

FILE

PUCO EXHIBIT FILING

102

Date of Hearing: 3-13-2014

Case No. 13-1752-EL-BGN

PUCO Case Caption: Carroll County Energy

List of exhibits being filed:

Joint 1

Company 1, 3, 4, 5, 6, 7, 8

PUCO

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Reporter's Signature: Carolyn M. Burke

Date Submitted: \_\_\_\_\_

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BEFORE THE OHIO POWER SITING BOARD

- - -

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

- - -

PROCEEDINGS

before Ms. Greta See, Administrative Law Judge, at  
the Public Utilities Commission of Ohio, 180 East  
Broad Street, Room 11-C, Columbus, Ohio, called at  
10:06 a.m. on Thursday, March 13, 2014.

- - -

ARMSTRONG & OKEY, INC.  
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Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
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- - -

BEFORE  
THE OHIO POWER SITING BOARD

2014 MAR 10 PM 4:43

PUCO

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

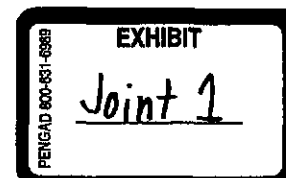
**JOINT STIPULATION AND RECOMMENDATION**

**I. INTRODUCTION**

Applicant Carroll County Energy LLC ("CCE" or "Applicant"); the Township of Washington, Carroll County, Ohio; and the Staff of the Ohio Power Siting Board ("OPSB Staff"), at times collectively referred to as the "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 resolve all matters pertinent to the certification and construction of the proposed 742 megawatt (MW) natural gas-fired combined-cycle electric generating facility to be built in Carroll County, Washington Township, Ohio ("the Facility").

The proposed Facility (which includes the power generating facility, switch yard and other ancillary equipment) will be located on an approximately 77 acre property (the "Facility Site"). The Facility Site is located entirely within Washington Township, Carroll County, Ohio (approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 mile south of State Route 171).

The Facility will utilize two General Electric (GE) 7F-5-S Series Natural Gas Turbines, each with a heat recovery steam generator (HRSG), and a single GE steam turbine generator (STG). The Facility will have a nominal net output of 742 megawatts (full duct fired operation within inlet air cooling at 59 degrees Fahrenheit ambient temperature). Its combustion turbines



will operate solely on natural gas. The Facility will utilize an air-cooled condenser, minimizing water needs and discharge volumes.

Within the Facility Site, the power generating facility and ancillary equipment will be located on approximately 14 acres and the switchyard will be located on an adjacent 3 acres. Access to the Facility will be off Route 9, extending across an approximately 23 acre parcel of land located between the Facility Site and Route 9. This 23 acre parcel is available for temporary use during the Facility construction (the "Construction Laydown Area"). A natural gas pipeline easement will extend approximately 0.4 miles north from the Facility Site to connect the Facility to the existing Tennessee Gas Pipeline, and an electric transmission easement will extend to the existing American Electric Power 345 kilovolt transmission line located approximately 0.4 mile west of the Facility. Water will be supplied to the facility by a regulated water supplier.

The purpose of the Facility will be to generate electricity for delivery and sale to the interstate transmission grid. It will help meet energy demand in the region, particularly in light of announced generating capacity retirements and will provide additional base load and peaking capacity via its natural gas-fired combined-cycle technology.

On August 7, 2013, CCE filed its Pre-Application Notification Letter in OPSB Case No. 13-1752-EL-BGN regarding the proposed 742 MW combined cycle generation facility in Washington Township, Carroll County, Ohio. On August 14, 2013, the Applicant published in *The Repository* and *The Free Press Standard* notice of a public informational meeting, which was held on August 22, 2013 at Carrollton High School, Fine Arts Room, located at 252 Third Street NE, Carrollton, Ohio 44615 from 6:00 p.m. to 8:00 p.m. On November 14, 2013, the Applicant filed its motion for certain waivers.

CCE filed its application for a certificate of environmental compatibility and public need to construct the Facility on November 15, 2013 as well as the submission under seal of three copies of certain pages from the application which contained confidential information. On December 17, 2013, the Staff of the Ohio Power Siting Board (the "Staff") filed its memorandum in response to the motion for waivers. On December 20, 2013, the Ohio Power Siting Board Chairman filed a letter indicating that the application was found to comply with Chapters 4906-01, et seq. of the Ohio Administrative Code. On December 26, 2013, the Applicant filed its certificate of service indicating that a copy of the complete and accepted application was sent to the Carroll County Commissioners, the Washington Township Trustees, to Mr. Aaron Dodd, Regional Planning Director of Carroll County, Mr. Ralph Castellucci of the Carroll County Environmental Services, and to the Director of the Carroll County District Library in Carrollton, Ohio via Federal Express two day service on December 23, 2013. The Applicant also filed a letter indicating that the filing fees had been delivered to the Fiscal Division of the PUCO on December 26, 2013.

On January 6, 2014, the Administrative Law Judge issued Entries granting CCE's motion for waivers and motion for protective order and scheduling a local public hearing for March 6, 2014 at 6:00 p.m. at the Carrollton High School Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615 and an adjudicatory hearing to commence on March 13, 2014 at 10:00 a.m. in Hearing Room 11C at the Offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Columbus, Ohio 43215-3793. On January 9, 2014, the Applicant published Notice of a Proposed Major Utility Facility in *The Repository* and *The Free Press Standard* along with a map of the proposed Facility. Proof of publication was subsequently filed on February 13, 2014.

On February 4, 2014, the Applicant sent a letter via First Class U.S. Mail to approximately 16 property owners notifying them of the proposed facility and the hearings pursuant to Rule 4906-5-08(C)(3) of the Ohio Administrative Code. On February 5, 2014, the Applicant filed correspondence on the docket attaching the mailing list and also filed a Notice of Filing of a List of Commitments.

On February 18, 2014, the Township of Washington, Carroll County, Ohio moved to intervene in this case. On March 6, 2014, by Entry, Washington Township's motion to intervene was granted.

The Staff Report of Investigation was filed on February 19, 2014. A list of acronyms attached to the Staff Report of Investigation is attached to this Joint Stipulation and Recommendation on page 14. A local public hearing was held on March 6, 2014 at 6:00 p.m. at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615. Direct testimony was filed on behalf of the Applicant on March 7, 2014.

This Stipulation results from discussions between the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the Facility in this case.

## **II. STIPULATION AND RECOMMENDATION**

### **A. Recommended Conditions**

#### **GENERAL CONDITIONS**

(1) The facility shall be installed at the Applicant's site as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by this Stipulation.

(2) The Applicant shall utilize the equipment and construction practices as described

in the application and as modified and/or clarified in supplemental filings, replies to data requests, and as modified by this Stipulation.

(3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests and as modified by this Stipulation.

(4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractors 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.

(5) 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 layout, 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 layout 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 layout shall include references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.

(6) With the exception of removal of trees that exhibit suitable Indiana bat habitat, the Applicant shall not commence any construction of the facility until it has a Interconnection Service Agreement or Interim Interconnection Service Agreement with PJM, signed or filed unsigned with the Federal Energy Regulatory Commission, 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.

### **SOCIOECONOMIC CONDITIONS**

(7) Prior to commencement of any construction related to final landscape and outdoor lighting, the Applicant shall prepare a landscape and lighting plan that addresses the aesthetic and lighting impacts of the facility. The Applicant shall consult with adjacent property owners in the development of this plan and provide the plan to Staff for review and confirmation that it complies with this condition.

### **PUBLIC SERVICES, FACILITIES, AND SAFETY CONDITIONS**

(8) 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. The Applicant's process for 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.

(9) 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.

(10) Prior to commencement of construction, the Applicant shall conduct test borings to a maximum of 150 feet to confirm, to the extent possible, the depth of the Upper Mahoning (#7A) coal seam. Test borings will include rock quality description (RDQ) data to confirm that subsurface conditions would support the proposed facility. If it is determined that mine voids are present and the subsurface rock does not support the proposed facility, then the Applicant shall be required to develop a subsidence mitigation plan. The subsidence mitigation plan shall provide geotechnical and engineering design recommendations that shall be included in the final design of the proposed facility, including but not limited to grouting the mined out cavities. Additionally, the mitigation plan shall consider the potential risk for induced subsidence and other mining effects on neighboring properties due to the construction of the proposed facility.

(11) Should site-specific conditions warrant blasting, the Applicant shall submit a blasting plan, at least 30 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.

(12) The Applicant shall repair damage to government-maintained (public) roads and bridges caused by construction activity. Any damaged public roads and bridges shall be repaired promptly to their preconstruction state by the Applicant under the guidance of the appropriate regulatory agency. Any temporary improvements shall be removed unless the appropriate



regulatory agency requests that they remain. If required by the appropriate regulatory agency, the Applicant shall provide financial assurance to that agency that it will restore the public roads it uses to their preconstruction condition. If county or township roads are utilized for the construction of this project, then the Applicant shall also enter into a Road Use Agreement with the appropriate local authority 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.

(13) Mitigation measures shall be incorporated into the Facility so that the estimated nighttime facility noise contribution as modeled does not result in a noise level greater than 45 dBA at the exterior of any currently existing sensitive receptor. This condition shall not apply to any sensitive receptor for which individual mitigation measures have been implemented including, but not limited to, project cooperation agreements or noise easements. After commencement of commercial operation, the Applicant shall review all facility-related noise complaints through its complaint resolution process. If upon investigation of a complaint it is found that noise due to facility operations results in a facility noise level greater than 45 dBA at the exterior of the affected existing sensitive receptor(s), except those with project cooperation agreements or noise easements, additional mitigation measures shall be implemented for the affected receptor(s).

#### **AIR, WATER, SOLID WASTE, AND AVIATION CONDITIONS**

(14) 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.

(15) 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, or maintenance of the facility.

(16) Any supplier of water to the facility, as selected by the Applicant, shall comply with Section 1501.33 and 1501.34 of the Revised Code unless exempt.

(17) For informational purposes only, the Applicant will notify the Washington Township Board of Trustees or its designee as to the following: (i) any preconstruction conference with Staff referenced in Condition 4; (ii) the location and availability of the final engineering layout drawings referenced in Condition 5; and (iii) any blasting operations necessary during construction of the facility. The Applicant will also, for informational purposes only, provide the Washington Township Board of Trustees or its designee a copy of the traffic plan referenced in Condition 8 and the blasting plan referenced in Condition 11.

#### **B. Other Terms and Conditions**

(1) This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon rehearing by the Board, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

### **III. FINDINGS**

The Parties agree that the record in this case, provided the Board approves the conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

#### **A. Findings of Fact**

- (1) Carroll County Energy LLC is licensed to do business in the State of Ohio.
- (2) The proposed Facility is a "major utility facility" as defined in Section 4906.01(B)(1) of the Ohio Revised Code.

- (3) On August 7, 2013, the Applicant filed a pre-application notice of a public informational meeting in Case No. 13-1752-EL-BGN.
- (4) On October 29, 2013, the Applicant filed Proofs of Publication made on August 14, 2013 in *The Canton Repository* and *The Free Press Standard* of the public informational meeting held in Case No. 13-1752-EL-BGN on August 22, 2013 in accordance with OAC Rule 4906-05-08.
- (5) The public informational meeting was held at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615 on August 22, 2013 from 6:00 PM to 8:00 PM.
- (6) On November 14, 2013, the Applicant filed a motion for waivers of certain filing requirements in OAC Chapter 4906-17.
- (7) The Applicant formally submitted its application for a certificate of environmental compatibility and public need to construct an electric generation facility on November 15, 2013.
- (8) On December 20, 2013, the Chairman of the Board issued a letter to the Applicant stating that the application was found to comply with OAC Chapter 4906.
- (9) On December 26, 2013, the Applicant filed a Certificate of Service indicating that copies of the application were served upon local public officials and libraries.
- (10) On January 6, 2014, the Administrative Law Judge issued an Entry scheduling a local public hearing for this case on March 6, 2014, at 6:00 PM at the Carrollton High School, Fine Arts Room, 252 Third Street NW, Carrollton, Ohio 44615; and an adjudicatory hearing for March 13, 2014, at the offices of the PUCO; and found the effective date of the filing of the application was to be January 3, 2014. The Administrative Law Judge also issued a second Entry on January 6, 2014 granting the motion for waivers and the motion for a protective order.
- (11) On February 5, 2014, the Applicant filed a sample of the letter sent to approximately 16 Ohio property owners and tenants which were mailed on February 4, 2014 by first class mail. The complete list of property owners was included as Attachment A attached to the filings. The February 4, 2014 mailing complies with OAC Rule 4906-5-08(C)(3).
- (12) On February 5, 2014, the Applicant filed a "Notice of Filing List of Commitments" indicating that it would abide by the 24 conditions it listed in the event its application was granted and the listed conditions were incorporated into the certificate.

- (13) On February 13, 2014, the Applicant filed the first Proofs of Publication indicating that notice was published in *The Repository* and in *The Free Press Standard* on January 9, 2014, describing the application and listing the hearing dates in accordance with OAC Rule 4906-5-08(C)(1).
- (14) The Staff Report of Investigation was filed on February 19, 2014.
- (15) On March 6, 2014, the Applicant filed the second set of Proofs of Publication indicating that notice was published in *The Repository* and *The Free Press Standard* on February 20, 2014 describing the applications and listing the hearing dates in accordance with OAC Rule 4906-5-08(C)(2).
- (16) On March 6, 2014, Washington Township's motion to intervene was granted by Entry of the Administrative Law Judge.
- (17) A local public hearing was held on March 6, 2014 in Carrollton, Ohio.
- (18) An adjudicatory hearing is scheduled to commence on March 13, 2014 in Columbus, Ohio.
- (19) Because no electric transmission line or gas pipeline is being proposed in this application, Section 4906.10(A)(1) of the Ohio Revised Code is not applicable.
- (20) Adequate data on the proposed Facility has been provided to determine the nature of the probable environmental impact as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (21) Adequate data on the proposed Facility has been provided to determine that the Facility described in the application and supplemental filings, and subject to the conditions in this Stipulation represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (22) Adequate data on the proposed Facility has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Facility will serve the interests of electric system economy and reliability, and the requirements of Section 4906.10(A)(4) of the Ohio Revised Code are met.
- (23) Adequate data on the proposed Facility has been provided to determine that it will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all regulations there under, as required by Section 4906.10(A)(5) of the Ohio Revised Code.

- (24) Adequate data on the proposed Facility has been provided to determine that it will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (25) Adequate data on the proposed Facility has been provided to determine what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the site of the proposed facilities, as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (26) Adequate data on the proposed Facility has been provided to determine that as proposed it incorporates maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives as required by Section 4906.10(A)(8) of the Ohio Revised Code.
- (27) The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

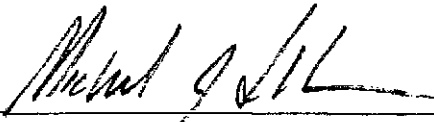
**B. Conclusions of Law**

- (1) Carroll County Energy LLC is a “person” under Section 4906.01(A) of the Ohio Revised Code.
- (2) The proposed Facility is a major utility facility as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) CCE’s application complies with the requirements of Chapters 4906-13 and 4906-05 of the Ohio Administrative Code.
- (4) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the proposed Facility under Section 4906.10(A)(2) of the Ohio Revised Code.
- (5) The record establishes that the proposed Facility described in the Application and supplemental filings, and subject to the conditions in this Stipulation represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations under Section 4906.10(A)(3) of the Ohio Revised Code.
- (6) The record establishes that the proposed Facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by Section 4906.10(A)(4) of the Ohio Revised Code.


- (7) The record establishes, as required by Section 4906.10(A)(5) of the Ohio Revised Code, that construction of the proposed Facility will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.
- (8) The record establishes that the proposed Facility described in the Application and subject to the conditions in this Stipulation will serve the public interest, convenience and necessity under Section 4906.10(A)(6) of the Ohio Revised Code.
- (9) The impact of the proposed Facility on the viability as agricultural land of any land in an existing agricultural district has been determined under Section 4906.10(A)(7) of the Ohio Revised Code.
- (10) The record establishes that the proposed Facility would incorporate maximum feasible water conservation practices under Section 4906.10(A)(8) of the Ohio Revised Code.
- (11) Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation, and maintenance of the proposed Facility.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 10<sup>th</sup> day of March, 2014. Furthermore,


the parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.

  
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Attorneys for Washington Township

## APPENDIX A ACRONYMS

<b>BMP</b>	best management practices
<b>DOW</b>	ODNR Division of Wildlife
<b>FAA</b>	Federal Aviation Administration
<b>kV</b>	kilovolts
<b>MW</b>	megawatts
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRHP</b>	<i>National Register of Historic Places</i>
<b>OAC</b>	Ohio Administrative Code
<b>OCE</b>	Oregon Clean Energy
<b>ODA</b>	Ohio Department of Agriculture
<b>ODSA</b>	Ohio Development Services Agency
<b>ODH</b>	Ohio Department of Health
<b>ODNR</b>	Ohio Department of Natural Resources
<b>ODOT</b>	Ohio Department of Transportation
<b>Ohio EPA</b>	Ohio Environmental Protection Agency
<b>OHPO</b>	Ohio Historic Preservation Office
<b>OPSB</b>	Ohio Power Siting Board
<b>ORC</b>	Ohio Revised Code
<b>PUCO</b>	Public Utilities Commission of Ohio
<b>SWPPP</b>	Storm Water Pollution Prevention Plan
<b>USFWS</b>	U.S. Fish and Wildlife Service

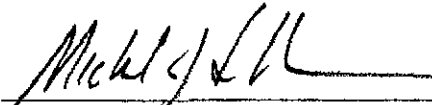


**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by electronically upon the following persons this 10<sup>th</sup> day of March 2014:

Devin Parram  
Katherine Johnson  
Ryan O'Rourke  
Public Utilities Commission of Ohio  
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\_\_\_\_\_  
Michael J. Settineri

**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 Need to ) Construct an Electric Generation Facility ) in Carroll County, Ohio )	Case No. 13-1752-EL-BGN
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**DIRECT TESTIMONY OF JONATHAN WINSLOW**

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**Q.1. Please state your name, title and business address.**

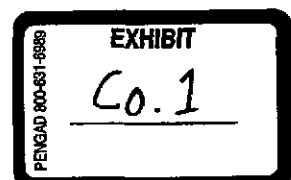
A.1. My name is Jonathan Winslow. I am the Director of Development for Advanced Power Services (NA) Inc. and the Project Manager for the proposed electric generating facility (the "Facility") proposed by Carroll County Energy LLC, an affiliate of Advanced Power AG. My business address is 31 Milk Street, Suite 1001, Boston, MA.

**Q.2. What are your duties as Project Manager?**

A.2. As Project Manager of Carroll County Energy LLC ("CCE"), I am responsible for the schedule, budget development and corporate reporting for the project. I was responsible for the coordination and submittal of the application in this proceeding, and have also conducted local outreach, worked with the community and its stakeholders. These efforts were conducted, in part, to identify ways to address and mitigate community concerns.

**Q.3. What is your educational and professional background?**

A.3. I received a Bachelor of Science degree in Secondary Education - Environmental Sciences from the University of Vermont in Burlington, Vermont in 2001. I earned a Masters Degree in Business Administration from Northeastern University in 2006. My professional work experience since completion of my undergraduate education has been



in the energy and environmental sector. Specifically, my experience within this sector has been focused on business development. From 2001 to 2004, I was employed by Maxymillian Technologies, an environmental remediation firm focused on bidding on U.S. EPA Superfund Projects and other large-scale environmental remediation projects. In this capacity, my responsibilities included proposal writing, schedule development and corporate project management. From 2005 to 2007, I was Manager of Corporate Development for Jay Cashman Inc. In this capacity, my responsibilities included management of a variety of corporate development initiatives. During this time, we successfully launched a renewable energy development company and an environmental remediation and waste management company. In 2007, I joined Advanced Power (NA), a privately held energy development firm, based in Boston, Massachusetts.

**Q.4. On whose behalf are you offering testimony?**

**A.4.** I am testifying on behalf of the Applicant, Carroll County Energy LLC. I will summarize the major items in the application and sponsor their admission into evidence, along with the exhibits and various proofs of publication. I will also review the conditions suggested by the Board's Staff in the Staff Report of Investigation filed on February 19, 2014 and respond on behalf of the Applicant.

**Q.5. Would you please provide a summary and overview of the proposed Facility?**

**A.5.** Yes. CCE is proposing to develop, build, own and operate a state-of-the-art new natural gas-fired combined-cycle electric generating facility located in Washington Township, Carroll County, Ohio. The Facility will utilize two General Electric (GE) 7F-5-S Series natural gas turbines, each with a heat recovery steam generator, and a single GE steam turbine generator. The Facility will have a nominal net output of 742 MW.

The Facility's combustion turbines will be operated solely on natural gas. CCE has determined that, due to the high level of reliable natural gas delivery available to the Facility from nearby interstate natural gas pipelines, a back-up fuel such as fuel oil is not required. The Facility will utilize an air-cooled condenser, minimizing water needs and discharge volumes. CCE has incorporated layout and design features that buffer the Facility from surrounding uses.

The proposed Facility (which includes the electric generating facility, switchyard and other ancillary equipment) will take up approximately 17 acres of a 77-acre property (the "Facility Site"). Access to the Facility will be from State Route 9 (Kensington Road NE), minimizing any impacts to county and township roads. The Facility will be located approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 miles south of State Route 171. Post construction, CCE will retain ownership over the Facility Site and retain easements for Facility access as well as for associated natural gas, electrical and utility interconnections.

The Facility is well sited, proposed to be located within 0.4 miles of an existing Tennessee Gas Pipeline and approximately 0.4 miles of an existing American Electric Power 345 kilovolt transmission line. The natural gas and electric transmission interconnections will be the subject of separate filings with the Board. Water services to the Facility will be by a regulated supplier, yet to be selected by CCE.

**Q.6. What is the general purpose of the Facility?**

**A.6.** The Facility will help meet energy demand in the region, particularly in light of the retirement of aging generating capacity, with the retirement of 6.3 gigawatts of primarily coal fired capacity announced for retirement in Ohio before 2016. The Facility

will help meet this region's energy demand by providing additional base load and peaking capacity via its natural gas-fired combined-cycle technology.

**Q.7. Was a public information meeting held prior to the filing of the application?**

A.7. Yes. The public information meeting was held on Thursday, August 22, 2013 from 6:00 PM to 8:00 PM at Carrollton High School, Fine Arts Room, located at 252 Third Street NE, Carrollton, Ohio 44615. Notice of the public informational meeting was published in The Repository on August 14, 2013 and in The Free Press Standard on August 15, 2013. Both are newspapers of general circulation in Carroll County, Ohio.

**Q.8. When was the application filed and when was the effective date of the filing?**

A.8. CCE submitted the application with the Board on November 15, 2013; the effective date of the filing of the application was January 3, 2014. Copies of the application, contained in a two-volume set, have been marked as Company Exhibit 2

**Q.9. Did CCE send copies of the accepted and complete application to public officials?**

A.9. Yes. On December 23, 2013, CCE sent via Federal Express Two-Day Service a copy of the accepted and complete application to the Carroll County Commissioners (Wheaton, Wirkner and Ohler), to the Washington Township Trustees (Davis, Keyser and Shafer), to Mr. Aaron Dodd, Regional Planning Director for Carroll County, to Mr. Ralph Castellucci of Carroll County Environmental Services, and to the Carroll County District Library in Carrollton, Ohio. A certificate of service was filed in this case on December 26, 2013.

**Q.10. Does the application contain sufficient data so that the Board will be able to determine the nature of the probable environmental impact?**

**A.10.** Yes. Tab 6 of Volume I of the application provides an assessment of the environmental effects specifically relating to air quality, water quality, and waste generation disposal associated with the proposed Facility. See pages 74-110 and Figures 6-1 through 6-10 contained in Tab 6.

**Q.11. Does the application contain sufficient information that will allow the Board to determine if the proposed Facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations?**

**A.11.** Yes. Tab 2 of Volume I of the application sets forth the project details, the description of major equipment and a detailed project schedule. Tab 3 contains the Site Selection Process and a constraint map. Tab 4 of the application provides technical data about the site, the layout and construction and the equipment. Tab 5 of the application contains information regarding ownership, capital and intangible costs, operation and maintenance expenses and the impact of delays.

**Q.12. Does the application contain information that will enable the Board to determine if the Facility is consistent with regional plans for expansion of the electric power grid of the electric system serving Ohio an interconnected utility systems and that the Facility will serve the interests of electric system economy and reliability?**

**A.12.** Yes. The Facility will interconnect with the existing AEP 345kV transmission lines located approximately 0.4 miles west of the Facility Site as shown in Figure 02-2 of the application. PJM has assigned the Facility queue position Y2-050. The PJM feasibility study was completed in March 2013 and is attached as Appendix C to the application; the system impact study (Appendix D to the application) was completed in

November of 2013. Importantly, as I noted previously in my testimony, the Facility will help offset the planned capacity retirements in Ohio by adding over 700 megawatts of available capacity to the PJM operated transmission system.

**Q.13. Does the application contain adequate information that will allow the Board to determine if the proposed Facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code, rules and standards adopted under those chapters and Sections 1501.33, 1501.34, and 4561.32 of the Revised Code?**

**A.13.** Yes. A description of air pollution control equipment is contained in Tab 6, pages 78-82. Tab 6, pages 108-110 provide information regarding the solid waste produced during the construction and operation phases of the proposed Facility. No disposal of solid waste will be generated during the preconstruction phase and no hazardous wastes are expected to be generated. No new solid waste treatment or disposal facility is proposed as part of the Facility or will be necessitated as a result of the construction or operation.

Tab 6, page 107 indicates that the water pollution control equipment to be located at the Facility will include an in-line pH meter, a neutralization tank for demineralizer regenerate waste, oil water separator for equipment drains, spill containment areas for bulk chemical storage tanks and unloading areas, in-line flow equalization and three storm water collection ponds for storm water management. A waste neutralization tank will receive the regeneration waste from the water demineralizer system. This neutralization tank equalizes and adjusts the pH of the wastewater by the addition of acid or caustic to comply with pretreatment standards. The effluent quality of the wastewater

discharge from the proposed Facility will comply with NPDES standards and local ordinances to allow discharge to the POTW consistent with existing permit requirements.

CCE will not develop a new on-site source of water to support the proposed Facility's limited water requirements. Instead, the water needs of the proposed Facility will be met through a contract with a yet to be selected water supplier. Carroll County Environmental Services ("CCES") and the Village of Carrollton have indicated their ability to provide water to the proposed Facility and have expressed their willingness to implement any necessary infrastructure upgrades to reliably provide water and tie-in the Facility into their systems.

Discharge of Facility wastewaters will be to an existing POTW, to either the BTM POTW in Malvern operated by CCES or the Village of Carrollton POTW. Both POTWs have available capacity for the proposed Facility's wastewater and the proposed Facility discharges will be in accordance with existing NPDES permit discharge requirements. It is anticipated that the selected entity will implement any necessary infrastructure upgrades to allow the proposed Facility to tie into the system.

With respect to Section 4561.32, Revised Code, relating to aviation obstruction standards, a Construction/Alternation Permit has been received from the Ohio Department of Transportation Aviation and a Determination on No Hazard has been received from the Federal Aviation Administration for the Facility's stacks. See Appendix H in Volume II of the application.

**Q.14. Does the application contain sufficient information that will enable the Board to determine if the Facility will serve the public interest, convenience and necessity?**



**A.14.** Yes. Tab 7 of Volume I of the application contains information regarding health and safety data including demographic characteristics, atmospheric emissions, noise, and water. Tab 7 also includes the ecological impact of this proposed Facility including site information, construction, operation, economics, land use and community development, cultural impact and public responsibility. CCE has also taken measures to mitigate construction and operation noise on certain nearby residences, entering into Project Cooperation Agreements and Easement Agreements with the owners and occupants of those residences. The agreements, in part, provide for an easement across the subject property of inaudible and audible noise levels at all times of the day or night.

**Q.15.** Does the application contain sufficient information to enable the Board to determine the impact of the proposed Facility on the viability of agricultural land of any land in an existing agricultural district as established under Chapter 929 of the Revised Code that is located within an alternative site of the proposed major utility facility?

**A.15.** Yes. Tab 7 of Volume I at pages 161-163 indicate that no impacts will occur as a result of the construction, operation or maintenance of the proposed Facility on agricultural district lands since no such lands were identified on the Facility Site or Construction Laydown Area. Once the Facility is constructed, the majority of the Construction Laydown Area can return to agricultural production.

**Q.16.** Is there sufficient information in the application that will enable the Board to determine that the proposed Facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of the various alternatives?

**A.16.** Yes. Tab 6 of Volume I at page 108 of the application indicates that the proposed Facility design incorporates significant water conservation measures. The use of air cooling, rather than a conventional cooling system significantly reduces Facility water intake requirements by up to 93 percent when compared to conventional wet-cooling technologies. In addition, the proposed Facility incorporates recirculation of water to the greatest extent possible in order to maximize water conservation.

**Q.17. Has CCE made any commitments regarding its construction and operation of the Facility other than the commitments made in the application?**

**A.17.** Yes. On February 5, 2014, CCE filed a Notice of Filing List of Commitments with the Board. This notice contained a list of conditions that CCE will abide by if the application is granted and the list is incorporated into the Board's decision. The list of 24 conditions included a commitment to have a complaint resolution procedure in place (condition 1) and conditions addressing field tile drainage systems, streamside vegetation restoration and the use of a Board Staff approved environmental specialist on site during construction activities that may affect sensitive areas (conditions 6, 7 and 10). CCE's list also included conditions addressing blasting (if required) and a general commitment to obtain all permits or authorizations required by federal or state laws and regulations prior to the commencement of construction (conditions 14-15 and 18). CCE also committed to submitting a proposed emergency and safety plan to the Board's Staff prior to construction and that the plan would be developed with local first responders (condition 16). All of these commitments by CCE support the application. A copy of the Notice of Filing List of Commitments has been marked as Company Exhibit 3.

**Q.18. Did Carroll County Energy publish notices of the public information meeting, the application and of the hearing in a newspaper of general circulation in Carroll County?**

**A.18.** Yes. As I indicated earlier in my testimony, notice of the public informational meeting was published on August 14 and 15, 2013; notices of the application and the hearing were published on January 9, 2014 and February 20, 2014. All three notices were published in The Repository and in The Free Press Standard, newspapers of general circulation in Carroll County, Ohio. True and accurate copies of the notices have been marked as Company Exhibit 4.

**Q.19. Did the Applicant file and serve a copy of the letter sent to property owners and tenants within the Facility Site or contiguous to the Facility Site?**

**A.19.** Yes. On February 4, 2014, CCE mailed via U.S. First Class Mail sixteen letters to property owners and tenants. On February 5, 2014, it sent a copy of a sample letter to public officials along with a list of addressees and filed a copy with the Ohio Power Siting Board. A copy of that filing has been marked as Company Exhibit 5.

**Q.20. Will the Applicant be sponsoring witnesses to support the application in addition to your testimony?**

**A.20.** In addition to my testimony, CCE will present testimony by Lynn Gresock, Vice President of Energy Programs for Tetra Tech, Inc. to Tetra Tech's studies undertaken in support of the application. CCE will also present the testimony of Michael Theriault on the noise modeling conducted to support the application.

**Q.21. Do you believe that the proposed Facility will have a positive impact on the local community?**

**A.21.** Yes. The Facility will have a significant positive impact on the local community. The Facility will create a significant number of new, well-paying, permanent jobs in the community. Upon completion of the Facility, CCE estimates that it will create approximately 25 new full-time jobs, with new payroll of approximately \$3.8 million. In addition, during the construction of the facility, CCE estimates that the payroll of construction workers would be more than \$90 million. Finally, the Facility will allow Carroll County and Washington Township to remain on the cutting edge of advanced energy development in eastern Ohio.

**Q.22.** Have you reviewed the Staff Report of Investigation issued in this case on February 19, 2014?

**A.22.** Yes.

**Q.23.** Does the Applicant have any concerns with or proposed revisions to any of the conditions recommended by the Staff in that Staff Report of Investigation?

**A.23.** CCE has few concerns or issues with Staff's recommendations in the Staff Report of Investigation. Staff recommended at page 22 of its Staff Report of Investigation that CCE follow the noise mitigation measures proposed in its application, whereby the Facility operational noise would not contribute more than 45 dBA at the seven residences near the facility. CCE has been able to finalize and enter into agreements with the owners of three of the seven residences near the facility, giving CCE a noise easement across the properties and providing a waiver to CCE of any operation or construction noise impacts. To take this mitigation into account, CCE has proposed an additional condition be added to the certificate, stating as follows:

Mitigation measures shall be incorporated into the Facility so that the estimated nighttime facility noise contribution as modeled does not result

in a noise level greater than 45 dBA at the exterior of any currently existing sensitive receptor. This condition shall not apply to any sensitive receptor for which individual mitigation measures have been implemented including, but not limited to, project cooperation agreements or noise easements. After commencement of commercial operation, the Applicant shall review all facility-related noise complaints through its complaint resolution process. If upon investigation of a complaint it is found that noise due to facility operations results in a facility noise level greater than 45 dBA at the exterior of the affected existing sensitive receptor(s), except those with project cooperation agreements or noise easements, additional mitigation measures shall be implemented for the affected receptor(s).

**Q.24. Does CCE have any proposed revisions to Staff's recommended conditions?**

**A.24.** Yes. CCE proposes the following revisions to Staff's recommended conditions.

- (1) The facility shall be installed at the Applicant's site as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings, ~~and further clarified by the recommendations in this Staff Report of Investigation.~~
- (2) The Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings *and* replies to data requests ~~and recommendations in this Staff Report of Investigation.~~
- (3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings *and* replies to data requests, ~~and recommendations in this Staff Report of Investigation.~~
- (4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime 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.

The revision in Condition 4 is suggested because subcontractors are not generally necessary for the preconstruction meeting.

(5) 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 layout~~, 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 layout 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 *layout* shall ~~all conditions of the certificate and~~ include references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.

The edit in Condition 5 is a clarifying edit that engineering drawings relate to the layout of the facility, and not other design elements such as turbines and other equipment that does not require Staff review.

6) The Applicant shall not commence any ~~construction~~ *operation* 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.

Condition 6 as recommended by Staff would prevent CCE from starting any construction, including site clearing, until the Interconnection Service Agreement is executed. CCE is working diligently toward an executed ISA, but delays can occur outside of CCE's control, such as internal PJM delays. To avoid a situation where a delay in executing an ISA prevents construction, CCE suggests the above edit in Condition 6 which ensures a signed ISA is in place prior to operation of the Facility.

(7) Prior to commencement of any *construction related to final landscaping and outdoor lighting*, the Applicant shall prepare a landscape and lighting plan that addresses the aesthetic and lighting impacts of the facility. The Applicant shall consult with adjacent property owners in the development of this plan and provide the plan to Staff for review and confirmation that it complies with this condition.

The edit to Condition 7 takes into account that the final landscape and lighting plan for the facility may not be complete prior to construction because final landscaping and lighting installation occurs during the later phases of construction. The edit still allows for Staff's review and input on the plan prior to construction of the landscaping and outdoor lighting.

(8) 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. *The Applicant's process for* ~~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.

The edit to Condition 8 is proposed to clarify that the process for coordination with local officials be included in the final traffic plan, and not actual coordination which will take place immediately prior to the specific activity on the roadways.

(9) General construction activities *that may involve substantial noise increases above ambient levels at sensitive receptors* 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 ~~40~~ 9:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve *substantial* 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.

Condition 9 as initially recommended by Staff limited construction at the site during certain time periods. Construction activities, however, can often occur on second and third shifts inside a building such as painting, equipment installation and ductwork. This

is especially true during construction that is expedited or on a short schedule for completion. CCE proposes the above edits to Condition 9 to allow for construction to take place while avoiding substantial noise increase above ambient at nearby residences. Complaints on construction noise can be addressed through CCE's complaint resolution process that will be in place as committed to by CCE in its February 5, 2014 Notice of List of Filing Commitments.

(10) Prior to commencement of construction, the Applicant shall *conduct test borings to a maximum of 150 feet to confirm, to the extent possible, provide* the depth of the Upper Mahoning (#7A) coal seam. If it is determined that mine voids are present and the subsurface rock does not support the proposed facility, then the Applicant shall be required to develop a subsidence mitigation plan. The subsidence mitigation plan shall provide geotechnical and engineering design recommendations that shall be included in the final design of the proposed facility, including but not limited to grouting the mined out cavities. Additionally, the mitigation plan shall consider the potential risk for induced subsidence and other mining effects on neighboring properties due to the construction of the proposed facility.

The proposed edit to Condition 10 is intended to clarify the maximum depth of the test borings that will be conducted, as well as account for any situation where the depth cannot be conclusively confirmed through the test borings.

(11) Should site-specific conditions warrant blasting, the Applicant shall submit a blasting plan, at least ~~60~~ 30 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.

CCE suggests the above edit to Condition 11 to allow for 30 days for Staff to review the blasting plan rather than 60 days.

(12) The Applicant shall repair damage to government-maintained (public) roads and bridges caused by construction activity. Any damaged public roads and bridges shall be repaired promptly to their preconstruction state by the Applicant under the guidance of the appropriate regulatory agency. Any temporary improvements shall be removed unless the appropriate regulatory agency requests that they remain. *If required by the appropriate regulatory agency, The the Applicant shall provide financial assurance to the appropriate regulatory that agency that it will restore the public roads it uses to their preconstruction condition.* If county or township roads are utilized for the construction of this project, then the Applicant shall also enter into a Road Use Agreement with the ~~County Engineer~~ *appropriate local authority* 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.

Access to the Facility will be from a State route, and CCE does not anticipate using County and Township roads for construction traffic which may avoid the need to post financial assurance. CCE suggests editing Condition 12 to only require financial assurance if required by the appropriate regulatory agency. The second edit to Condition 12 is intended to clarify that any Road Use Agreement will be with the appropriate local

authority and not the County Engineer. In most instances, Road Use Agreements are between a developer and the county and/or township.

(14) Thirty days prior to commencement of construction, the Applicant must notify, in writing, any owner of ~~an~~ *a public use* 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, or maintenance of the facility.

Airstrips can be privately owned and for private use. These strips may not be registered and can be difficult to locate and identify. CCE suggests the above edit to Condition 14, to only focus on public use airports within 20 miles of the Facility.

**Q.25. What do you recommend that the Ohio Power Siting Board do in this case?**

**A.25.** I recommend that the Ohio Power Siting Board grant the application based upon the recommended conditions contained in the February 19, 2014 Staff Report of Investigation as modified by the revisions in my testimony.

**Q.26. Does this conclude your direct testimony?**

**A.26.** Yes, it does. However, I reserve the right to offer testimony in support of any stipulation reached in this case.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served via electronic mail on the following persons this 7th day of March, 2014.

Devin.parram@puc.state.oh.us  
Katherine.johnson@puc.state.oh.us  
Ryan.orourke@puc.state.oh.us  
Christopher.miller@icemiller.com  
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s/ Michael J. Settineri  
Michael J. Settineri

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

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

**Summary: Testimony Direct Testimony of Jonathan Winslow electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC**

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)

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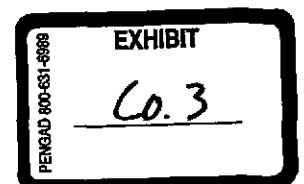
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*Attorneys for Carroll County Energy LLC*



**CERTIFICATE OF SERVICE**

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

Devin D. Parram  
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Columbus, OH 43215  
[devin.parram@puc.state.oh.us](mailto:devin.parram@puc.state.oh.us)

/s/Miranda R. Leppla  
Miranda R. Leppla

**BEFORE THE OHIO POWER SITING BOARD**

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

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**

# VORYS

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri  
Direct Dial (614) 464-5462  
Direct Fax (614) 719-5146  
Email msettineri@vorys.com

October 29, 2013

Ms. Barcy F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St., 11th Floor  
Columbus, OH 43215-3793

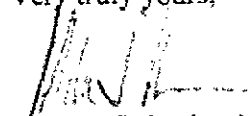
Re: Case No. 13-1752-EL-BGN  
Carroll County Energy LLC  
Proofs of Publication

Dear Ms. McNeal:

Please find attached copies of the Proofs of Publication indicating that notice of the public informational meeting was published in The Repository, a newspaper of general circulation in Stark County, Ohio, on August 14, 2013, and in The Free Press Standard, a newspaper of general circulation in Carroll County, Ohio, on August 15, 2013.

The public information meeting was held on Thursday, August 22, 2013 at the Carrollton High School, Fine Arts Room, located at 252 3rd Street NE, Carrollton, Ohio 44615.

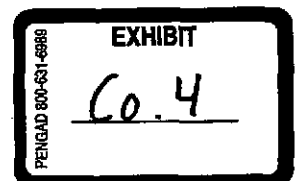
Very truly yours,



Michael J. Settineri  
Attorneys for Carroll County Energy LLC

MJS/jaw

Attachments



## PUBLISHER'S AFFIDAVIT

### LEGAL NOTICE

Virginia Davis

Being first duly sworn, says that the Affiant is a duly authorized  
Clerk of The Repository, a Daily and Sunday newspaper published  
and of general circulation in said

CITY OF Canton

STATE OF OHIO

COUNTY OF Stark

and that the advertisement, of which is enclosed a copy was  
published in said newspaper on:

August 14, 2013.

Sworn to and subscribed before me, this  
18th day of Sept., 2013.

Virginia Davis  
Representative Signature

Michelle L. Ward  
Notary Public

Total number of measured  
inches published:

Charged for publication:



\$945.00

MICHELLE L. WARD  
Notary Public, State of Ohio  
My Commission Expires  
July 14, 2014  
Recorded in Tuscarawas County

ACCT. #135158  
AD# 00500437

# **NOTICE OF PUBLIC INFORMATION MEETING FOR PROPOSED MAJOR UTILITY FACILITY**

Carroll County Energy LLC will be holding a public information meeting regarding plans to build a 700 megawatt combined-cycle electric generating facility powered by natural gas. The proposed electric generating facility will be located within 77 acres of privately owned land in Washington Township, Carroll County, Ohio located east of State Route 9 and approximately 2.5 miles north of Carrollton. The proposed facility will utilize two General Electric 7 FA Series 5 gas turbine generators each with a heat recovery steam generator (HRSG), and a single steam turbine generator. Construction is anticipated to commence in March 2015 with commercial operations anticipated to commence in June 2017. The purpose of the proposed project is to generate electricity for delivery and sale to the interstate transmission grid.

A public information meeting will be held from 6:00 PM to 8:00 PM on August 22, 2013 at the Carrollton High School, Fine Arts Room, located at 252 3rd Street NE, Carrollton, Ohio 44615. Company representatives will be present to discuss the proposed project and answer questions. For more information, call Carroll County Energy at 330-485-3207.

# The Free Press Standard

P.O. Box 37, Carrollton, OH 44615  
phone 330-627-5591 • fax 330-627-3195  
Fed Tax ID#34-1175334\*

Invoice

Invoice #: 00025694

Date: 8/15/13

Bill To:

Vorys, Sater, Seymour & Pease  
P.O. Box 1008  
Columbus, OH 43216-1008

## INVOICE and AFFIDAVIT of Publication

Description	Amount
Notice of Public Information Meeting Carroll County Energy, LLC Published August 15, 2013	\$396.00

### AFFIDAVIT OF PUBLICATION

STATE OF OHIO  
Carroll County, SS

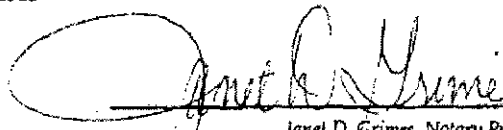
The undersigned being duly sworn states that she, Connie Trushel, is the Advertising Manager of THE FREE PRESS STANDARD, a weekly newspaper of general circulation in Carroll County, Ohio and that a notice, of which the attached is a copy, was published in said newspaper for 1 consecutive issues, beginning on the 15<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Connie Trushel, Advertising Manager

Sworn to before me and signed in my presence,  
this 12<sup>th</sup> day of September, 2013.



Janet D. Grimes  
Notary Public State of Ohio  
My Commission Expires March 15, 2016

  
\_\_\_\_\_  
Janet D. Grimes, Notary Public

Total: \$396.00

...DUE UPON RECEIPT...

To insure proper credit...please include this number on your check 00025694

# **NOTICE OF PUBLIC INFORMATION MEETING FOR PROPOSED MAJOR UTILITY FACILITY**

Carroll County Energy LLC will be holding a public information meeting regarding plans to build a 700 megawatt combined-cycle electric generating facility powered by natural gas. The proposed electric generating facility will be located within 77 acres of privately owned land in Washington Township, Carroll County, Ohio located east of State Route 9 and approximately 2.5 miles north of Carrollton. The proposed facility will utilize two General Electric 7 FA Series 5 gas turbine generators each with a heat recovery steam generator (HRSG), and a single steam turbine generator. Construction is anticipated to commence in March 2015 with commercial operations anticipated to commence in June 2017. The purpose of the proposed project is to generate electricity for delivery and sale to the interstate transmission grid.

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

**Commission of Ohio Docketing Information System on**

**10/29/2013 2:08:41 PM**

**in**

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

**Summary: Correspondence with Proofs of Publication electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC**

# VORYS

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | [www.vorys.com](http://www.vorys.com)

Founded 1909

Michael J. Settineri  
Direct Dial (614) 464-5462  
Direct Fax (614) 719-5146  
Email [mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

February 13, 2014

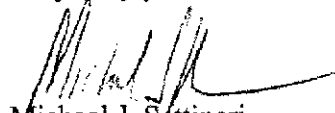
Ms. Barcy F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St., 11th Floor  
Columbus, OH 43215-3793

Re: Application for Certificate before Ohio Power Siting Board  
Carroll County Energy LLC  
OPSB Case No. 13-1752-EL-BGN

Dear Ms. McNeal:

Please find attached copies of the Proofs of Publication indicating that the Notice of Proposed Major Utility Facility, including notice of the public informational meeting, was published in The Repository, a newspaper of general circulation in Stark County, Ohio, on January 9, 2014, and in The Free Press Standard, a newspaper of general circulation in Carroll County, Ohio, on January 9, 2014.

Very truly yours,



Michael J. Settineri  
Attorney for Carroll County Energy LLC

MJS/jaw

# PUBLISHER'S AFFIDAVIT

## LEGAL NOTICE

Virginia Davis

Being first duly sworn, says that the Affiant is a duly authorized Clerk of The Repository, a Daily and Sunday newspaper published and of general circulation in said

CITY OF Canton  
STATE OF OHIO  
COUNTY OF Stark

} SS

and that the advertisement, of which the annexed is a copy was published in said newspaper on:

### PUBLICATION DATES:

01/09/14

Sworn to and subscribed before me, this  
15th day of January, 2014.

*Virginia Davis*

Representative Signature

*Michelle L Ward*

Notary Public



MICHELLE L. WARD  
Notary Public, State of Ohio  
My Commission Expires  
July 14, 2014  
Recorded in Tuscarawas County

Total number of measured  
inches published: 58.50  
Publisher's Fee: 1755.00

Customer Account Number: 135158

Case No:

ORDER NO: 00520876

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

Carroll County Energy LLC (CCE) is proposing to develop, build, own and operate a new natural gas-fired combined-cycle generating facility located in Carroll County, Washington Township, Ohio (the Facility). The Facility will utilize two General Electric (GE) 7F 5 S Series natural gas turbines, each with a heat recovery steam generator (HRSG), and a single GE steam turbine generator (STG). The Facility will have a nominal net output of 742 megawatts (full duct fired operation with inlet air cooling at 59 degrees Fahrenheit ambient temperature).

The Facility's combustion turbines will operate solely on natural gas. The Facility will utilize an air-cooled condenser, minimizing water needs and discharge volumes.

The proposed Facility (which includes the power generating facility, switch yard and other ancillary equipment) will be located on an approximately 77 acre property (the Facility Site). The Facility Site is located entirely within Washington Township, Carroll County, Ohio (approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 mile south of State Route 171).

Within the Facility Site, the power generating facility and ancillary equipment will be located on approximately 14 acres and the switchyard will be located on an adjacent 3 acres. Access to the Facility will be off Route 9, extending across an approximately 23 acre parcel of land located between the Facility Site and Route 9. This 23 acre parcel is available for temporary use during Facility construction (the Construction Laydown Area). A 75 foot wide natural gas pipeline easement will extend approximately 0.4 mile north from the Facility Site to connect the Facility to the existing Tennessee Gas Pipeline, and an electric transmission easement will extend to the existing American Electric Power 345 kilovolt transmission line located approximately 0.4 mile west of the Facility.

The Facility will help meet energy demand in the region, particularly in light of announced generating capacity retirements. The Facility will provide additional base load and peaking capacity via its natural gas-fired combined-cycle technology.

Carroll County Energy LLC has filed with the Ohio Power Siting Board (Board or Power Siting Board) an application for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility in Case No. 13 1752 EL BGN, now pending before the Board.

Carroll County Commissioners (Wheaton, Wirkner and Ohler), Washington Township Trustees (Davis, Keyser and Shafer), the Carroll County Regional Planning Director Dodd and Mr. Ralph Castellucci of the Carroll County Environmental Services have each received a copy of the accepted application pursuant to Rule 4906-5-06 of the Ohio Administrative Code. A copy of the application has also been sent to the Carroll County District Library, 70 Second Street, N.E., Carrollton, Ohio 44615.

The Board considers the eight criteria set forth in section 4906.10(A) of the Revised Code when reviewing an application for a certificate to construct, operate and maintain a facility such as the Facility. The criteria, as listed in section 4906.10(A) of the Revised Code, are:

- (1) The basis of the need for the facility if the facility is an electric transmission line or a natural gas transmission line;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with the regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734 and 6111 of the Revised Code and all rules and standard adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the Board shall consult with the offices of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 [4561.34.1] of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of the various alternatives.

Section 4906.07 of the Revised Code provides:

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the Power Siting Board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt and shall conclude the proceeding as expeditiously as practicable.

(B) On an application for an amendment of a certificate the Power Siting Board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.

(C) The chairman of the Power Siting Board shall cause each application filed with the Board to be investigated and shall, not less than fifteen days prior to the date of any application is set for hearing submit a written report to the Power Siting Board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties in the proceeding.

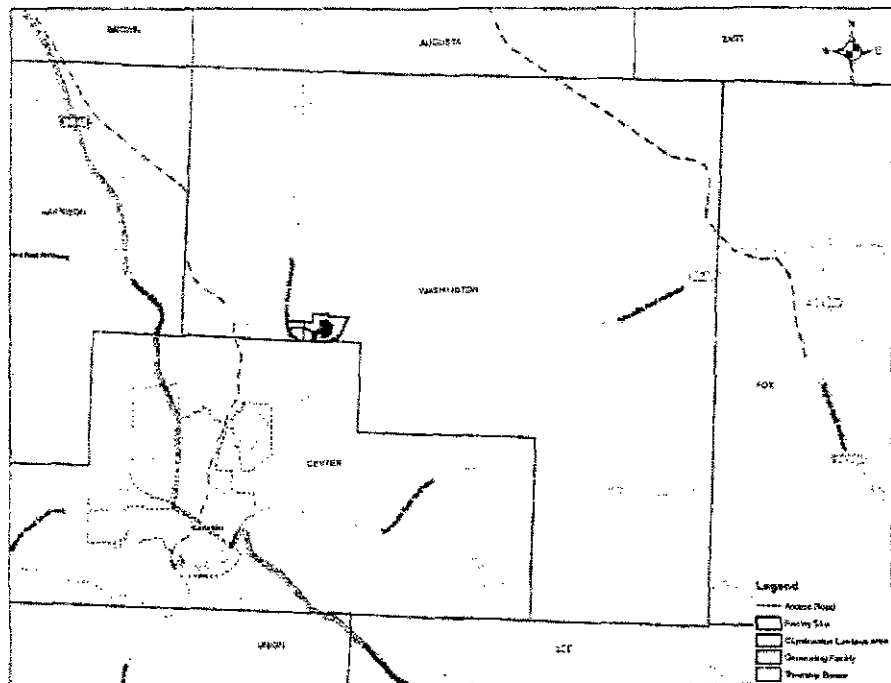
The public hearing shall consist of two parts:

(a) A local public hearing in which the Board shall accept written or oral testimony from any person commencing on March 6, 2014 at 6:00 P.M. at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615 and

(b) An adjudicatory hearing to commence on March 13, 2014 at 10:00 A.M., 11th Floor, Hearing Room C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

Section 4906.08(C) of the Revised Code provides:

(C) The Board shall accept written or oral testimony from any person at the public hearing but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.



Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(C)(1) of the Ohio Administrative Code, or later if good cause is shown. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible but by no later than February 13, 2014. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 E. Broad Street, Columbus, Ohio 43215-3793, and cite Case No. 13-1752-EL-BGN.

The map shows the proposed layout of the facility.

# The Free Press Standard

P.O. Box 37, Carrollton, OH 44615

phone 330-627-5591 • fax 330-627-3195  
Fed Tax ID#34-1175334\*

Invoice

Invoice #: 00027429

Date: 1/9/14

Bill To:

Vorys, Sater, Seymour & Pease  
P.O. Box 1008  
Columbus, OH 43216-1008

## INVOICE and AFFIDAVIT of Publication

Description

Amount

Notice of Major Utility Facility - CCE  
Published January 9, 2014

### AFFIDAVIT OF PUBLICATION

STATE OF OHIO  
Carroll County, SS


The undersigned being duly sworn states that she, Connie Trushel, is the Advertising Manager of THE FREE PRESS STANDARD, a weekly newspaper of general circulation in Carroll County, Ohio and that a notice, of which the attached is a copy, was published in said newspaper for \_\_\_\_\_ consecutive issues, beginning on the 9th day of January, 2014.


Sworn to before me and signed in my presence,

this 3rd day of February, 2014.



Janet D. Grimes  
Notary Public State of Ohio  
Commission Expires March 15, 2016

  
Connie Trushel, Advertising Manager

  
Janet D. Grimes, Notary Public

...DUE UPON RECEIPT...

To insure proper credit...please include this number on your check 00027429

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

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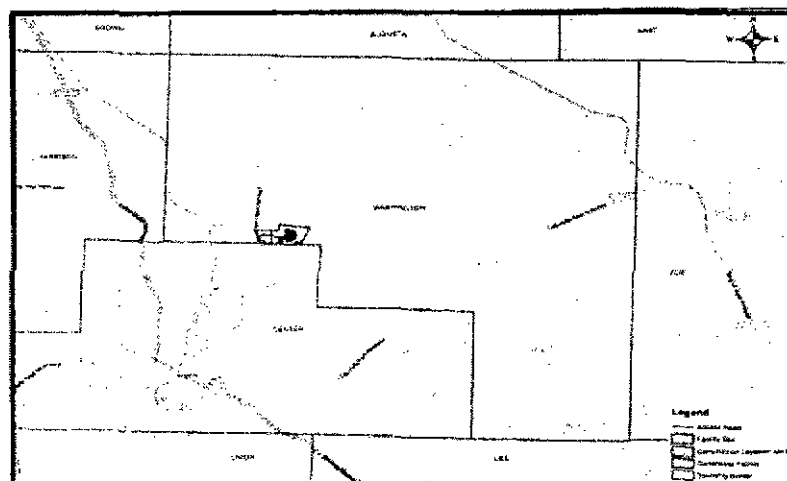
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- (1) The basis of the need for the facility if the facility is an electric transmission line or a natural gas transmission line;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with the regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734 and 6111 of the Revised Code and all rules and standard adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the Board shall consult with the offices of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 [4561.34.1] of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;





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

**Commission of Ohio Docketing Information System on**

**2/13/2014 5:27:18 PM**

**in**

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

**Summary: Correspondence Regarding Proofs of Publication electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC**



Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | [www.vorys.com](http://www.vorys.com)

Founded 1909

Miranda R. Leppia  
Direct Dial (614) 464-8335  
Direct Fax (614) 719-4647  
Email [mrlleppl@vorys.com](mailto:mrlleppl@vorys.com)

March 6, 2014

Ms. Barcy F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St., 11th Floor  
Columbus, OH 43215-3793

Re: Application for Certificate before Ohio Power Siting Board  
Carroll County Energy LLC  
OPSB Case No. 13-1752-EL-BGN

Dear Ms. McNeal:

Please find attached copies of the Proofs of Publication indicating that the Notice of Proposed Major Utility Facility, including notice of the public informational meeting and adjudicatory hearing, was published in The Repository, a newspaper of general circulation in Stark County, Ohio, on February 20, 2014, and in The Free Press Standard, a newspaper of general circulation in Carroll County, Ohio, on February 20, 2014.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Miranda R. Leppia".

Miranda R. Leppia  
Attorney for Carroll County Energy LLC

MRL/jaw

STATE OF OHIO

**Affidavit  
of  
Publication**

STARK COUNTY

Diane Hamilton

being first duly sworn, says that Affiant is a duly authorized Clerk of The Repository, Canton, Ohio, general circulation in said City of Canton, County of Stark, and State of Ohio, and that the legal advertisement, of which the annexed is a copy, was published in said newspaper on:

Thursday, February 20, 2014

for

consecutive

beginning

on

Affiant also says that said newspaper had a bonafide circulation of more than fifteen thousand at the time of such advertisement, and that the price charged in the bill for same did not exceed the rates provided by law for such legal advertisements.

*Diane Hamilton*

Sworn to and subscribed before me, this

25th

day of

February, 2014

*Lucy McFee*

Notary Public



Lucy McFee  
Notary Public, State of Ohio  
My Commission Expires 04-28-2018

Total number of published  
inches

6C X 8.00

Charged for publication

Ad# 525664

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

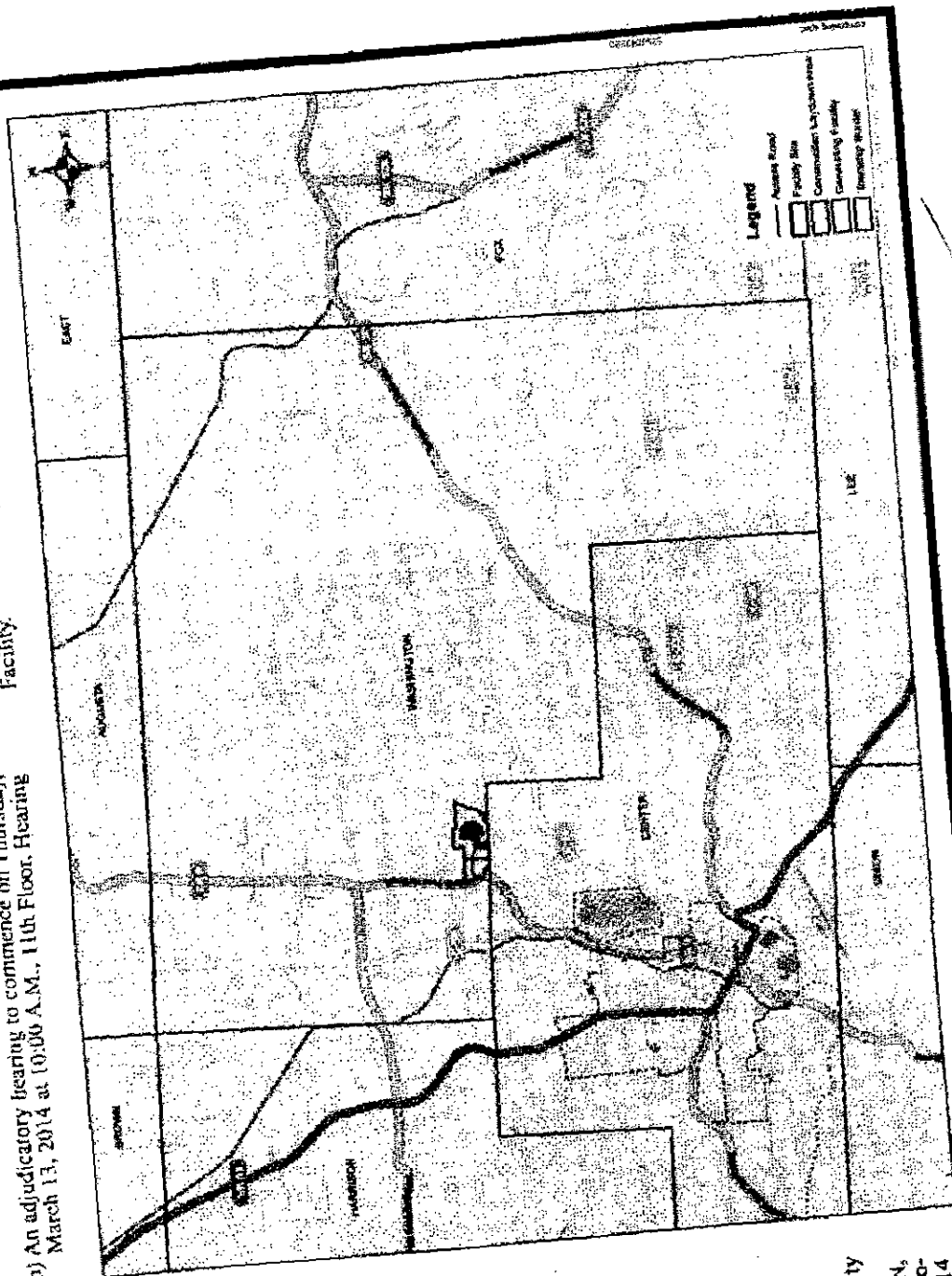
Room C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

The public hearing shall consist of two parts:

- A local public hearing, pursuant to Section 4906.08(C), Revised Code where the public will be given an opportunity to comment on the proposed Facility and the Board shall accept written or oral testimony from any person commencing on Thursday, March 6, 2014 at 6:00 P.M. at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615, and
- An adjudicatory hearing to commence on Thursday, March 13, 2014 at 10:00 A.M., 11th Floor, Hearing

The Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for Parties. However, the Board may adopt rules to exclude repetitive, immaterial or irrelevant testimony.

The below map shows the proposed layout of the Facility.



Carroll County Energy LLC (CCE) is proposing to develop, build, own and operate a new natural gas-fired combined-cycle electric generating facility located in Carroll County, Washington Township, Ohio (the Facility). The Facility will utilize two General Electric (GE) 7F 5 Series natural gas turbines, each with a heat recovery steam generator (HRSG), and a single GE steam turbine generator (STG). The Facility will have a nominal net output of 742 megawatts (full duct fired operation with inlet air cooling at 9 degrees Fahrenheit ambient temperature).

The Facility's combustion turbines will operate solely on natural gas. The Facility will utilize an air-cooled condenser, minimizing water needs and discharge volumes.

The proposed Facility (which includes the power generating facility, switch yard and other ancillary equipment) will be located on an approximately 77 acre property (the Facility Site). The Facility Site is located entirely within Washington Township, Carroll County, Ohio (approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 mile south of State Route 171).

Within the Facility Site, the power generating facility 14 and ancillary equipment will be located on approximately 3 acres and the switchyard will be located on an adjacent 3 acres. Access to the Facility will be off Route 9, extending across an approximately 23 acre parcel of land located between the Facility Site and Route 9. This 23 acre parcel is available for temporary use during Facility construction (the Construction Laydown Area). A 75 foot wide natural gas pipeline easement will extend approximately 0.4 mile north from the Facility Site to connect the Facility to the existing Tennessee Gas Pipeline, and an electric transmission easement will extend to the existing American Electric Power 345 kilovolt transmission line located approximately 0.4 mile west of the Facility.

The Facility will help meet electrical energy demand in the region, particularly in light of announced generating capacity retirements. The Facility will provide additional base load and peaking capacity via its natural gas-fired combined-cycle technology.

Carroll County Energy LLC has filed with the Ohio Power Siting Board (Board or Power Siting Board) an application for a Certificate of Environmental Compatibility and Public Need to Construct, Operate and Maintain an Electric Generation Facility in Case No. 13-1752-EL-BGN, now pending before the Board. The first notice of this proposed major utility facility appeared in the January 9, 2014 edition of this newspaper.

# The Free Press Standard

P.O. Box 37, Carrollton, OH 44615

phone 330-627-5591 • fax 330-627-3195  
Fed Tax ID\*34-1175334\*

Invoice

Invoice #: 00027607

Date: 2/20/14

Bill To:

Vorys, Sater, Seymour & Pease  
P.O. Box 1008  
Columbus, OH 43216-1008

## INVOICE and AFFIDAVIT of Publication

Description

Amount

Notice of Proposed Major Utility Facility  
Carroll County Energy  
Published February 20, 2014

### AFFIDAVIT OF PUBLICATION

STATE OF OHIO  
Carroll County, SS

The undersigned being duly sworn states that she, Connie Trushel, is the Advertising Manager of THE FREE PRESS STANDARD, a weekly newspaper of general circulation in Carroll County, Ohio and that a notice, of which the attached is a copy,

was published in said newspaper for 1 consecutive issues,  
beginning on the 20<sup>th</sup> day of February, 2014.

Sworn to before me and signed in my presence,

this 20<sup>th</sup> day of February, 2014.



Janet D. Grimes  
Notary Public State of Ohio  
My Commission Expires March 15, 2016

Connie Trushel  
Connie Trushel, Advertising Manager

Janet D. Grimes  
Janet D. Grimes, Notary Public

...DUE UPON RECEIPT...

To insure proper credit...please include this number on your check 00027607

## AREA NEWS

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

Carroll County Energy LLC (CCE) is proposing to develop, build, own and operate a new natural gas-fired combined-cycle electric generating facility located in Carroll County, Washington Township, Ohio (the Facility). The Facility will utilize two General Electric (GE) 7F 5 Series natural gas turbines, each with a heat recovery steam generator (HRSG), and a single GE steam turbine generator (STG). The Facility will have a nominal net output of 742 megawatts (full duct fired operation with inlet air cooling at 59 degrees Fahrenheit ambient temperature).

The Facility's combustion turbines will operate solely on natural gas. The Facility will utilize an air-cooled condenser, minimizing water needs and discharge volumes.

The proposed Facility (which includes the power generating facility, switch yard and other ancillary equipment) will be located on an approximately 77 acre property (the Facility Site). The Facility Site is located entirely within Washington Township, Carroll County, Ohio (approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 mile south of State Route 171).

Within the Facility Site, the power generating facility and ancillary equipment will be located on approximately 14 acres and the switchyard will be located on an adjacent 3 acres. Access to the Facility will be off Route 9, extending across an approximately 23 acre parcel of land located between the Facility Site and Route 9. This 23 acre parcel is available for temporary use during Facility construction (the Construction Laydown Area). A 75 foot wide natural gas pipeline easement will extend approximately 0.4 mile north from the Facility Site to connect the Facility to the existing Tennessee Gas Pipeline, and an electric transmission easement will extend to the existing American Electric Power 345 kilovolt transmission line located approximately 0.4 mile west of the Facility.

The Facility will help meet electrical energy demand in the region, particularly in light of announced generating capacity retirements. The Facility will provide additional base load and peaking capacity via its natural gas-fired combined-cycle technology.

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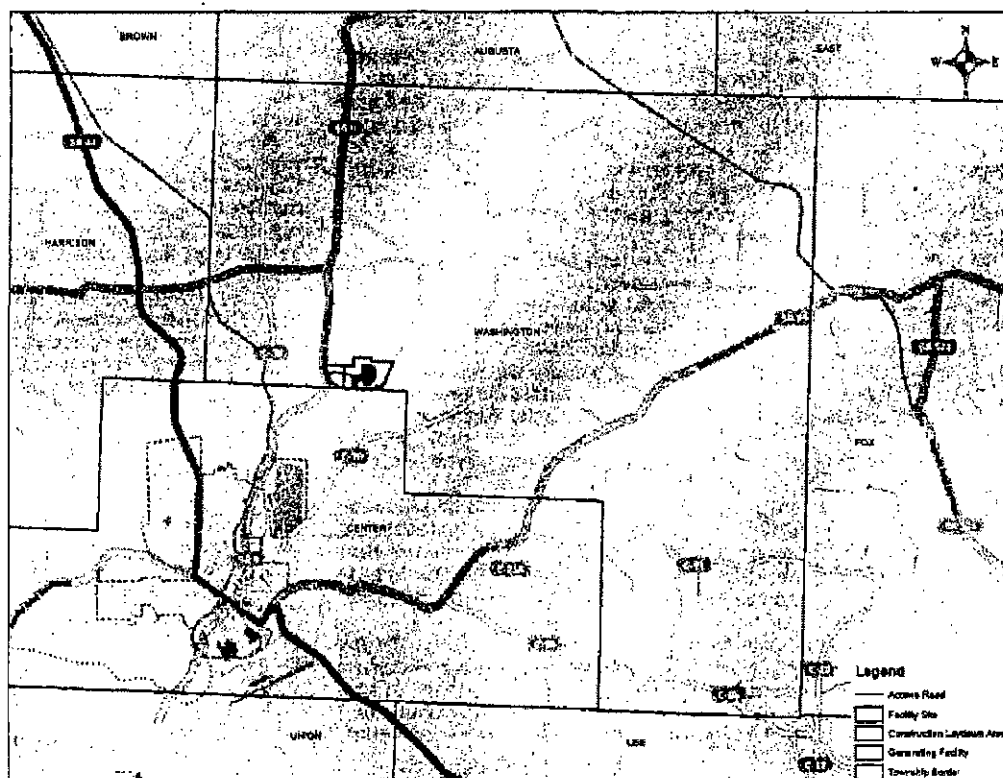
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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/6/2014 4:33:55 PM**

**in**

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

Summary: Proof of Pub Proofs of Publication in The Repository, Stark County, Ohio and The Free Press Standard, Carroll County, Ohio Published on February 20, 2014 electronically filed by Ms. Miranda R Leppla on behalf of Carroll County Energy LLC



# VORYS

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri  
Direct Dial (614) 464-5462  
Direct Fax (614) 719-5146  
Email mjsettineri@vorys.com

February 5, 2014

Ms. Barclay F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St., 11th Floor  
Columbus, OH 43215-3793

Re: OPSB Case No. 13-1752-EL-BGN  
Carroll County Energy LLC  
Submittal of Mailing List

Dear Secretary McNeal:

Pursuant to Rule 4906-5-08(C)(3) of the Ohio Administrative Code, I am submitting to you the name and address of each owner/tenant to whom a letter regarding Case No. 13-1752-EL-BGN was sent out within the meaning of this Rule. Attachment A is the mailing list showing the address of all addressees. Attachment B is a copy of a sample letter. The letters were mailed out on February 4, 2014. This filing is being mailed today (February 5, 2014) via first class U.S. Mail to those persons listed below.

Thank you for your cooperation.

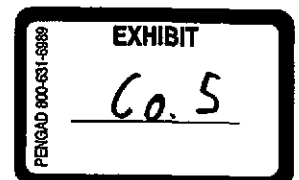
Very truly yours,

*Michael J. Settineri*

Michael J. Settineri *by Stephen M. Harnick*  
Attorneys for Carroll County Energy LLC

MJS/jaw

cc: Carroll County Commissioners Wheaton, Wirkner and Ohler  
Washington Township Trustees Davis, Keyser and Shafer  
Regional Planning Director Aaron Dodd  
Ralph Castellucci



## Attachment A

Landowner List - Includes all landowners adjacent to the Facility Site and Construction Laydown Area.

Owners	Township	Parcel ID	Address
Carroll County Vets	Washington	340000048000	2038 Brenner Rd NE, Carrollton OH 44615
Clark Gregory A & Sharon M	Washington	340000099000	9710 Crows Nest Lane, Litchfield OH 44253
Community Improvement Corporation of Carroll County	Washington	340000511000	119 S Lisbon St, Suite 201, Carrollton OH 44615
Cunningham Denny L & Janet L	Washington	340000218000	2073 Kensington Rd NE, Carrollton OH 44615
Cunningham Denny L & Janet L	Washington	340000220000	2073 Kensington Rd NE, Carrollton OH 44615
Dowdell Dale E	Center	90000169001	1277 Kensington Rd NE, Carrollton OH 44615
Dowdell Dale E	Center	90000991000	1277 Kensington Rd NE, Carrollton OH 44615
Dowdell Dale E	Washington	340000077000	1277 Kensington Rd NE, Carrollton OH 44615
Jenkins Ballard Jr & Sharon	Washington	340000167000	2061 Kensington Rd NE, Carrollton OH 44615-8625
Jenkins Ballard Jr & Sharon	Washington	340000165000	2061 Kensington Rd NE, Carrollton OH 44615-8625
Jenkins Ballard Jr & Sharon	Washington	340000166000	2061 Kensington Rd NE, Carrollton OH 44615-8625
Kaser Warren A & Jennifer K	Center	90000169000	1319 Kensington Rd NE, Carrollton OH 44615
Lucas Ralph R & Dena J	Washington	340000217000	2093 Kensington Rd NE, Carrollton OH 44615
Radcliff Frank R and Sandra M	Washington	340000604000	2126 Mobile Rd NE, Carrollton OH 44615
Rosebud Mining Company	Washington	340000314000	301 Market St., Kittanning PA 16201
Rummell Lee & Rebecca S	Washington	340000393000	1144 Mobile Rd NE, Carrollton OH 44615
Rummell Lee & Rebecca S	Center	90000668000	1144 Mobile Rd NE, Carrollton OH 44615
Rummell Lee & Rebecca S	Center	90000669000	1144 Mobile Rd NE, Carrollton OH 44615
Schissler Christopher	Washington	340000298000	2006 Kensington Rd NE, Carrollton OH 44615
Shurtz Harold M Jr	Washington	340000298001	2006 Kensington Rd NE, Carrollton OH 44615
Watts Mark A & Jake A	Center	90000698000	1225 Mobile Rd NE, Carrollton OH 44615
Wendell Jeffrey A & Connie L	Washington	340000382000	1162 Cobbler Rd NE, Carrollton OH 44615
Wendell Jeffrey A & Connie L	Washington	340000469000	2076 Mobile Rd NE, Carrollton OH 44615
Wendell Jeffrey A & Connie L	Washington	340000603000	2076 Mobile Rd NE, Carrollton OH 44615
Wendell Jeffrey A & Connie L	Washington	340000603002	2076 Mobile Rd NE, Carrollton OH 44615
Wendell Stanley R & Betty J	Washington	340000395000	2036 Mobile Rd NE, Carrollton OH 44615

Attachment B

**VORYS**

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

COPY

52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri  
Direct Dial (614) 464-5462  
Direct Fax (614) 719-5146  
Email mjsettineri@vorys.com

February 4, 2014

**VIA FIRST CLASS MAIL**

Re: Application for Certificate before Ohio Power Siting Board  
Carroll County Energy LLC  
OPSB Case No. 13-1752-EL-BGN

Dear Mr. and Mrs.

Pursuant to Rule 4906-5-08(C)(3) of the Ohio Administrative Code, I am sending you this letter describing Carroll County Energy LLC's proposal to construct and operate a new natural gas-fired combined-cycle electric generating facility to be located in Washington Township, Carroll County, Ohio (the "Facility"). This letter is being sent to you because you are a tenant or property owner contiguous to the planned site.

On November 15, 2013, Carroll County Energy LLC filed its application with the Ohio Power Siting Board in Case No. 13-1752-EL-BGN. The Facility will utilize two General Electric 7F5-S Series natural gas turbines, each with a heat recovery steam generator (HRSG) and a single GE steam turbine generator (STG). The Facility will have a nominal net output of 742 megawatts and its combustion turbines will operate solely on natural gas. The Facility will utilize an air-cooled condenser, minimizing water needs.

The proposed Facility, which includes an electric generating facility, switch yard and other ancillary equipment, will be located on approximately 17 acres of an approximate 77-acre property located entirely within Washington Township, Carroll County, Ohio (approximately 2.5 miles north of the Village of Carrollton and approximately 0.8 miles south of State Route 171) ("Facility Site"). Access to the Facility will be off Route 9, extending across an approximate 23-acre parcel of land located between the Facility Site and Route 9. This 23-acre parcel will be used temporarily during construction activities. A natural gas pipeline will extend from the Facility to the existing Tennessee Gas Pipeline corridor, located approximately 0.7 mile to the north of the Facility. An electric transmission line will extend from the Facility to the existing American Electric Power 345 kilovolt transmission line corridor, located approximately 0.5 miles west of the Facility. The natural gas pipeline and the electric transmission line interconnections will be the subjects of separate applications to the Ohio Power Siting Board.

# VORYS

Legal Counsel

Gregory A. and Sharon M. Clark

February 4, 2014

Page 2

On August 22, 2013, a public information meeting was held at the Carrollton High School, Fine Arts Room, located at 252 Third Street NE, Carrollton, Ohio 44615 from 6:00 P.M. to 8:00 P.M. By letter of December 20, 2013, the Ohio Power Siting Board notified Carroll County Energy LLC that its application for the proposed project had been certified as complete, and that the Board's Staff would be conducting a review of the application.

The Staff of the Ohio Power Siting Board is currently investigating the application and will file a written Staff Report for the application. The Staff will investigate whether the eight criteria of Section 4906.10(A), Revised Code have been met for the application. A local public hearing where the Board shall accept written or oral testimony from any person relating to the application will be held on Thursday, March 6, 2014 at 6:00 P.M. at Carrollton High School, Fine Arts Room, 252 Third Street NE, Carrollton, Ohio 44615. An adjudicatory hearing will commence on Thursday, March 13, 2014 at 10:00 A.M., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. After considering the evidence at the hearings, the Board will issue a written decision.

A copy of the application has been sent to the Carroll County District Library and should be available for review. You may also call Jonathan Winslow, the project manager for Carroll County Energy at 617-456-2208 with any questions. Alternatively, you may call me at 614-464-5462.

Very truly yours,



Michael J. Settineri  
Attorneys for Carroll County Energy LLC

MJS/tj

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

**Commission of Ohio Docketing Information System on**

**2/5/2014 2:48:57 PM**

**in**

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

**Summary: Correspondence Submittal of Mailing List electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC**

**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 Need to ) Construct an Electric Generation Facility ) in Carroll County, Ohio )	Case No. 13-1752-EL-BGN
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**DIRECT TESTIMONY OF MICHAEL D. THERIAULT**

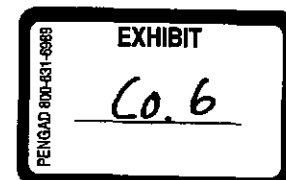
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**Q.1. Please state your name, title and business address.**

A.1. My name is Michael D. Theriault. I am President and Principal Consultant for Michael Theriault Acoustics, Inc. ("MTA"). My business address is 401 Cumberland Avenue, Suite 1205, Portland, Maine 04101.

**Q.2. Would you please summarize your educational background and professional experience?**

A.2. I hold a Bachelor of Science in Electrical Engineering from the University of Maine (1986) with a concentration in Electro-Acoustics and Environmental Noise Control. I have been involved in acoustics my entire 27 year career, and for more than two decades have specialized in environmental noise control and noise impact assessment for combustion-turbine power projects. From 1998 to the present, I have been employed as President and Principal Consultant for MTA. In this capacity, I have advised clients on noise from hundreds of energy facilities, ranging in size from 1 to 2000 megawatts, many from conceptual design through final testing. I have been retained by owners and developers to prepare environmental noise impact applications; by architectural engineering firms to design and implement large-scale noise control programs; by construction contractors to perform noise testing; and by financial underwriters and



municipalities to perform noise control due diligence reviews. I have either testified or have prepared written testimony regarding noise from industrial facilities for projects located throughout the Country including Arizona, Connecticut, Delaware, Maine, Massachusetts, New Jersey, and Rhode Island. Moreover, I have appeared as an expert witness on noise before numerous state power siting boards, including the State of Massachusetts Energy Facility Siting Board; the New York State Board on Electric Generation Siting and the Environment; the Wisconsin State Public Service Commission and the California Energy Commission. I am a member of the Institute of Noise Control Engineering and the Acoustical Society of America – Greater Boston Chapter. Prior to forming MTA in 1998, I was employed as a project engineer by Brüel & Kjær Instruments, the world's leading manufacturer of sound level measurement instrumentation, and then by Stone & Webster Engineering Corporation, at that time a worldwide-based architectural/engineering/construction firm specializing in electric power generation.

**Q.3. On whose behalf are you testifying?**

**A.3.** I am testifying on behalf of the Applicant, Carroll County Energy LLC ("CCE").

**Q.4. What is the purpose of your testimony?**

**A.4.** I will provide testimony supporting MTA's report in Appendix K of the Application: "Noise Level Evaluation for Carroll County Energy". I will also provide testimony addressing operational noise at seven nearby residences, and additional mitigation measures taken by CCE with respect to three of those residences.

**Q.5. Would you please describe the studies you undertook for CCE?**

A.5. MTA evaluated CCE noise levels and recommended mitigation measures to meet suitable noise level criteria. Our general scope consisted of: 1) selecting an appropriate noise level design goal for CCE; 2) developing a computer-generated acoustical model of the site; 3) predicting noise levels at property boundaries and residential locations; and 4) assessing any need for noise control measures in order to achieve the design goal.

**Q.6. Can you summarize your findings contained in the Noise Level Evaluation for Carroll County Energy?**

A.6. A design goal of 45 dBA at nearby residences was selected for CCE, since this limit is considerably lower than the most-restrictive levels approved for prior OPSB projects, and appreciably lower than many laws, ordinances, regulations and standards promulgated throughout the U.S. for the control of industrial noise at residential land uses. Moreover, the limit is consistent with: 1) outdoor levels historically recommended by acoustical consultants, which result in acceptable levels for indoor settings; 2) criteria for the avoidance of speech interference and sleep disturbance; and 3) general community noise guidelines.

Analysis results showed that noise levels for a 'conventional' outdoor facility would exceed the design goal at residential receivers by up to ten (10) decibels, and therefore an acoustical mitigation plan was developed to achieve modeling results of 45 dBA at these locations. Although the specific noise mitigation plan implemented will be selected during the detailed engineering phase of the project, a successful program would likely consist of high-performance silencers installed within the air intake ductwork of the combustion turbines; acoustically insulated combustion turbine air intake weather hoods; close-fitted acoustical barriers around the combustion turbine generators and duct burner



skids; silencers installed on fans providing ventilation air for the turbine compartments; combustion turbine exhaust noise attenuated via the HRSG units and HRSG stack silencers; acoustical shrouds and/or thicker walls for the HRSG transition ducts and boiler sections; low-noise air cooled condenser; low-noise air cooled heat exchanger; enclosures around boiler feedwater pumps; a building enclosing the steam turbine and associated equipment; acoustically treated ventilation openings for the steam turbine building; low-noise ammonia forwarding pumps; low-noise fuel gas metering and regulating equipment; and a building enclosing water treatment equipment.

**Q.7. Are you aware that Residential Receptors 2, 3 and 4 as identified in Figure 5 of your report, have executed Easement Agreements and Project Cooperation Agreements with CCE regarding construction and operational noise?**

**A.7.** Yes. I have reviewed those Easement Agreements and Project Cooperation Agreements and my understanding of them is that the owners are allowing Facility construction and operation noise on their property by virtue of the agreements.

**Q.8. Should mitigation measures proposed in the Application for operational noise take into account the Easement Agreements and Project Cooperation Agreements entered into with Residential Receptors 2, 3 and 4?**

**A.8.** Yes. In my opinion, those agreements are individual mitigation measures which should be considered when developing the overall noise control design of the Facility. Doing so will avoid the addition of controls that are unnecessary and that may negatively affect Facility performance. I believe the following condition, as proposed by Mr. Winslow in his testimony, can be incorporated into the certificate to account for the

individual mitigation measures while ensuring the design goal is still met at all receptors without Easement Agreements and Project Cooperation Agreements.

Mitigation measures shall be incorporated into the Facility so that the estimated nighttime facility noise contribution as modeled does not result in a noise level greater than 45 dBA at the exterior of any currently existing sensitive receptor. This condition shall not apply to any sensitive receptor for which individual mitigation measures have been implemented including, but not limited to, project cooperation agreements or noise easements. After commencement of commercial operation, the Applicant shall review all facility-related noise complaints through its complaint resolution process. If upon investigation of a complaint it is found that noise due to facility operations results in a facility noise level greater than 45 dBA at the exterior of the affected existing sensitive receptor(s), except those with project cooperation agreements or noise easements, additional mitigation measures shall be implemented for the affected receptor(s).

**Q.9 Will estimated noise levels at residences which are not currently subject to Easement Agreements or Project Cooperation Agreements, such as Receptors 1, 5, 6 and 7 as identified in Figure 5 of your report, be acceptable if the proposed condition is approved?**

**A.9.** Yes, noise levels will be acceptable at these locations since the proposed condition limits Facility noise levels to 45 dBA, which is considerably lower than the most-restrictive levels approved for prior OPSB projects, as well as appreciably lower than many laws, ordinances, regulations and standards promulgated throughout the U.S. for the control of industrial noise at residential land uses. Moreover, the noise level of 45 dBA in the proposed condition is consistent with: 1) outdoor limits historically recommended by acoustical consultants, which result in acceptable levels for indoor settings; 2) criteria for the avoidance of speech interference and sleep disturbance; and 3) general community noise guidelines.

**Q.10. Have you reviewed the Ohio Power Siting Board Staff's Report of Investigation filed on February 19, 2014?**

**A.10. Yes.**

**Q.11. Do you have any comments with respect to any of the Staff's recommendations in the February 19, 2014 Staff Report of Investigation?**

**A.11. Yes.** Staff recommended at page 22 of its Staff Report of Investigation that CCE follow the noise mitigation measures proposed in its application, whereby the Facility operational noise would not contribute more than 45 dBA at the seven residences near the Facility. The recommendation however, did not appear to consider that three of the seven receptors have entered into Easement Agreements and Project Cooperation Agreements with CCE regarding construction and operational noise. In my opinion, those agreements are individual mitigation measures which should be considered when developing the overall noise control design of the Facility. Doing so will avoid the addition of controls that are unnecessary and that may negatively affect Facility performance. As stated in my answer A.8, I believe the condition proposed by Mr. Winslow in his testimony, can be incorporated into the certificate to account for the individual mitigation measures while ensuring the design goal is met at all receptors without Easement Agreements and Project Cooperation Agreements.

**Q.12. Do you have any additional comments with respect to any of the Staff's recommendations in the February 19, 2014 Staff Report of Investigation?**

**A.12. Yes.** Staff further recommended at page 22 of its Staff Report of Investigation that the Applicant implement the specific conceptual noise controls outlined in MTA's Noise Level Evaluation. This however, is not advised. The engineering, procurement

and construction phases of a major power project are complex and fluid and it would be unduly restrictive for the Applicant to install every control conceptually determined during the licensing phase of the project. The most successful noise mitigation program is best developed during the detailed engineering phase of the project, when individual vendor data is available for each major component, which can then be used in a continuously updated acoustical model to determine equipment noise mitigation allocations that are most effective. Moreover, acoustical models developed for licensing purposes may estimate equipment noise levels on the conservatively high side. This in turn may result in an overestimate of noise controls needed, as compared to the amount of mitigation determined using specific vendor data obtained during the detailed engineering phase of the project.

**Q.13. Does this conclude your direct testimony?**

**A.13.** Yes, it does. However, I reserve the right to offer testimony in support of any stipulation reached in this case.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served via electronic mail on the following persons this 7th day of March, 2014.

Devin.parram@puc.state.oh.us  
Katherine.johnson@puc.state.oh.us  
Rvan.orourke@puc.state.oh.us  
Christopher.miller@icemiller.com  
Gregory.dunn@icemiller.com

s/ Michael J. Settineri \_\_\_\_\_  
Michael J. Settineri

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

**Commission of Ohio Docketing Information System on**

**3/7/2014 5:13:45 PM**

**in**

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

**Summary: Testimony Direct Testimony of Michael Theriault electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC**

**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 Need to ) Construct an Electric Generation Facility ) in Carroll County, Ohio )	Case No. 13-1752-EL-BGN
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**DIRECT TESTIMONY OF LYNN GRESOCK**

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**Q.1. Please state your name, title and business address.**

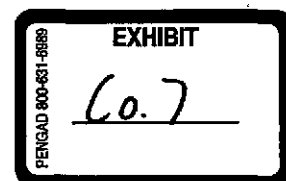
A.1. My name is Lynn Gresock. I am Vice President – Energy Program with Tetra Tech, Inc., 160 Federal Street, 3<sup>rd</sup> Floor, Boston, MA 02110. Tetra Tech is a provider of consulting, engineering, construction and technical services focused on resource management and infrastructure.

**Q.2. What are your duties as Vice President – Energy Program?**

A.2. In my role at Tetra Tech, I coordinate the company's national practice for the conventional generation market, and provide consulting services for a broad range of energy projects. For the Carroll County Energy project, I am the lead environmental consultant, directing environmental technical studies and providing input regarding environmental issues. As such, I have been directly involved and am familiar with the full range of environmental assessments completed for the Facility. In addition to involvement with specific technical assessments, I have been responsible for coordinating other contributions to the Ohio Power Siting Board application.

**Q.3. What is your educational and professional background?**

A.3. I have a B.S. degree from the University of Massachusetts in Landscape Architecture and Regional Planning, and almost 30 years of professional experience



providing environmental permitting and compliance services. I have supported a wide range of projects nationwide, including permitting over 20,000 megawatts of energy facilities. Through this work, I have gained a strong knowledge of the range of related issues and work closely in directing technical experts to provide strategic, technical, and regulatory support for facility development and operations. My work includes Ohio Power Siting Board permitting for nine generating facilities either successfully approved or currently in process.

**Q.4. On whose behalf are you offering testimony?**

**A.4.** I am testifying on behalf of the Applicant, Carroll County Energy LLC ("CCE").

**Q.5. What is the purpose of your testimony?**

**A.5.** The purpose of my testimony is to describe the studies my firm undertook on behalf of the Applicant and summarize the results of those studies.

**Q.6. Please describe and summarize those studies that you and your firm undertook on behalf of the Applicant.**

**A.6.** The studies undertaken by Tetra Tech are described and summarized below and are attached to the application as Appendices E, F, J, N and O. In addition, Tetra Tech supported obtaining the air permit for the Facility, and coordinated other contributions to the Ohio Power Siting Board application, including such issues as Federal Aviation Administration stack height review and species review.

**Appendix E: Preliminary Subsurface Exploration Report**

Tetra Tech was contacted by CCE to conduct a preliminary geotechnical exploration at the location of the Facility. The Facility is located east of State Route 9 ("SR 9"), and is currently occupied by an agricultural field in a wooded area.



The purpose of the report was to evaluate subsurface conditions on the Facility site and provide documentation of the geotechnical investigation to CCE in support of the Ohio Power Siting Board application. The exploration included a review of published geologic and soils information, drilling nine preliminary test borings, laboratory soil testing, and a geotechnical engineering evaluation of the test results. Test boring locations were selected to be representative of the geotechnical conditions on the site at the proposed locations of structures. The test boring locations and depths were determined by CCE prior to mobilizing to the site.

The purpose of the exploration was to 1) determine the generalized subsurface conditions to the depth penetrated by the borings; 2) evaluate the engineering characteristics of the subsurface materials; and 3) provide preliminary geotechnical information and recommendations to assist in designing the proposed facility. The geotechnical characteristics of the site encountered during the investigation appear to be satisfactory for the proposed Facility.

There are a few key areas, however, that should be evaluated and addressed during the final design phase of the Facility. Slope stability of the fill embankments and natural slopes should be carefully evaluated. The cohesive soils, clay stones and clay shales at the site have the potential to be unstable when loaded or cut due to their weak shear strengths. Additional exploration, laboratory testing, and stability analyses will be required to determinate the allowable slopes and any mitigation measures that might be needed.

Based on the findings of the preliminary borings, cut and fill operations at the site will result in some buildings or structures potentially founded in both rock and soil. Buildings

or structures founded in both rock or soil could be adversely impacted by differential settlement. This factor will require consideration in the final design. It is anticipated that rock excavation will be required to develop the Facility. Based on the rock cores obtained from the borings, it is anticipated that the softer shales and sandstones at the site are rippable. However, harder, more competent sandstone was also encountered, and this harder, more competent bedrock may require special efforts, such as blasting, to excavate efficiently.

#### **Appendix F: Wetland Delineation and Stream Identification Report**

Tetra Tech also prepared the Wetland Delineation and Stream Identification Report for the proposed Facility. Wetland areas were delineated on site using methodology enumerated in the United States Army Corps of Engineers (USACE) Wetland Delineation Manual (Environmental Laboratory, 1987) (1987 Manual) and the Eastern Mountains and Piedmont Regional Supplement (USACE, 2012) (Regional Supplement), as well as the Ohio Rapid Assessment Method (ORAM) for wetlands (Mack, 2001). Headwater streams were evaluated using the Field Evaluation Manual for Ohio's Primary Headwater Streams (Ohio EPA, 2012).

The subject of the report was the potential site for the Facility. Although the Facility site will be much smaller, a 182-acre Study Area was considered for this wetland delineation in order to identify and avoid jurisdictional features to the greatest extent possible. The 182-acre Study Area extended from Mobile Road NE to the east and continues approximately 1,000 feet beyond Route 9 (Kensington Road) to the west. Pasture lands, agricultural areas and forested uplands are located north of the site, with forested uplands and residential properties to the south. The Study Area contains active agricultural areas

as well as upland field, upland thicket, forested upland and wetland vegetational communities.

The Study Area is located in the Tuscarawas River Watershed (05040001). East of Route 9 (Kensington Road), the Study Area contains ephemeral, intermittent, and perennial unnamed tributaries (UNTs) to Pipes Fork. An intermittent UNT and ephemeral UNT to Pipe Run are located west of Route 9. Pipe Run, Pipes Fork, and associated tributaries are designated as Warm Water Habitat (WWH), Agricultural Water Source (AWS), Industrial Water Source (IWS), and Primary Contact Recreation (PCR) under Ohio Administrative Code 3745-1-07.

As a result of the on-site investigation, eighteen areas were identified within the Study Area that exhibited all three criteria necessary to be classified as a wetland according to the 1987 Corps Manual and the Regional Supplement:

- The areas had a vegetative community that contained a predominance (greater than 50% aerial coverage) of hydrophytic plant species.
- Hydric soil conditions were present at each location.
- There were indicators of wetland hydrology at each location.

Of the eighteen wetlands that occur within the Study Area, two were classified as a Category 1, fifteen were classified as a Category 2, and one was classified as a Category 3, based on the ORAM scoring system for assessing quality and function of wetlands. Of the 182-acre Study Area, only 0.85 acres were identified as containing wetlands.

Fourteen streams were also identified during field investigations. Two streams (Streams 12 and 13) had upper and lower segments that scored as Class I and Class II Primary Headwater Habitat (PHWH) streams. Of the remaining twelve streams, eight were

classified as Class I PHWH streams, three were classified as Class II PHWH streams and one was classified as a Class III PHWH stream.

Of the total wetland and stream resources identified in the Study Area, only two wetlands will be unavoidably impacted. Wetland C (287 square feet) and Wetland D (117 square feet) are both located within a historic diversion ditch. Hydrology of both wetlands is supported by precipitation and drainage from adjacent uplands. Dominant vegetation within both wetlands consists of redtop (*Agrostis gigantea*). The soil within the upper 12 inches of both wetlands exhibited a low chroma matrix color with a clay loam texture that contained redoximorphic features. For Wetland C, indicators of wetland hydrology included surface water in portions of the wetland, saturation within the upper 12 inches of the soil profile, and geomorphic position, while Wetland D's indicators of wetland hydrology included water-stained leaves and geomorphic position. Although both are isolated in nature, the USACE intends to consider them jurisdictional for the purpose of the Nationwide Permit review of the single-and-complete project.

#### **Appendix J: Baseline Sound Survey Report**

Tetra Tech completed a Baseline Sound Survey Report for Carroll County Energy in June 2013. A survey was taken from May 8, 2013 to May 15, 2013 to document the existing baseline acoustic environment in the area surrounding the Facility. The survey included both long-term and short-term measurements, taken at 10 monitoring locations, which were selected to be inclusive of quiet locations that may be affected by sound from the proposed Project.

The monitoring was completed in accordance with industry-accepted practices and standards, and utilized a Larson Davis 831 real-time sound level analyzer equipped with a

PCB model 377B02 ½-inch precision condenser microphone. This instrument has an operating range of 5 dB to 140 dB, and an overall frequency range of 8 to 20,000 Hz, and meets or exceeds all requirements set forth in the American National Standards Institute (“ANSI”) standards for Type 1 sound level meters for quality and accuracy (precision). All instrumentation components, including microphones, accelerometers, preamplifiers and field calibrators, had current laboratory certified calibrations traceable to the National Institute of Standards Technology (“NIST”).

#### **Appendix N: Phase I Archaeological Survey**

Tetra Tech conducted a Phase I Archaeological Survey in Washington Township, Carroll County, Ohio, during May 2013. The survey was undertaken to support the Facility’s permit application to the Ohio Power Siting Board. Tetra Tech conducted a literature review and archaeological site file review of the area within five miles of the proposed Facility, utilizing resources available on file at the Ohio Historic Preservation Office (OHPO) in Columbus, Ohio, and searchable databases of the Ohio Archaeological Inventory, the National Park Service, the Ohio Department of Transportation, the Ohio Department of Natural Resources, and other accessible websites. The five-mile review resulted in the identification of ten archaeological sites, seventeen cemeteries, and one park. Tetra Tech concluded that the proposed undertaking will have no adverse impacts on documented sites, cemeteries or parks.

The Phase I Archaeological Survey encompasses a total of 232 acres (the Project Study Area). Of this total area, the majority was determined to have low archaeological sensitivity due to the presence of wetlands, steep terrain or other factors. Tetra Tech surveyed the remaining 50.9 acres of the Project Study Area by using a combination of

field methods including pedestrian walk over and shovel testing. Tetra Tech identified three cultural finds during the survey. The first is chipped-stone knife or projectile point fragment. This isolated find is attributable to an unspecified prehistoric Native American period and has been designated Site 33CA0444 by OHPO. Supplemental shovel testing around the find identified no further artifacts or cultural features. Tetra Tech concluded that this isolated find did not possess significant archaeological value.

The second cultural find was a 19<sup>th</sup> Century stone foundation spatially corresponding to a map-documented structure depicted on the *1874 Carroll County Atlas*. On the basis of form, size and historic documentation, Tetra Tech concluded that this foundation was a barn on the John Shook Farm during the period circa 1860 to 1880. Shovel testing around and in the barn structure yielded no cultural artifacts or features. This structure has been designated as Site 33CA0445 by OHPO. Current project designs will not impact this site.

The third cultural find is the ruins of a modern hunting cabin. The cabin was built circa 1990 on the site of a residence depicted on the 1874 County Atlas. After investigation of these modern ruins, Tetra Tech concluded that there are no significant remnant archaeological traces of the former 19<sup>th</sup> Century structure.

Tetra Tech recommended that no further archaeological investigations are necessary. However, should the Facility design be modified to include areas that were not examined within the original Project Study Area, Tetra Tech recommends that further archaeological surveys should be performed to determine whether potentially significant archaeological resources are present.

## **Appendix O: Historic Architecture Survey**

In June 2013, Tetra Tech conducted a literature review and historic architecture site file review of the area within five miles of the proposed Facility site, utilizing resources available on file at the Ohio Historic Preservation Office in Columbus, Ohio and searchable databases of the Ohio Historic Inventory, the National Park Service, the Ohio Department of Transportation, the Ohio Department of Natural Resources, and other accessible websites. The five-mile review resulted in the identification of five sites listed in the National Register of Historic Places (NRHP), no sites previously determined eligible for NRHP, and no national historic landmarks. In addition, Tetra Tech performed a reconnaissance survey of the areas within five miles of the Facility from which it would be visible. With the concurrence of the OHPO, Tetra Tech undertook a tiered approach to this fieldwork. Within 0.75 miles of the Facility, Tetra Tech identified and recorded 15 previously unrecorded properties greater than 50 years old that may be NRHP-eligible previously; no previously recorded properties were located within this area. Between 0.75 and 5.0 miles from the Facility, Tetra Tech field checked and reviewed the impact of the Facility on the five National Register-listed and 158 Ohio Historic Inventory-listed properties. Tetra Tech concluded that the proposed undertaking would have no adverse impacts on newly or previously documented sites, cemeteries or parks. Tetra Tech recommended that a finding of no adverse effect be made for all historic properties, as the presence of the Facility will not change the attributes of the historical properties which have qualified them to be listed in the NRHP, to be recommended potentially NRHP-eligible, or to be listed within the Ohio Historic Inventory, or diminish the continued meaningfulness of these resources.

**Q.7. Have you reviewed the February 5, 2014 Notice of List of Commitments filed by CCE with the OPSB and the February 19, 2014 Staff Report of Investigation issued in this proceeding?**

**A.7. Yes.**

**Q.8. Do you have observations or responses to any of the conditions listed in the Notice or the Staff Report of Investigation?**

**A.8. Not from an environmental or ecological perspective. The Facility is well sited, taking advantage of open, agricultural land to minimize the need for clearing, avoid and minimize wetland and stream impacts, avoid impacts to threatened or endangered species or significant cultural resources, and avoid impacts to air transportation facilities. The Facility has also been designed to meet air quality standards, incorporate significant noise attenuation, minimize water demand, and limit Facility-related impacts to a compact area within Carroll County that has been identified as a location for economic development.**

**Q.9. Does this conclude your direct testimony?**

**A.9. Yes, it does. However, I reserve the right to offer testimony in support of any stipulation reached in this case.**



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served via electronic mail on the following persons this 7th day of March, 2014.

Devin.parram@puc.state.oh.us  
Katherine.johnson@puc.state.oh.us  
Ryan.orourke@puc.state.oh.us  
Christopher.miller@icemiller.com  
Gregory.dunn@icemiller.com

s/ Michael J. Settineri  
Michael J. Settineri

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

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**in**

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

Summary: Testimony Direct Testimony of Lynn Gresock electronically filed by Mr. Michael J. Settineri on behalf of Carroll County Energy LLC

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January 24, 2014

**VIA COURIER**


Mr. Donald Rostofer  
Ohio Power Siting Board  
180 East Broad Street, 6th Floor  
Columbus, OH 43215-3793

Re: Carroll County Energy LLC  
Case No. 13-1752-EL-BGN

Dear Mr. Rostofer:

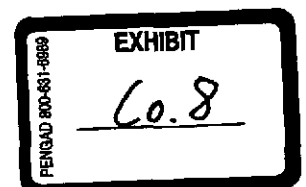
Please find enclosed a copy of Carroll County Energy LLC's Responses to Staff's First Set of Data Requests. Please call if you have any questions.

Very truly yours,



Michael J. Settineri

MJS/skb  
Enclosure



**Application of Carroll County Energy LLC (CCE) for a Certificate of Environmental  
Compatibility and Public Need - Case No. 13-1752-EL-BGN**

**Applicant's Responses to Staff's First Set of Data Requests**

1. **Question:** 4906.10(A)(7) – Agricultural Districts. Please complete the following table:

	Temp. Disturbance (acres)	Permanent Disturbance (acres)
Agricultural District Land		
Land in agricultural production		

**Response:** The following table provides a summary of proposed agricultural disturbance areas.

	Temp. Disturbance (acres)	Permanent Disturbance (acres)
Agricultural District Land	0	0
Land in agricultural production	15	25

As noted in the Application, no Agricultural District land is located on the Facility Site or Construction Laydown Area.

All land currently used for agricultural production on the Facility Site will no longer be used for agricultural production. Land currently used for agricultural production within the area of the Construction Laydown Area designed for the future access road will also no longer be used for agricultural production. These acres are collectively identified as permanently disturbed in the table above.

Land currently used for agricultural production within the Construction Laydown Area, with the exception of the access road, will not be used for agricultural production during construction but may be used for agricultural production once construction is completed. These acres are collectively identified as temporarily disturbed in the table above.

Forested areas have not been included as "land in agricultural production."

2. **Question:** Will Carroll County Energy perform exploratory drilling within the project area that would determine the conditions below:

- Besides the known elevation of the Middle Kittanning (#6) coal in Washington Township, Section 28 at 870' above sea level, what is the elevation of the Upper Freeport (#7) coal and the Upper Mahoning (#7A) coal?;
- What is the rock quality description (RQD) of the strata?; and
- Even though the project area is part of the Village of Carrollton Lands Unsuitable Petition (CLUP), which rendered the designated acreage unsuitable for the entire extraction of the #6 coal, an operator still could remove the #6 coal as a room and pillar or surface mine operation. Is there evidence to suggest that the #6 coal, #7 coal and/or #7A was removed by other mining methods besides "full coal recovery" type of mining?

**Response:**

- Upper Freeport (#7) coal seam is approximately 1,040 feet above sea level (according to the information obtained from the Ohio Department of Natural Resources). Please refer to Figure 5 of Appendix E (Preliminary Subsurface Exploration Report) of the Generator Application (Case No. 13-1752-EL-BGN). Upper Mahoning (#7A) coal seam is estimated to be 1,090 feet above sea level (based on regional geology). Final Facility Site elevation is approximately 1,220 feet above sea level, or 180 feet above the Upper Freeport coal seam and 130 feet above the Mahoning seam. Based on the results of the preliminary subsurface exploration it is unlikely that final geotechnical design will require piling to these depths. As a result, it is unlikely that it would be necessary for CCE to perform exploratory drilling to confirm the exact elevation of the underlying coal seams.
- The Rock Quality Designation (RQD) observed in the preliminary subsurface exploration varied from 0 to 77%. Please refer to Section 4.2.3 of Appendix E (Preliminary Subsurface Exploration Report of the Generator Application (Case No. 13-1752-EL-BGN). The RQD observed during the preliminary subsurface exploration was largely due to lithology and weathering associated with the near surface drilling. As part of the final geotechnical investigation required to inform the Facility final civil design, it is anticipated that additional borings and core samples will be taken.
- There is no evidence to suggest that the #6 coal, #7 coal and/or #7A was removed by other mining methods besides "full coal recovery" type of mining. Test borings completed on the site did not indicate the presence of mine voids, which likely would have shown indications of collapsed roof rock or excessive carbonaceous materials that are often found above collapsed underground mines. Based upon the information researched and the condition of the bedrock on the Facility Site, the presence of undocumented deep mines on the Facility Site is unlikely. CCE does not, therefore, anticipate the need to perform exploratory drilling.

3. **Question:** In Carroll County Energy Natural Gas Pipeline Interconnection (Case No. 13-2425-EL-BNR), Carroll County Energy, LLC indicates that it will connect to Tennessee Gas Pipelines #200-1 and #200-4 at a pressure of 680 psig, for each existing natural gas line that you may interconnect with to service the proposed site, please state or confirm:

- a. the natural gas pipeline company owner;
- b. the name, number, and designator of the pipeline;
- c. the diameter of the pipeline;
- d. the MAOP (maximum allowable operating pressure) of the pipeline;
- e. the normal operating pressure;
- f. the maximum throughput of the pipeline, corresponding to (d) above; and
- g. the normal throughput of the pipeline, corresponding to (e) above.

**Response:** The Generation Facility will interconnect with both the Tennessee Gas Pipeline (TGP) Line 200-1 and 200-4. For each of these lines, CCE can confirm the following:

- a. the natural gas pipeline company owner:

Kinder Morgan Energy Partners

- b. the name, number, and designator of the pipelines:

Tennessee Gas Pipeline Company LLC, Line 200-1

Tennessee Gas Pipeline Company LLC, Line 200-4

- c. the diameter of the pipelines:

Line 200-1 is a 26" diameter pipeline.

Line 200-4 is a 36" diameter pipeline.

- d. the MAOP (maximum allowable operating pressure) of the pipeline:

790 psig is the MAOP for both Line 200-1 and 200-4.

- e. the normal operating pressure:

The two year historical pressure in this area near the point of the CCE Natural Gas Interconnection ranges between 600 and 750 psig for both Line 200-1 and Line 200-4.

- f. the maximum throughput of the pipeline, corresponding to (d) above:

Design throughput on Line 200-1 near the CCE Natural Gas Interconnection is approximately 325K dth/day.

Design throughput on Line 200-4 near the CCE Natural Gas Interconnection is approximately 820K dth/day.

- g. the normal throughput of the pipeline, corresponding to (e) above:

Historical throughputs which relate to historical pressures may not be representative of normal volumes flowing through the lines. Flow directions and corresponding operations have changed. TGP estimates near term volumes through Line 200-1 of ~160K-200K dth/day and ~320-400K dth/day for Line 200-4.

4. **Question:** State the maximum natural gas consumption of the proposed facility, per hour in MMcf.

**Response:** The maximum natural gas consumption of the proposed facility is approximately 6 MMcf per hour.

5. **Question:** Explain how you plan to contract for adequate natural gas capacity to supply the proposed project, whether the contract will be for firm delivery service, and whether the contract will be full year or seasonal basis.

**Response:** Subsequent to the Generator Application (Case No. 13-1752-EL-BGN), CCE has filed a Natural Gas Pipeline Interconnection (Case No. 13-2425-EL-BNR) for interconnection to the Kinder Morgan Tennessee Gas Pipeline interstate gas pipeline system. The pipeline is situated less than one mile to the northwest of the CCE project site. Adequate natural gas capacity is available to supply the proposed project as follows.

First, the natural gas commodity can readily be purchased through either fixed price or index price contracts. Many reputable natural gas producers and marketers have available supplies in the region. Second, there is sufficient transportation available on the gas pipeline system to meet the Project's gas needs. CCE can readily contract for firm or interruptible transportation on the gas pipeline system. The eventual contracting of both commodity and transportation will be the subject of future negotiations with gas suppliers and marketers that have available capacities in the region. Finally, when comparing gas supply contracts, both seasonal and full year options will be considered.

6. **Question:** In the GIS data the laydown area extends beyond the limits of disturbance. Would part of the laydown area not be used?

**Response:** CCE has the right to use the entire 23-acre Construction Laydown Area identified on the mapping. However, no work proposed under the Generator Application (Case No. 13-1752-EL-BGN) will occur on that parcel beyond the identified limits of disturbance.

7. **Question:** The application states that construction activities will generally occur between 6:00 a.m. to 10:00 p.m. OPSB conditions generally limit construction activities as follows: *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 and hoe ram operations, rock drilling, 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. Applicant will notify property owners or affected tenants within the meaning of OAC Rule 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.* Does this project exhibit circumstances in which these hours would restrict the project to a point where major issues would arise? If so please explain.

**Response:** Yes, having the flexibility for extended hours is of paramount importance for the construction contractor to make up for lost time from weather events, late equipment deliveries or other unforeseen schedule impacts, which can have a significant schedule impact over the construction period. As proposed, CCE construction activity may occur between 6:00 a.m. to 10:00 p.m. Although most construction activities will occur during daylight hours, there are many types of construction activities that will not likely lead to extensive noise (e.g. concrete pours, electrical work, work inside buildings or enclosures, commissioning activities, etc.). To avoid and address any issues with noise during construction, CCE can provide the immediately adjacent neighbors with a telephone



number to report any complaints regarding construction noise levels, and will report the complaints to Staff.

8. **Question:** On table 3, page 7 of the Appendix K: Operational Sound Level Impact Report please list the latitude and longitude of the seven noise-sensitive areas listed.

**Response:** The latitude and longitude of the seven noise-sensitive areas listed in table 3, page 7 of Appendix K: Operational Sound Level Impact Report are as follows:

Receiver	NAD83		UTM WGS84 Zone 17	
	Latitude (N)	Longitude (W)	Easting	Northing
1	40° 36.52610'	81° 3.19720'	495492.12	4495329.48
2	40° 36.36470'	81° 3.25789'	495406.40	4495031.01
3	40° 36.23423'	81° 3.35623'	495267.55	4494789.66
4	40° 36.16760'	81° 3.56832'	494968.41	4494666.59
5	40° 36.13318'	81° 3.68440'	494804.69	4494603.03
6	40° 36.19278'	81° 3.99968'	494360.20	4494713.60
7	40° 36.44708'	81° 4.12130'	494189.07	4495184.21

# VORYS

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February 5, 2014

**VIA COURIER**

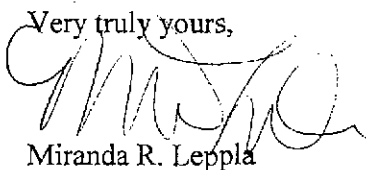
Mr. Donald Rostofer  
Ohio Power Siting Board  
180 East Broad Street, 6th Floor  
Columbus, OH 43215-3793

Re: Carroll County Energy LLC  
Case No. 13-1752-EL-BGN

Dear Mr. Rostofer:

Please find enclosed a copy of Carroll County Energy LLC's Supplemental Response to Question 2 of Staff's First Set of Data Requests. Please call if you have any questions.

Very truly yours,



Miranda R. Leppla

MRL  
Enclosure

**Application of Carroll County Energy LLC (CCE) for a Certificate of Environmental  
Compatibility and Public Need - Case No. 13-1752-EL-BGN**

**Applicant's Supplemental Response to Question 2 of Staff's First Set of Data Requests**

**2. Question:** Will Carroll County Energy perform exploratory drilling within the project area that would determine the conditions below:

- Besides the known elevation of the Middle Kittanning (#6) coal in Washington Township, Section 28 at 870' above sea level, what is the elevation of the Upper Freeport (#7) coal and the Upper Mahoning (#7A) coal?;
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are often found above collapsed underground mines. Based upon the information researched and the condition of the bedrock on the Facility Site, the presence of undocumented deep mines on the Facility Site is unlikely. CCE does not, therefore, anticipate the need to perform exploratory drilling.

**Supplemental Response dated February 5, 2014:**

**The following attachment is a supplement to Carroll County Energy's initial response to Staff Data Request #2, and consists of a supplemental geotechnical work plan. Although CCE does not anticipate the need to perform exploratory drilling, CEE intends to implement the attached geotechnical work plan or a plan similar in nature.**

## **Supplemental Geotechnical Work Plan**

Carroll County Energy

February 5, 2014

### **Subsidence Evaluation**

Prior to construction of the Generation Facility, CCE will evaluate the potential for subsidence at the Facility Site with the assumption that mine voids could be present at the depths of the Upper Freeport and Upper Mahoning coal seams (the "Subsidence Study"). The Subsidence Evaluation will use information gathered from the Preliminary Subsurface Investigation (Appendix E to the Application) and expert knowledge of the regional geology. The scope of the Subsidence Evaluation will include:

1. A discussion of the probability that mining occurred in the Upper Freeport or the Upper Mahoning coal seams underlying the facility. This will be based on discussions with geology and mining experts with local experience, documented information and local knowledge of the area;
2. An estimate of the type and potential amount of maximum subsidence at the Facility Site with and without mine voids present at the Upper Freeport or Upper Mahoning coal seams;
3. A discussion of the assumptions used in the estimate, including the size and depth of voids, subsurface stratigraphy and engineering characteristics of the bedrock, equipment tolerance to ground movements and foundation design;
4. A discussion on the potential for the estimated subsidence to affect neighboring properties;
5. Recommendations based on the results of the evaluation.

The results of the Subsidence Evaluation will determine what, if any, additional field investigations will be required to further characterize the subsurface properties of the Facility Site for final design purposes. If the Subsidence Evaluation were to indicate that the estimated amount of maximum subsidence at the Facility Site is within acceptable design tolerances, no further field investigations will be proposed, and design of the Facility will incorporate recommended civil design features.

If the Subsidence Evaluation shows the anticipated subsidence at the Facility Site is greater than acceptable design tolerances (assuming that mine voids that are classified as having potential for unplanned subsidence are present beneath the Facility Site), additional field investigations may be required to refine the original geotechnical assumptions used in the Subsidence Evaluation.

### **Additional Field Investigations**

If additional field investigations are required based on the results of the Subsidence Evaluation, such investigations will be performed prior to the start of construction and will utilize a phased investigative approach:

#### Phase 1 – Mine Void Confirmation

Two test borings will be drilled at a maximum of 200 feet spacing on the site. Test borings will be advanced to a depth of 20 to 30 feet below the Upper Freeport Coal Seam per ASTM Standard D2113-08. Test borings will be completed using a minimum

of two inch (2") ID rock core tooling. A geologist will be on site to observe the drilling operation and log the test borings according to lithology, percent core recovery and rock quality designation. The following conditions typical of abandoned mines will also be recorded if encountered: loss of drilling water return to the surface, poor core recovery, voids or evidence of collapsed roof rock. Upon completion, the test borings will be prepared accordingly for the instrumentation necessary for further geophysical analysis. Geophysical analysis for mine void confirmation will be determined by the use of Stolar technology (radio geophysics), seismic reflection or other remote sensing technologies used in conjunction with deep borings. Two-inch (2") borings (20 – 30 feet past the seam of interest) would be paired a maximum of 200 feet apart; one boring will contain a transmitter and the other will contain a receiver that will work together to identify the presence of any mine voids in between boring locations.

Field investigations will be conducted under a Site Specific Health and Safety Plan (HASP). A methane monitor will be used during all subsurface activities per the HASP. To eliminate the cross contamination of the groundwater table and collapse of the test borings, at the completion of site activities all test borings will be tremie grouted to the surface with bentonite-cement grout. If a mine void is encountered grout baskets will be placed approximately 5 feet above the mine void. The remainder of the boring will be tremie grouted to the surface.

If the Phase 1 Investigation determines that no mine voids are present, no further field investigations will be proposed and the design of the Facility will incorporate the recommended civil design features previously identified. It is anticipated that such recommendations shall generally be consistent with those recommendations provided in the Preliminary Subsurface Investigation included as Appendix E to the Application.

If the Phase 1 Investigation confirms the presence of mine voids, Phase 2 field investigations may be required.

#### Phase 2 – Deep Subsurface Investigation

If the Phase 1 investigation determines that mine voids are present beneath the Facility Site, additional test borings will be performed to further classify subsurface material between the final elevation of the Facility Site and the top of the uppermost mine void. The number of test borings taken will be dependent on the observed variation in subsurface material across the Facility Site.

### **Subsidence Mitigation Plan**

The Subsidence Evaluation will be updated with the new information gathered from the Additional Field Investigations, and the amount of anticipated subsidence will be recalculated. If the revisions to the Subsidence Evaluation show the amount of anticipated subsidence is greater than acceptable design tolerances, a "Subsidence Mitigation Plan" will be developed. The Subsidence Mitigation Plan will provide the design recommendations and geotechnical features that will be included in the final design of the Facility, including (but not necessarily limited to) deep mine grouting.

The Subsidence Mitigation Plan will also comment on the potential for induced subsidence and other geologic effects on neighboring properties, and the geotechnical features or construction methods, if required, that will be employed to mitigate the potential for induced subsidence.