

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of Carroll)	
County Energy LLC for a Certificate of)	
Environmental Compatibility and Public)	Case No. 13-1752-EL-BGN
Need to Construct an Electric Generation)	
Facility in Carroll County, Ohio.)	

NOTICE OF FILING LIST OF COMMITMENTS

In consideration of conditions adopted by the Ohio Power Siting Board in similar proceedings, Carroll County Energy LLC hereby gives notice that it will abide by the conditions in the attached list in the event its application for a certificate of environmental compatibility and public need is granted in the above-referenced proceeding and the listed conditions are incorporated into the certificate. Carroll County Energy LLC notes that its submission of the conditions listed on the attached document is limited only to the above-referenced proceeding, and should not be considered for purposes of any other proceeding.

Respectfully submitted,

/s/ Miranda R. Leppla

M. Howard Petricoff (0008287)

Michael J. Settineri (0073369)

Miranda R. Leppla (0086351)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street

P.O. Box 1008

Columbus, Ohio 43216-1008

(614) 464-5462

mhpetricoff@vorys.com

mjsettineri@vorys.com

mrleppla@vorys.com

Attorneys for Carroll County Energy LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served via electronic mail upon the following individuals this 5th day of February 2014:

Devin D. Parram
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus, OH 43215
devin.parram@puc.state.oh.us

/s/Miranda R. Leppla _____
Miranda R. Leppla

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of Carroll)	
County Energy LLC for a Certificate of)	
Environmental Compatibility and Public)	Case No. 13-1752-EL-BGN
Need to Construct an Electric Generation)	
Facility in Carroll County, Ohio.)	

General Conditions

- (1) 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 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Any new transmission line constructed in order to deliver gas and/or electricity from the generation project shall become part of a filing with the Board, and must be approved prior to construction of the generation project.

Socioeconomic Conditions

- (6) The Applicant shall 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 shall be promptly repaired to at least original conditions at the Applicant's expense. If applicable, excavated topsoil shall be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils shall be plowed or otherwise de-compacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.

Ecological Conditions

- (7) The Applicant shall have a streamside vegetation restoration plan that minimizes impacts associated with the clearing of riparian vegetation. At least 30 days prior to the commencement of clearing activities, the Applicant shall submit such plan to Staff for review and confirmation that it complies with this condition.
- (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.
- (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 adhere to seasonal tree cutting dates of October 1 to March 31 for removal of trees that exhibit suitable Indiana bat habitat, if avoidance measures cannot be achieved.

Public Services, Facilities, and Safety Conditions

- (12) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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) and emergency personnel having jurisdiction over the area.
- (17) The Applicant shall 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."

Air, Water, Solid Waste, and Aviation Conditions

- (18) 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.
- (19) 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.

- (20) 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.
- (21) 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.
- (22) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (23) 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.
- (24) 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. This includes all cranes and construction equipment.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/5/2014 5:21:25 PM

in

Case No(s). 13-1752-EL-BGN

Summary: Notice of Filing of List of Commitments electronically filed by Ms. Miranda R Leppla
on behalf of Carroll County Energy LLC