</b>	)	<b>Case No. 13-1767-EL-BSB</b>
<b>Public Need for a Substation Project</b>	)	
<b>in Hardin County</b>	)	

**Scioto Ridge Wind Farm Substation Conditions**

**General Conditions**

- (1) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (2) At least 30 days prior to the preconstruction conference, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation. The resolution procedure must provide that the Applicant will work to mitigate or resolve any issues with those who submit a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.
- (3) At least 30 days before the preconstruction conference, the Applicant shall 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 shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition 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 shall 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 conditions of the certificate, prior to construction in those areas.
- (5) Within 60 days after the commencement of commercial operation, the Applicant shall 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 shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.

- (6) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (7) As the information becomes known, the Applicant shall 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.

#### Ecological Conditions

- (8) The Applicant shall 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 shall 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 condition shall 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 Conditions

- (9) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (10) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall 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 shall include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination shall 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 condition.
- (11) General construction activities shall 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, shall 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 property owners or affected tenants within the meaning of Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.

Air, Water, Solid Waste, and Aviation Conditions

- (12) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (13) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP, approved SPCC procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (14) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (15) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (16) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (17) The Applicant shall provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.

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<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Certificate</b>	)	
<b>of Environmental Compatibility and</b>	)	<b>Case No. 13-1768-EL-BTX</b>
<b>Public Need for a 345kV Transmission</b>	)	
<b>Line in Hardin County</b>	)	

**Scioto Ridge Wind Farm Transmission Line Conditions**

**General Conditions**

- (1) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (2) At least 30 days prior to the preconstruction conference, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation. The resolution procedure must provide that the Applicant will work to mitigate or resolve any issues with those who submit a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.
- (3) At least 30 days before the preconstruction conference, the Applicant shall 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 shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition 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 shall 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 conditions of the certificate, prior to construction in those areas.

- (5) Within 60 days after the commencement of commercial operation, the Applicant shall 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 shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (6) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (7) As the information becomes known, the Applicant shall 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.

#### Ecological Conditions

- (8) The Applicant shall have a vegetation management plan. Prior to commencement of construction, the Applicant shall submit this plan to Staff, for review and confirmation that it complies with this condition. The plan must identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work will be done so as to minimize removal of woody vegetation. The plan must also describe how trees and shrubs around structures, along access routes, at construction staging areas, during maintenance operations, and in proximity to any other project facilities will be protected from damage. Priority should be given to protecting mature trees throughout the project area, and all woody vegetation in wetlands and riparian areas, both during construction and during subsequent operation and maintenance of all facilities; low-growing trees and shrubs in particular should be protected wherever possible within the proposed right-of-way. The vegetation management plan should also explore various options for disposing of downed trees, brush, and other vegetation during initial clearing for the project, and recommend methods that minimize the movement of heavy equipment and other vehicles within the right-of-way that would otherwise be required for removing all trees and other woody debris off site.
- (9) For both construction and future right-of-way maintenance, the Applicant shall limit, to the greatest extent possible, the use of herbicides in proximity to surface waters, including wetlands along the right-of-way. Individual treatment of tall-growing woody plant species is preferred, while general, widespread use of herbicides during initial clearing or future right-of-way maintenance should only be used where no other options exist, and with prior approval from the Ohio EPA. Prior to commencement of construction, the Applicant shall submit a plan to Staff for review and confirmation that it complies with this condition, describing the planned herbicide use for all areas in or near any surface waters during initial project construction and/or future right-of-way maintenance.
- (10) The Applicant shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan.



Sensitive areas include but are not limited to areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.

- (11) The Applicant shall 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 shall 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 condition shall 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.
- (12) The Applicant shall adhere to seasonal cutting dates of September 30<sup>th</sup> through April 1st for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- (13) The Applicant shall not work in the types of streams listed below during fish spawning restricted periods (April 15 to June 30), unless a waiver is sought from and issued by the ODNR and approved by OPSB Staff releasing the Applicant from a portion of, or the entire restriction period.
  - (a) Class 3 primary headwater streams (watershed < one mi<sup>2</sup>)
  - (b) Exceptional Warmwater Habitat
  - (c) Coldwater Habitat
  - (d) Warmwater Habitat
  - (e) Streams supporting threatened or endangered species

#### Public Services, Facilities, and Safety Conditions

- (14) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall 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 shall include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination shall 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 condition.
- (15) General construction activities shall 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, shall 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 property owners or affected tenants within the

meaning of Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.

Air, Water, Solid Waste, and Aviation Conditions

- (16) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (17) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP, approved SPCC procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (18) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (19) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (20) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (21) The Applicant shall provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.

## BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
Hardin Wind LLC, for a Certificate )  
to Construct a Wind-Powered Electric ) Case No. 13-1177-EL-BGN  
Generating Facility in Hardin and )  
Logan Counties, Ohio )

### Scioto Ridge Wind Farm Generator Conditions

#### General Conditions

- (1) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review.
- (2) At least 30 days prior to the preconstruction conference, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation. The resolution procedure must provide that the Applicant will work to mitigate or resolve any issues with those who submit either a formal and that the Applicant will immediately forward all complaints to Staff. The Applicant shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.
- (3) At least 30 days before the preconstruction conference, the Applicant shall 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 shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition 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 shall 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 conditions of the certificate, prior to construction in those areas.
- (5) Within 60 days after the commencement of commercial operation, the Applicant shall 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 shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.

- (6) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (7) As the information becomes known, the Applicant shall 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.
- (8) The Applicant shall 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 shall provide a letter stating that the Agreement has been signed or a copy of the signed Interconnection Service Agreement to Staff.

#### Ecological Conditions

- (9) The Applicant shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan. Sensitive areas include but are not limited to areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (10) The Applicant shall 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 shall 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 condition shall 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.
- (11) The Applicant shall adhere to seasonal cutting dates of September 30<sup>th</sup> through April 1st for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- (12) The Applicant shall not work in the types of streams listed below during fish spawning restricted periods (April 15 to June 30), unless a waiver is sought from and issued by the ODNR and approved by OPSB Staff releasing the Applicant from a portion of, or the entire restriction period.
  - (a) Class 3 primary headwater streams (watershed < one mi<sup>2</sup>)
  - (b) Exceptional Warmwater Habitat

- (c) Coldwater Habitat
- (d) Warmwater Habitat
- (e) Streams supporting threatened or endangered species

Public Services, Facilities, and Safety Conditions

- (13) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (14) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall 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 shall include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination shall 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 condition.
- (15) General construction activities shall 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, shall 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 property owners or affected tenants within the meaning of Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.
- (16) Should site-specific conditions warrant blasting, the Applicant shall submit a blasting plan, at least 60 days prior to blasting, to Staff for review and confirmation that it complies with this condition. The Applicant shall 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 shall 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 shall obtain all required local, state, and federal licenses/permits. The Applicant shall submit a copy of the license or permit to Staff within seven days of obtaining it from the local authority.
- (18) The blasting contractor shall utilize two blasting seismographs that measure ground vibration and air blast for each blast. One seismograph shall 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 shall 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.
- (20) The Applicant shall meet all FCC and other federal agency requirements to construct an object that may affect communications and, to the satisfaction of Staff, mitigate any effects or degradation caused by facility operation or placement. For any residence that is shown to experience a degradation of television or radio reception or interference of wired telephone service due to facility operation, the Applicant shall provide, at its own expense, cable or direct broadcast satellite television service or other mitigation acceptable to the affected resident(s), the Applicant, and Staff.
- (21) At least 30 days prior to construction. Applicant must perform a study of the potential impacts of the project to any known microwave path or system. Applicant must contact all electric service providers that operate within the project area for a description of specific microwave paths to be included in the study. A copy of this study must be provided to the electric service providers for review, and to Staff for review and confirmation that it complies with this condition. The assessment must conform to the following requirements:
- (a) An independent and registered surveyor, licensed to survey within the state of Ohio, shall determine the exact locations and worst-case Fresnel Zone dimensions of all known microwave paths or systems operating within the project area, including all paths and systems identified by the electric service providers that operate within the project area. In addition, the surveyor shall determine the center point of all turbines within 1,000 feet of the worst-case Fresnel Zone of each system, using the same survey equipment.
  - (b) Provide the distance (feet) between the surveyed center point of each turbine identified within section (a) above and the surveyed worst-case Fresnel Zone of each microwave system path.
  - (c) Separately provide the distance (feet) between the nearest rotor blade tip of each surveyed turbine identified within section (a) above and the surveyed worst-case Fresnel Zone of each microwave system path.
  - (d) Provide a map of the surveyed microwave paths and turbines at a legible scale.
  - (e) Describe the specific, expected impacts of the project on all microwave paths and systems considered in the study.
- (22) Applicant must mitigate all observed impacts to: (a) microwave paths and systems identified in the communication studies performed for this project or required by the Board; (b) new microwave paths or systems identified by an electric service provider after the communication studies are performed but prior to the date Applicant advises such electric service provider of the final turbine layout, provided construction has commenced on such

new paths or system prior to the date Applicant advises such electric service provider of the final turbine layout; or (c) new microwave paths or systems identified by an electric service provider following the date Applicant advises such electric service provider of the final turbine layout, but only if Applicant subsequently modifies the final turbine layout and such microwave paths or systems were modified or introduced in reliance upon the original final layout, provided construction has commenced on such new paths or systems prior to the date Applicant advises such electric service provider of the modified final turbine layout. Avoidance and mitigation must consist of measures acceptable to Staff, Applicant, and the affected path owner, operator, or licensee(s).

#### Air, Water, Solid Waste, and Aviation Conditions

- (23) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (24) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP, approved SPCC procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (25) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (26) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (27) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (28) The Applicant shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities. The Applicant shall provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.
- (30) Thirty days prior to commencement of construction, the Applicant must notify, in writing, any owner of an airport located within 20 miles of the project boundary, whether public or private, whose operations, operating thresholds/minimums, landing/approach procedures

and/or vectors are expected to be altered by the siting, operation, maintenance, or decommissioning of the facility.

- (31) The Applicant must meet all recommended and prescribed FAA and ODOT Office of Aviation requirements to construct an object that may affect navigable airspace. This includes submitting coordinates and heights for all towers exceeding 200 feet AGL for ODOT Office of Aviation and FAA review prior to construction, and the non-penetration of any FAA *Part 77* surfaces.
- (32) All applicable structures, including construction equipment, shall be lit in accordance with FAA circular 70/7460-1 K Change 2, *Obstruction Marking and Lighting*; or as otherwise prescribed by the FAA.
- (33) Within 30 days of construction completion, the Applicant shall file the as-built transmission structure coordinates and heights (AGL) with the Ohio Office of Aviation and Federal Aviation Administration.

#### Wind Farm Conditions

- (34) Any wind turbine site proposed by the Applicant but not built as part of this project shall be available for Board review in a future case.
- (35) If construction has commenced at a turbine location and it is determined that the location is not a viable turbine site, that site shall be restored to its original condition within 30 days.
- (36) At least 60 days before the preconstruction conference, the Applicant shall file a letter with the Board that identifies which of the turbine models listed in the application has been selected.
- (37) No commercial signage or advertisements shall be located on any turbine, tower, or related infrastructure. If vandalism should occur, the Applicant shall remove or abate the damage within 30 days of discovery or as extended by Staff for good cause shown, to preserve the aesthetics of the project. Any abatement other than the restoration to pre-vandalism condition is subject to review by Staff to ensure compliance with this condition.
- (38) The Applicant shall complete a full detailed geotechnical exploration and evaluation at each turbine site to confirm that there are no issues to preclude development of the wind farm. The geotechnical exploration and evaluation shall include borings at each turbine location to provide subsurface soil properties, static water level, rock quality description (RQD), percent recovery, and depth and description of the bedrock contact and recommendations needed for the final design and construction of each wind turbine foundation, as well as the final location of the transformer substation and interconnection substation. The Applicant must fill all boreholes, and borehole abandonment must comply with state and local regulations. The Applicant shall provide copies of all geotechnical boring logs to Staff and to the ODNR Division of Geological Survey prior to construction.
- (39) The Applicant shall comply with the turbine manufacturer's most current safety manual and shall maintain a copy of that safety manual in the O&M building of the facility.



- (40) Within six months of commencement of operation of the facility, the Applicant shall register the as-built locations of all underground collection lines with the Ohio Utilities Protection Service. The Applicant shall also register with the Ohio Oil and Gas Producers Underground Protection Service, if it operates in the project area. Confirmation of registration(s) shall be provided to Staff.
- (41) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff for review and confirmation that it complies with this condition, a proposed emergency and safety plan to be used during construction, to be developed in consultation with the fire department(s) having jurisdiction over the area.
- (42) Before the first turbine is operational, the Applicant shall submit to Staff for review and confirmation that it complies with this condition, a fire protection and medical emergency plan to be used during operation of the facility, which shall be developed in consultation with the first responders having jurisdiction over the area.
- (43) The Applicant shall instruct workers on the potential hazards of ice conditions on wind turbines.
- (44) The Applicant shall install and utilize an ice warning system that may include an ice detector installed on the roof of the nacelle, ice detection software, warranted by the manufacturer to detect ice, for the wind turbine controller, or an ice sensor alarm that triggers an automatic shutdown.
- (45) The Applicant shall provide the final delivery route plan and the results of any traffic studies to Staff and the County Engineer(s) 30 days prior to the preconstruction conference. The Applicant shall complete a study on the final equipment delivery route to determine what improvements will be needed in order to transport equipment to the wind turbine construction sites. The Applicant shall make all improvements outlined in the final delivery route plan prior to equipment and wind turbine delivery. The Applicant's delivery route plan and subsequent road modifications shall include, but not be limited to, the following:
  - (a) Perform a survey of the final delivery routes to determine the exact locations of vertical constraints where the roadway profile will exceed the allowable bump and dip specifications and outline steps to remedy vertical constraints.
  - (b) Identify locations along the final delivery routes where overhead utility lines may not be high enough for over-height permit loads and coordinate with the appropriate utility company if lines must be raised.
  - (c) Identify roads and bridges that are not able to support the projected loads from delivery of the wind turbines and other facility components and make all necessary upgrades.
  - (d) Identify locations where wide turns would require modifications to the roadway and/or surrounding areas and make all necessary alterations. Any alterations for wide turns shall be removed and the area restored to its preconstruction condition unless otherwise specified by the County Engineer(s).
- (46) The Applicant shall repair damage to government-maintained (public) roads and bridges caused by construction or maintenance activity. Any damaged public roads and bridges

shall be repaired promptly to their previous condition by the Applicant under the guidance of the appropriate regulatory agency. Any temporary improvements shall be removed unless the County Engineer(s) request that they remain. The Applicant shall provide financial assurance to the counties that it will restore the public roads it uses to their condition prior to construction or maintenance. The Applicant shall also enter into a Road Use Agreement with the County Engineer(s) prior to construction and subject to Staff review and confirmation that it complies with this condition. The Road Use Agreement shall contain provisions for the following:

- (a) A preconstruction survey of the conditions of the roads.
  - (b) A post-construction survey of the condition of the roads.
  - (c) An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction.
  - (d) A timetable for posting of the construction road and bridge bond prior to the use or transport of heavy equipment on public roads or bridges.
- (47) The facility owner and/or operator shall repair damage to government-maintained (public) roads and bridges caused by decommissioning activity. Any damaged public roads and bridges shall be repaired promptly to their pre-decommissioning state by the facility owner and/or operator under the guidance of the appropriate regulatory agency. The Applicant shall provide financial assurance to the counties that it will restore the public roads and bridges it uses to their pre-decommissioning condition. These terms shall be defined in a Road Use Agreement between the Applicant and the County Engineer(s) prior to decommissioning. The Road Use Agreement shall be subject to Staff review and confirmation that it complies with this condition, and shall contain provisions for the following:
- (a) A pre-decommissioning survey of the condition of public roads and bridges conducted within a reasonable time prior to decommissioning activities.
  - (b) A post-decommissioning survey of the condition of public roads and bridges conducted within a reasonable time after decommissioning activities.
  - (c) An objective standard of repair that obligates the facility owner and/or operator to restore the public roads and bridges to the same or better condition as they were prior to decommissioning.
  - (d) A timetable for posting of the decommissioning road and bridge bond prior to the use or transport of heavy equipment on public roads or bridges.
- (48) At least 30 days prior to the preconstruction conference, the Applicant shall complete a “realistic” shadow flicker analysis for all inhabited non-participating receptors already modeled to be in excess of 30 hours per year of shadow flicker and provide the results to Staff for review and confirmation that it complies with this condition. This analysis shall incorporate reductions for trees, vegetation, buildings, obstructions, turbine line of sight, operational hours, wind direction, and sunshine probabilities.

- (49) Any turbine forecasted prior to construction to create in excess of 30 hours per year of shadow flicker at a non-participating receptor within 1,000 meters shall be subject to further review and possible mitigation. Mitigation shall be completed before commercial operation commences and consist of either reducing the turbine's forecasted impact to 30 hours per year, or other measures confirmed by Staff to be in compliance with this condition.
- (50) Prior to construction, the Applicant shall submit the final layout and turbine locations to the National Telecommunications and Information Administration for review. Any concerns identified regarding obstruction to microwave or other communication systems shall be forwarded to Staff for review.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 13-1177-EL-BGN, 13-1768-EL-BTX, 13-1767-EL-BSB**

Summary: Notice of List of Commitments electronically filed by Mr. Michael J. Settineri on behalf of Hardin Wind LLC