

**Oregon Clean Energy, LLC**

816 N. Lallendorf Road

Oregon, Ohio 43616

*Via Electronic Filing*

December 4, 2014

OCE-OPSB-002

Ms. Barcy McNeal

Administration/Docketing

Public Utilities Commission of Ohio

180 East Broad Street, 11<sup>th</sup> Floor

Columbus, OH 43215-3793

**Re: Oregon Clean Energy, LLC**

**Case No. 12-2959-EL-BGN**

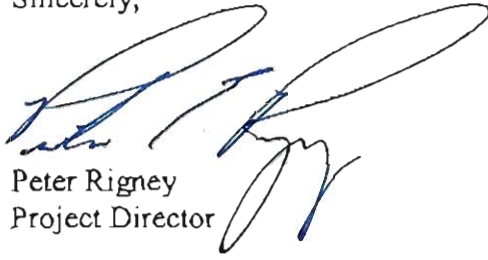
Dear Ms. McNeal:

The May 1, 2013 Opinion, Order, and Certificate approving Oregon Clean Energy, LLC's ("Oregon") Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility ("Certificate") and the March 15, 2013 Second Supplement to Application established a set of conditions and supplemental commitments as part of the Certificate. Specifically, in part, **Commitment #20**, which included in the Second Supplement filed on March 15, 2013, requires that:

**Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant will obtain and comply with such permits or authorizations. The Applicant will provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant will provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.**

Attached to this letter is a copy of The Department of the Army Nationwide Permit No. 39 approval dated November 26, 2014. If you have any questions please call me at (814) 673-1128.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Rigney', with a large, stylized loop at the end.

Peter Rigney  
Project Director

Attachment

Cc: Grant Zeto (w/Attachments)  
Chris Cunningham (w/Attachments)



**DEPARTMENT OF THE ARMY**  
**BUFFALO DISTRICT, CORPS OF ENGINEERS**  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO

November 26, 2014

Regulatory Branch

SUBJECT: Application No. 2013-00205, Nationwide Permit No. 39, as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012

Mr. William Siderewicz  
Oregon Clean Energy, LLC  
20 Park Plaza, Suite 400  
Boston, Massachusetts 02109

Dear Mr. Siderewicz:

This pertains to Oregon Clean Energy, LLC's application for a Department of the Army permit to place fill material to construct roads, a security fence, outfall structures, and pipelines associated with the construct of a natural gas-fired combined-cycle electric generating facility on an approximately 37.5-acre parcel located east of North Lallendorf Road, in the City of Oregon, Lucas County, Ohio.

The proposed project will result in approximately 60.7 linear feet (LF) of permanent impacts to Driftmeyer Ditch associated with a road crossing and approximately 140.8 LF of temporary impacts associated with stormwater outfalls/overflows and pipelines. In addition, the proposed project will result in approximately 16.4 LF of permanent impacts to Johlin Ditch associated with a road crossing and security fence and approximately 4.7 LF of temporary impacts associated with stormwater outfalls/overflow. All temporarily disturbed areas shall be returned to preconstruction conditions immediately following completion of the authorized work.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit provided that the attached conditions are satisfied.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2017.

It is your responsibility to remain informed of changes to the NWP program. A public

Regulatory Branch

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notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

This affirmation is limited to the attached Nationwide Permit and associated Water Quality Certification, and does not obviate the need to obtain any other project specific Federal, state, or local authorization.

In addition to the general conditions attached to the Nationwide Permit, your attention is directed to the following Special Conditions:

- 1 That you are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
- 2 All water in Driftmeyer and Johlin Ditches must be immediately returned to the downstream portion of the project area so that sufficient flow of water is maintained at all times to sustain aquatic life downstream. Water must be diffused at the pump outlet. All temporary diffusing material must be removed upon completion of the project.
- 3 All temporarily disturbed areas shall be returned to preconstruction conditions immediately following completion of the authorized work.
- 4 To reduce any potential adverse effects on the Federally endangered Indiana bat (*Myotis sodalis*), trees (woody stems greater than 5 inches Diameter at Breast Height and greater than 10 feet tall) must not be cut between April 1 and September 30, of any year.
- 5 The proposed project lies within the range of the Kirtland's warbler (*Setophaga kirtlandii*), a federally-listed Endangered species under the Endangered Species Act. To avoid and minimize any potential adverse effects to the warbler, the clearing, removal, and/or modification of any scrub/shrub or forested habitat shall not occur between April 22nd to June 1st and August 15th to October 15th of any year. The permittee is responsible for ensuring all contractors executing any shrub or tree clearing activities are aware of these work restriction timeframes required to avoid and minimize effects to the warbler.
- 6 Disturbance to the streams shall be limited to those areas shown on the attached project plans.

Regulatory Branch

SUBJECT: Application No. 2013-00205, Nationwide Permit No. 39, as Published in the Federal Register, Volume 77, No. 34, on Tuesday, February 21, 2012

- 7 The disposal of trees, brush, construction debris, and other debris in any stream corridor, wetland or surface water is prohibited.
- 8 Immediately following construction you shall seed or mulch all exposed banks and slopes to prevent erosion.

In addition, I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 08-02, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination from this office. If an approved jurisdictional determination is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within fifteen days of this letter, I will assume you no longer wish to pursue the jurisdictional determination and will withdraw your application.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of waters of the United States be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food

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Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

A copy of this letter has been sent to Ms. Lynn Gresock (Tetra Tech, Inc.), the Ohio Environmental Protection Agency, and to the Ohio Department of Natural Resources.

Questions pertaining to this matter should be directed to me at (716) 879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [keith.c.sendziak@usace.army.mil](mailto:keith.c.sendziak@usace.army.mil)

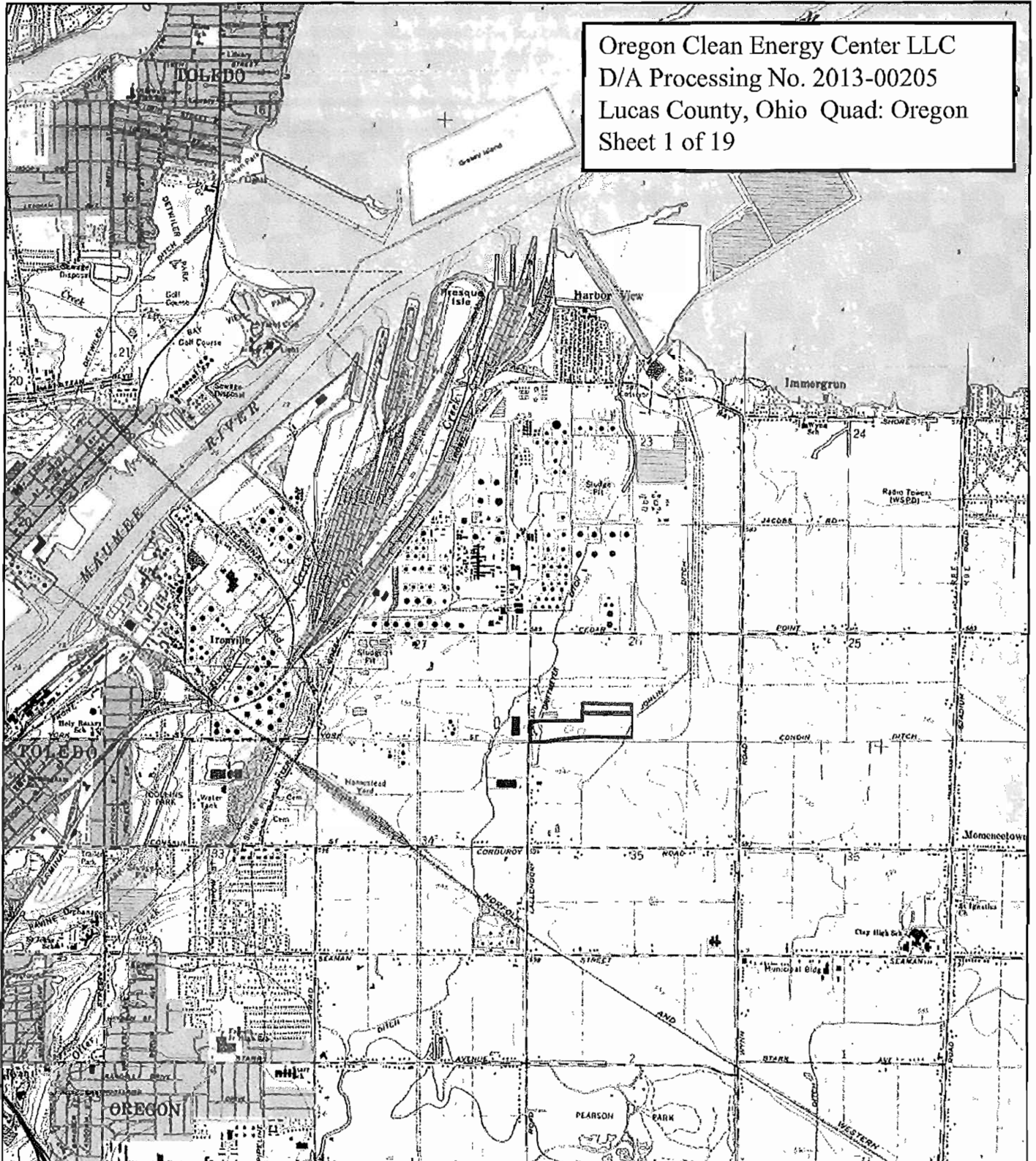
Sincerely,



Keith C. Sendziak  
Biologist

Enclosures

Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
Sheet 1 of 19



**Legend**

-  Project Site
-  Temporary Construction Laydown
-  Switchyard Parcel

0 0.25 0.5 1 Miles

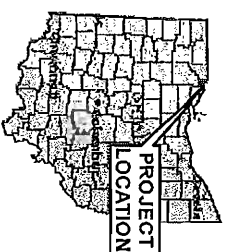
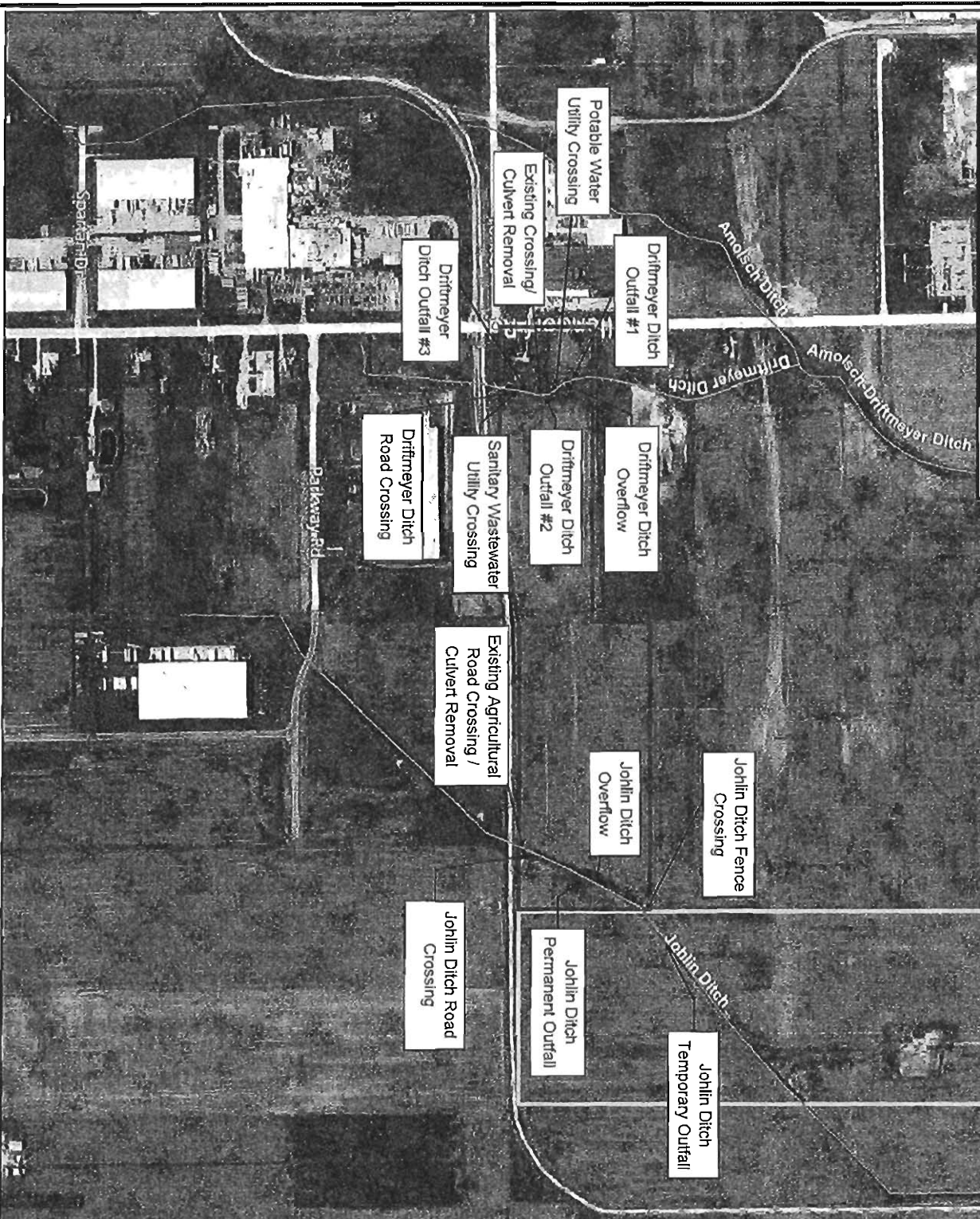


**Oregon Clean Energy, LLC**  
*Natural Gas Energy for Ohio's Future*




**Figure 2  
Vicinity Map**

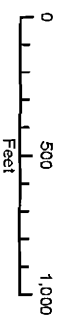
Oregon Clean Energy Center  
Lucas County, Ohio

Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
Sheet 2 of 19



**Legend**

-  Facility Site
-  Temporary Construction Laydown
-  Switchyard Parcel



**Figure 1**  
**Site Plan**

Oregon Clean Energy Center  
Lucas County, Ohio



## Driftmeyer Ditch

Driftmeyer Ditch  
Outfall 1

Driftmeyer Ditch  
Outfall 2

Culvert removal  
and bank regrading

Driftmeyer Ditch  
Outfall 3

Road Crossing

## Utility Crossing

MATCHLINE E 1709869.00 - FOR CONTINUATION SEE DWG 53702

NOTES

- [illegible]

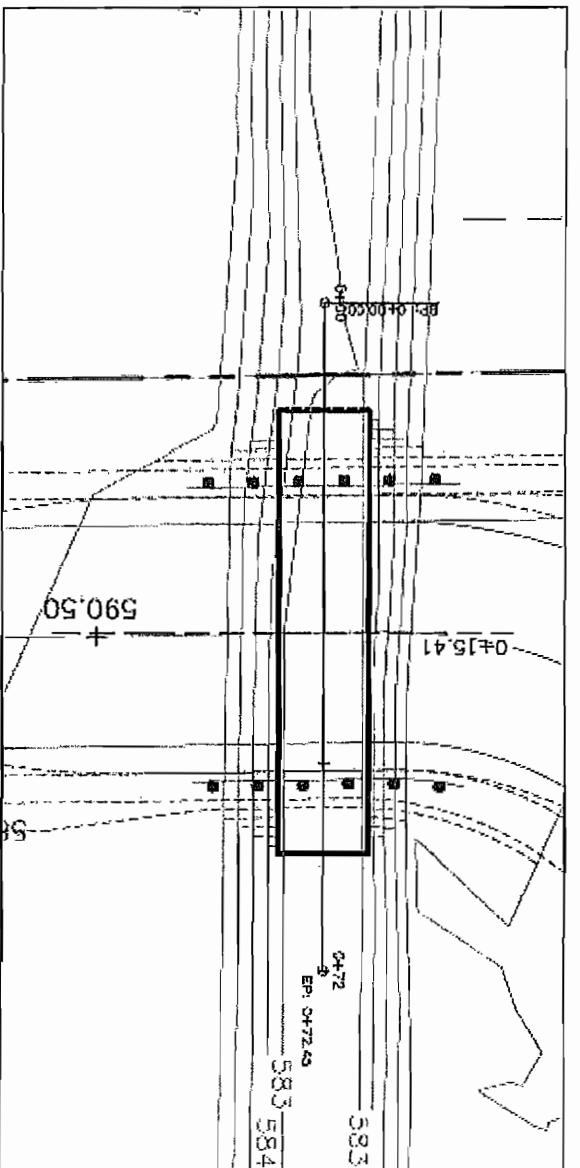
### KEY PLAN

APPROVED FOR  
CONSTRUCTION

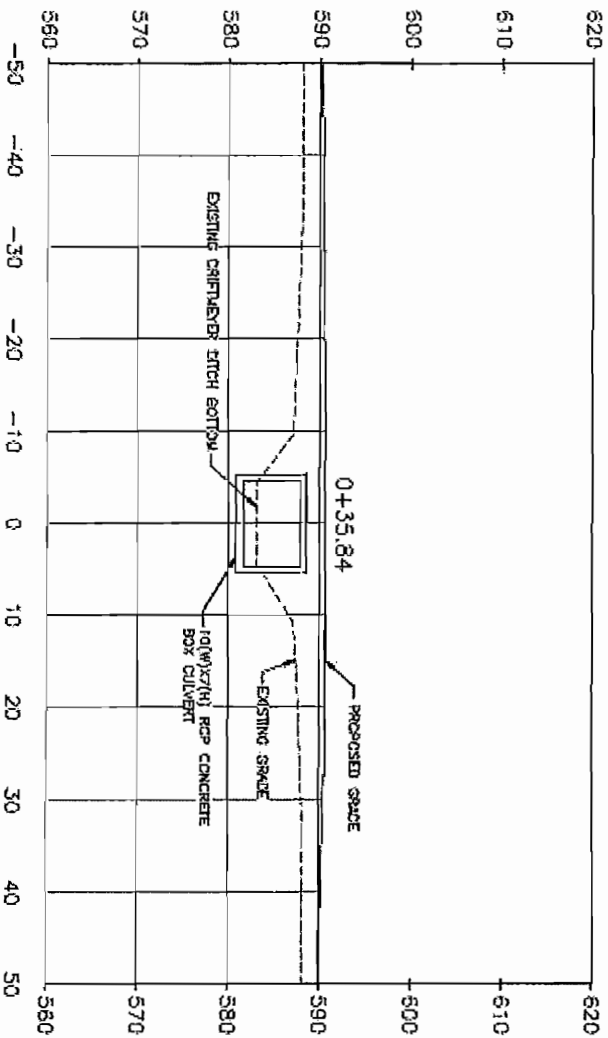
OREGON CLEAN ENERGY LLC

184704-1UZC-53701

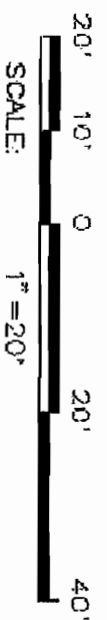
2



PLAN VIEW OF ROAD CROSSING  
DRIFTMEYER DITCH  
SCALE: 1"=20'



CROSS SECTION OF CROSSING PERPENDICULAR TO FLOW  
DRIFTMEYER DITCH  
SCALE: 1"=20'



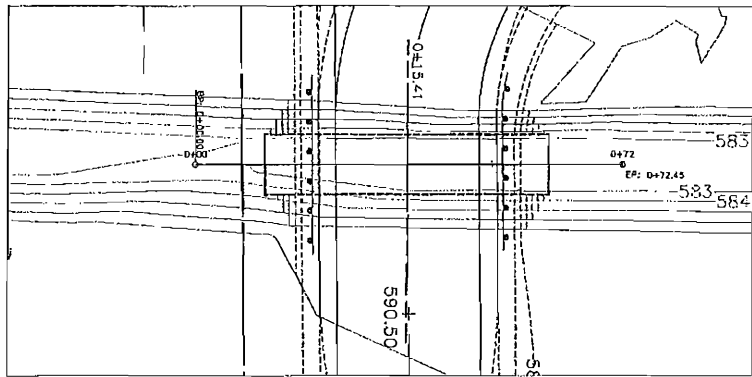
Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
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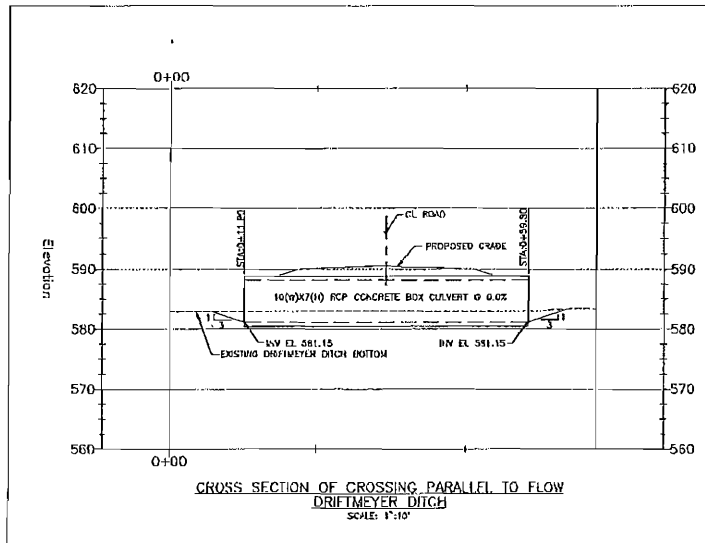
Oregon Clean Energy, LLC  
Natural Gas Energy for Ohio's Future

Figure 3  
Driftmeyer Ditch Road  
Crossing

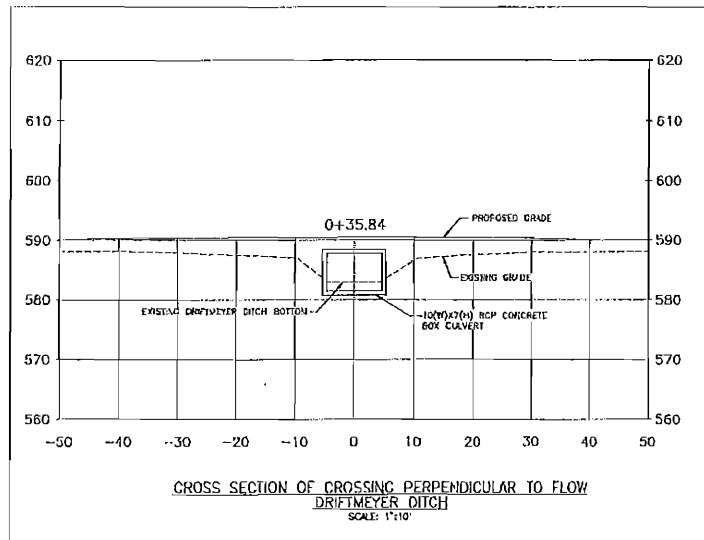
Oregon Clean Energy Center  
Lucas County, Ohio



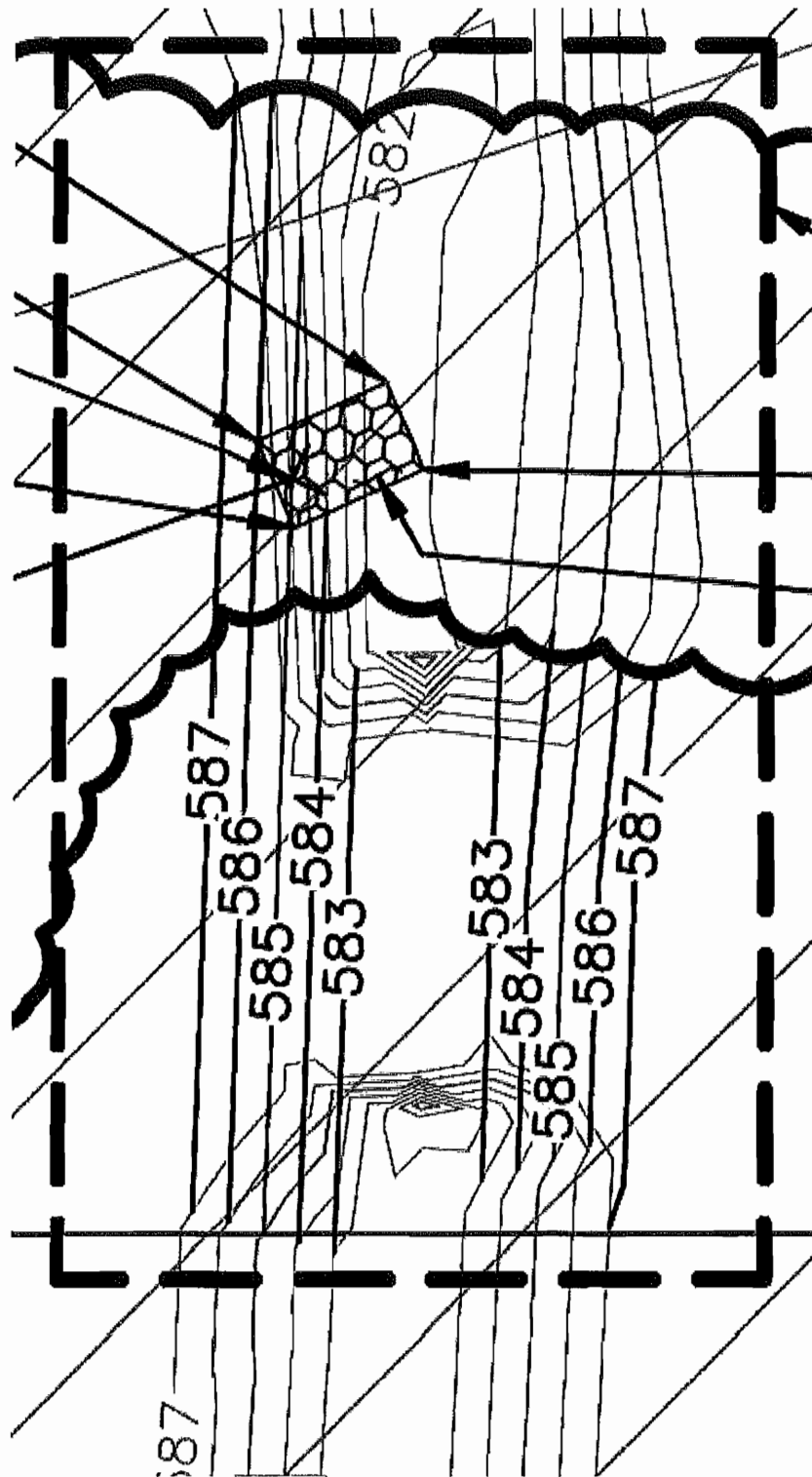
PLAN VIEW OF ROAD CROSSING  
DRIFTMEYER DITCH  
SCALE: 1"=10'



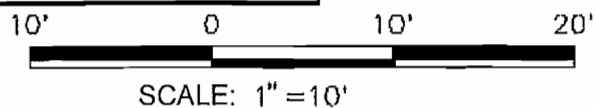
CROSS SECTION OF CROSSING PARALLEL TO FLOW  
DRIFTMEYER DITCH  
SCALE: 1"=10'



CROSS SECTION OF CROSSING PERPENDICULAR TO FLOW  
DRIFTMEYER DITCH  
SCALE: 1"=10'



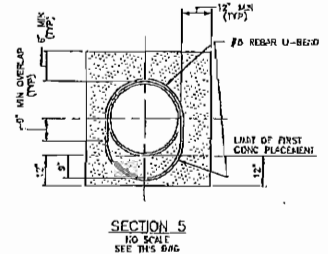
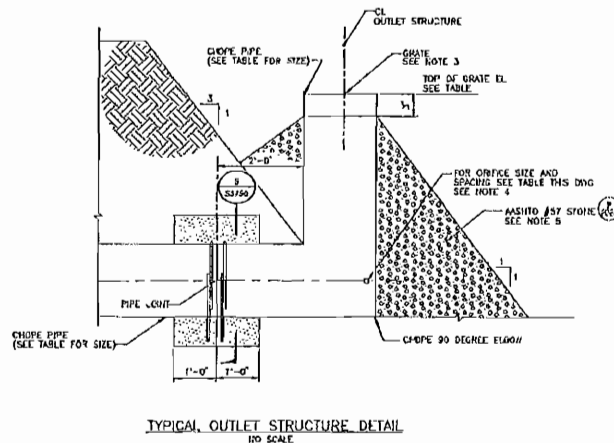
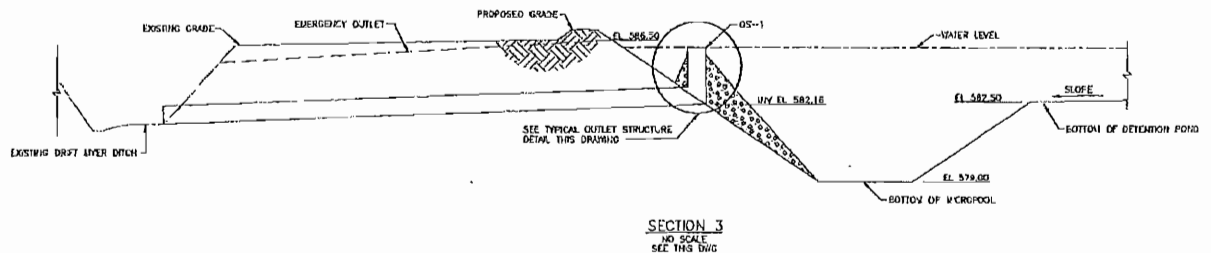
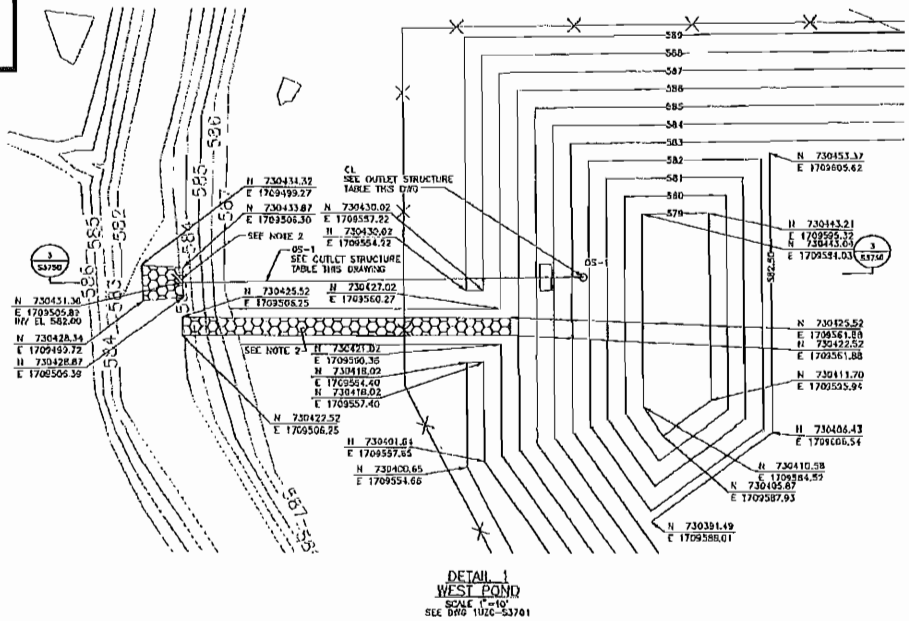
Oregon Clean Energy Center LLC  
 D/A Processing No. 2013-00205  
 Lucas County, Ohio Quad: Oregon  
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*Natural Gas Energy for Ohio's Future*

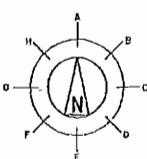
**Figure 4**  
**Driftmeyer Ditch Culvert**  
**Removal and Regrading Plan**

Oregon Clean Energy Center  
 Lucas County, Ohio



ORIFICE SIZE AND ELEVATION TABLE					
SWALE/ POND ID	DWG NO.	STRUCTURE ID	ORIFICE SIZE	ORIFICE CENTERLINE ELEVATION	QUANTITY
1	S3750	OS-1	2.67' DIA	582.50	1
2	S3750	OS-2	3.20' DIA	584.25	1

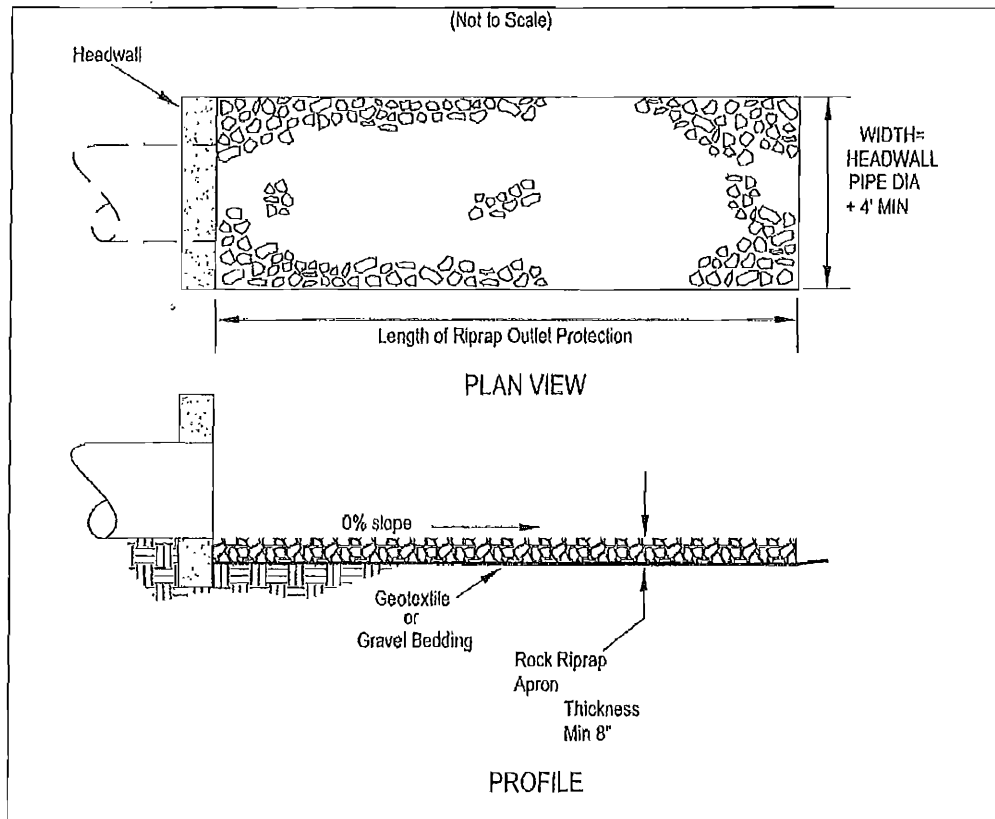
OUTLET (OS) STRUCTURE TABLE													
STRUCTURE ID	DRAWING NO.	CENTERLINE COORDINATES		STRUCTURE SIZE ID	TOP OF GRATE ELEVATION	INLET & OUTLET PIPE INFORMATION							
		NORTH	EAST			A	B	C	D	E	F	G	H
OS-1	S3701	730132.34	1709571.03	12"	585.00	INV EL	DIA	INV EL	DIA	INV EL	DIA	INV EL	DIA
OS-2	S3704	730357.99	1711687.32	18"	586.50	---	---	---	---	---	---	---	---



100' 10.24' (100 Feet)  
100'

10'  
SCALE

Specifications  
for  
**Rock Outlet Protection**



1. Subgrade for the filter or bedding and riprap shall be prepared to the required lines and grades as shown on the plan. The subgrade shall be cleared of all trees, stumps, roots, sod, loose rock, or other material.
2. Riprap shall conform to the grading limits as shown on the plan.
3. Geotextile shall be securely anchored according to manufacturers' recommendations.
4. Geotextile shall be laid with the long dimension parallel to the direction of flow and shall be laid loosely but without wrinkles and creases. Where joints are necessary, strips shall be placed to provide a 12-in. minimum overlap, with the upstream strip overlapping the downstream strip.
5. Gravel bedding shall be ODOT No. 67's or 57's unless shown differently on the drawings.
6. Riprap may be placed by equipment but shall be placed in a manner to prevent slippage or damage to the geotextile.
7. Riprap shall be placed by a method that does not cause segregation of sizes. Extensive pushing with a dozer causes segregation and shall be avoided by delivering riprap near its final location within the channel.
8. Construction shall be sequenced so that outlet protection is placed and functional when the storm drain, culvert, or open channel above it becomes operational.
9. All disturbed areas will be vegetated as soon as practical.

Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
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SCALE:

1" = 20'

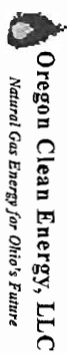
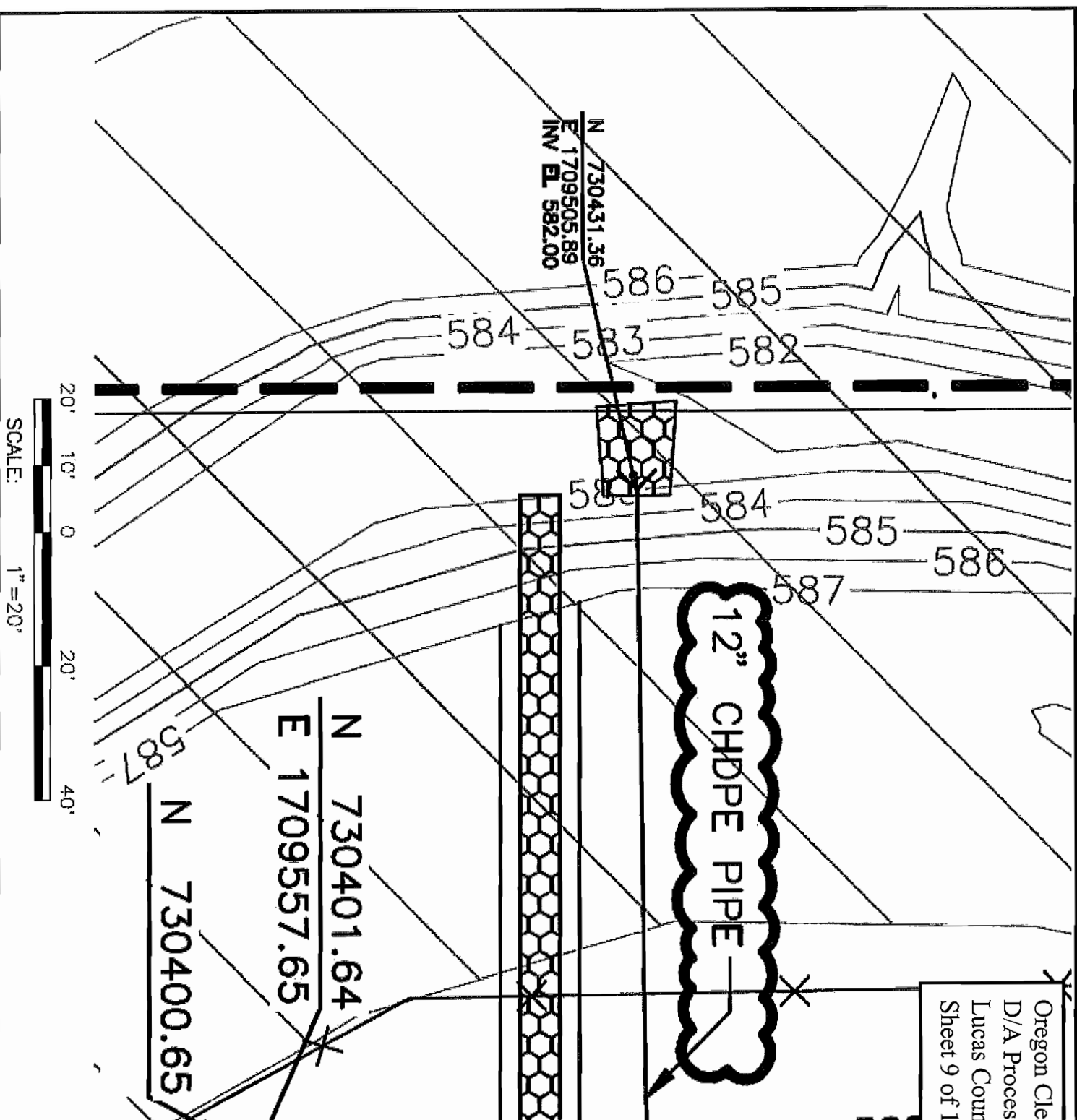
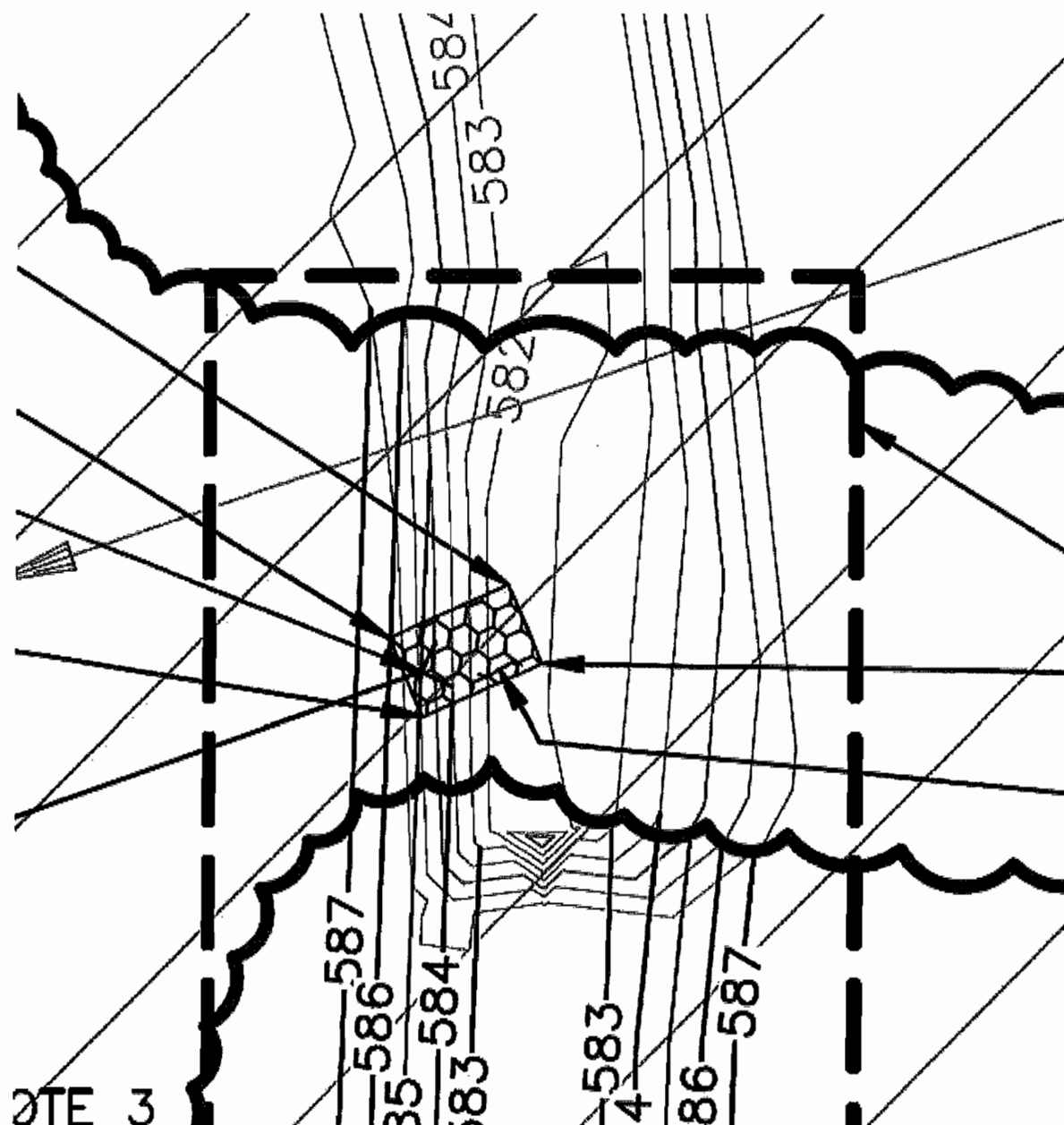


Figure 7

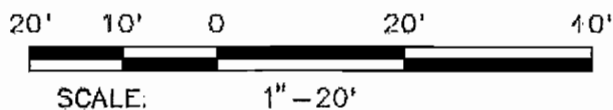
Driftmeyer Ditch Outfall #1  
and Stormwater Overflow

Oregon Clean Energy Center  
Lucas County, Ohio





Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
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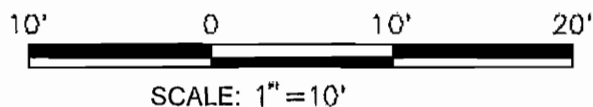
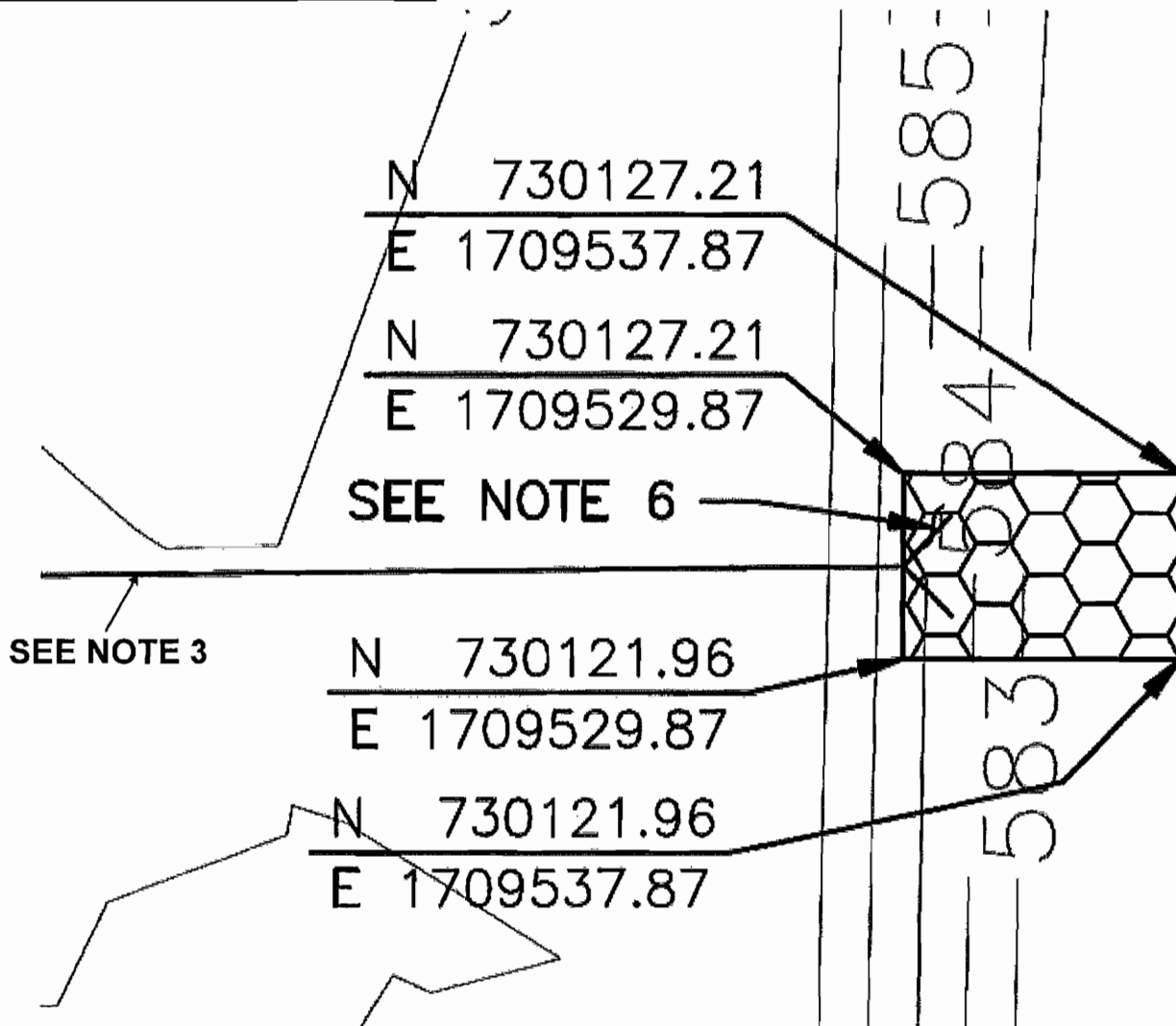


 Oregon Clean Energy, LLC  
Natural Gas Energy for Ohio's Future

**Figure 8**  
**Driftmeyer Ditch Outfall #2**

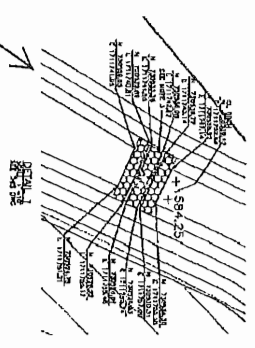
Oregon Clean Energy Center  
Lucas County, Ohio





**NOTES**

- 3: SUBCONTRACTOR SHALL INSTALL 15" CHDPE CULVERT, PER SPECIFICATION, AT LOCATION IDENTIFIED ON THE PLAN.
- 6: INSTALL ODOT TYPE B, 18" THICK RIPRAP WITH A MIRAFI 500X OR ACCEPTABLE EQUAL LINER, PER SPECIFICATION.



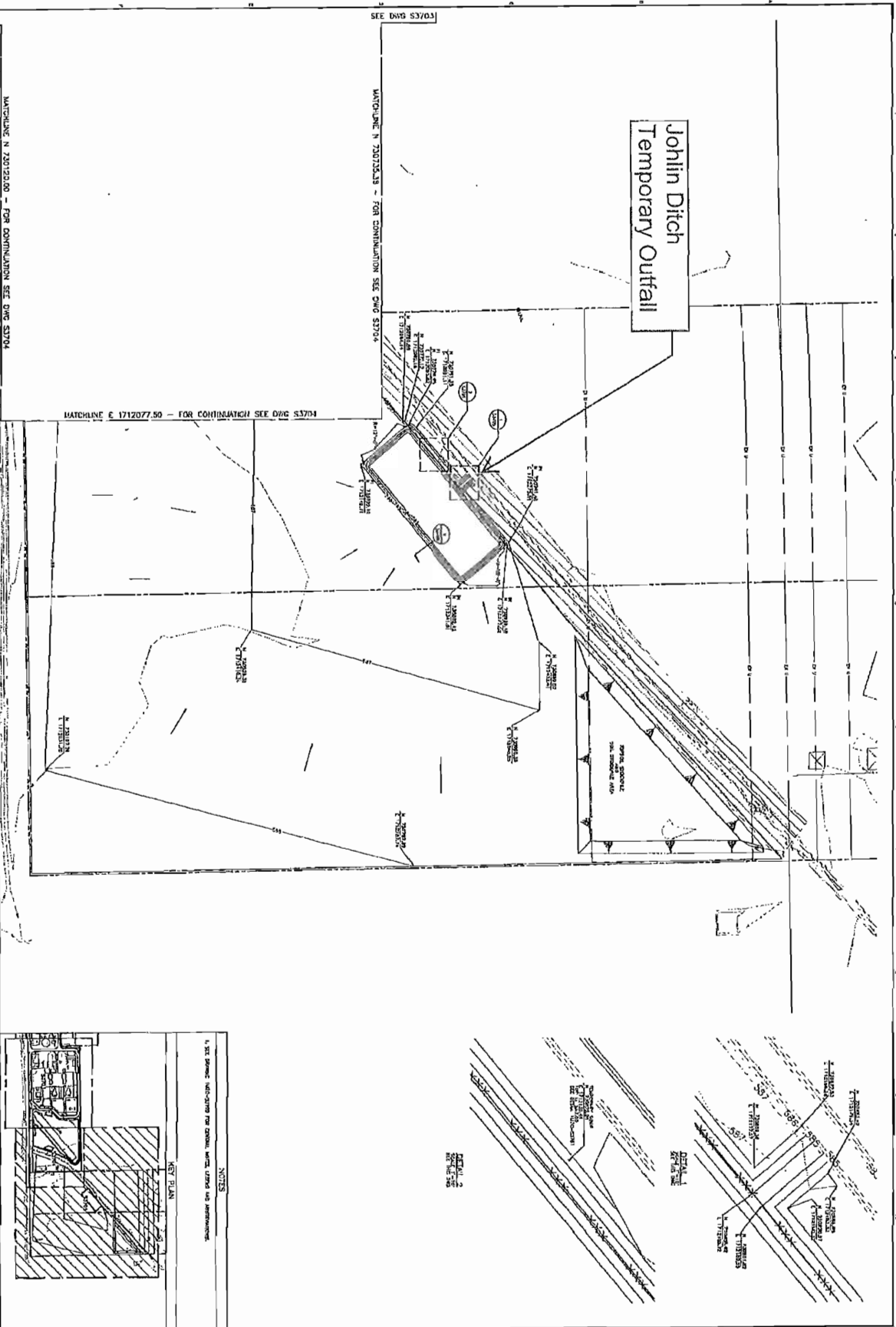
MACHLINE N 730735.38 - PCR CONTINUATION SEE DWG 53705

## Fence Crossing

Architectural floor plan of the 1st floor of the 'Kleinhaus' in Berlin. The plan shows a complex arrangement of rooms, including a large central hall, several smaller rooms, and a kitchen area. The drawing is detailed, showing walls, doors, and furniture. The title '1. OG' is visible at the top right, indicating the first floor.

Oregon Clean Energy Center LLC  
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# Johnin Ditch Temporary Outfall



SEE DWG 13703

SEE DWG 13703

MATCHLINE E 1712077.50 - FOR CONTINUATION SEE DWG 13704

MATCHLINE N 207250.00 - FOR CONTINUATION SEE DWG 13704

NO.	DATE	BY	CHKD.	DESCRIPTION
1	07/26/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
2	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
3	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
4	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
5	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
6	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
7	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
8	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
9	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION
10	08/14/14	J. L. LUCAS	J. L. LUCAS	ISSUED FOR CONSTRUCTION

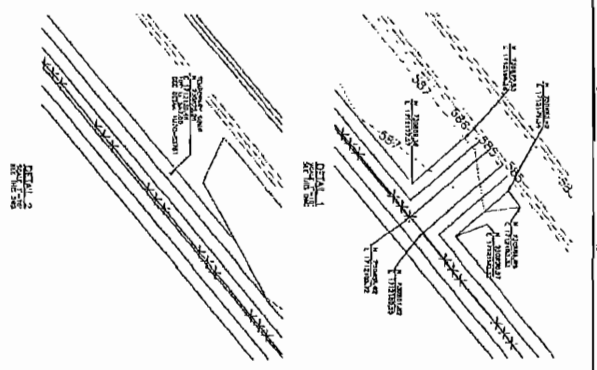
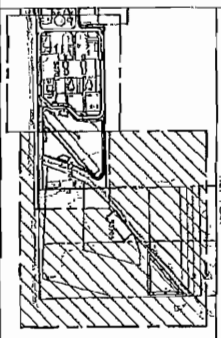
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North Arrow

DOUGLAS  
2014.10.07

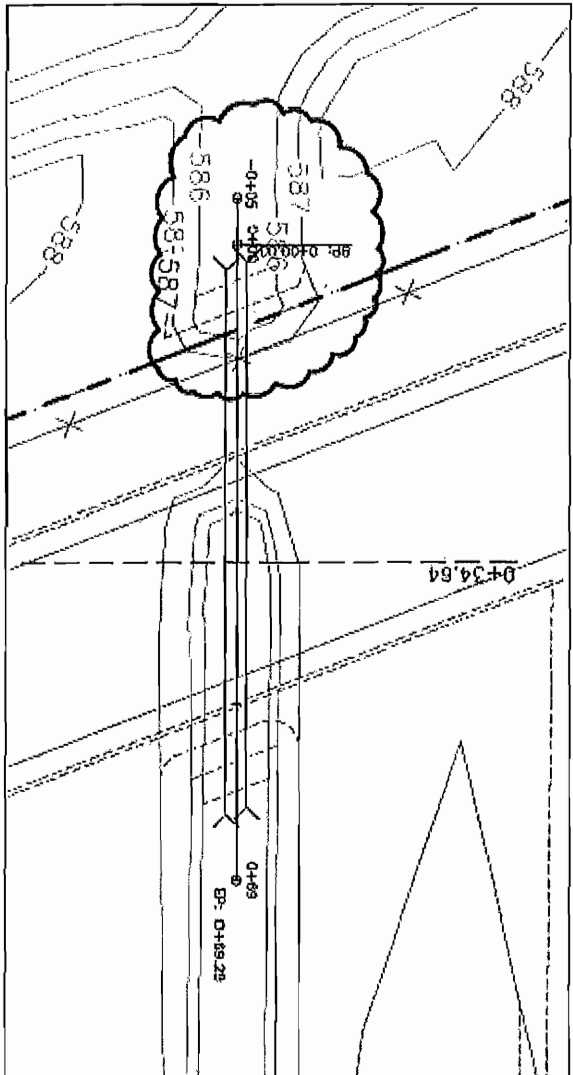
NOTES

1. SEE DRAWING 13703 FOR DITCH, WATER, LAYOUT AND IMPROVEMENTS.

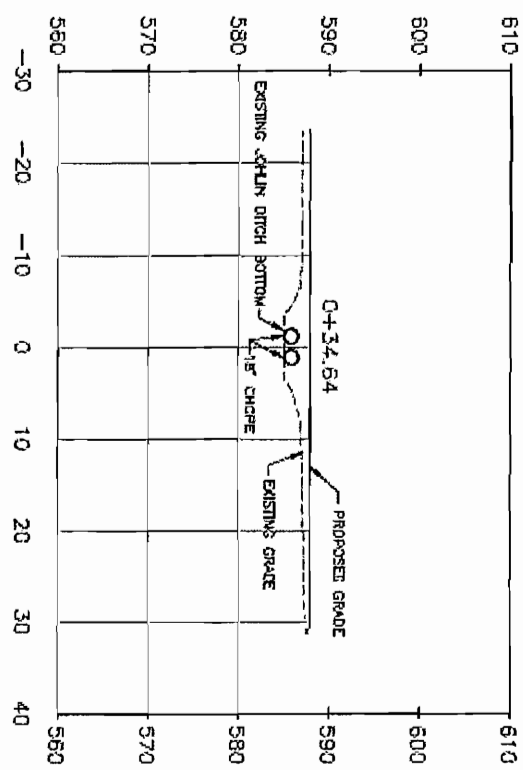


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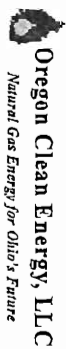
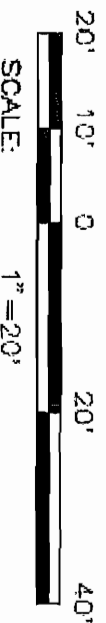
Oregon Clean Energy Center LLC  
D/A Processing No. 2013-00205  
Lucas County, Ohio Quad: Oregon  
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PLAN VIEW OF ROAD CROSSING  
JOHLIN DITCH  
SCALE: 1"=20'

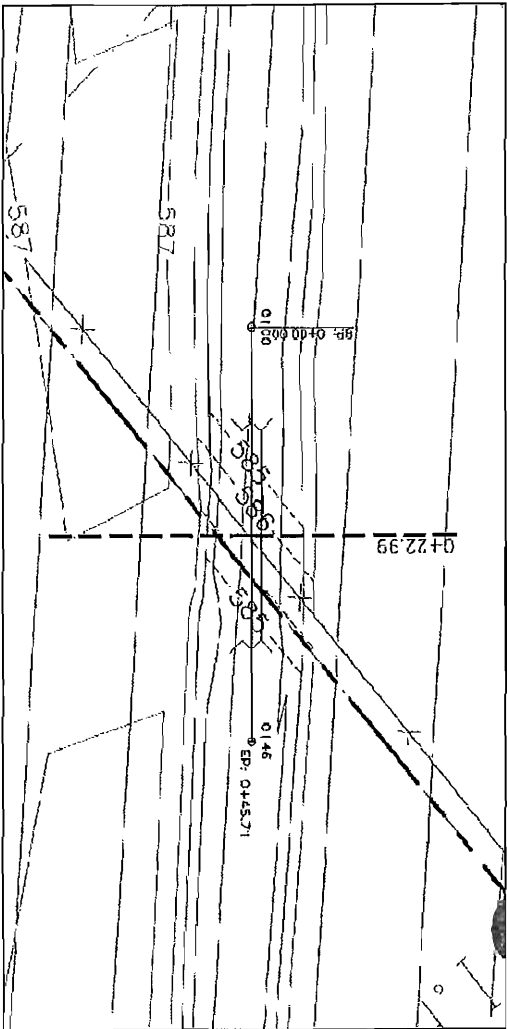


CROSS SECTION OF CROSSING PERPENDICULAR TO FLOW  
JOHLIN DITCH  
SCALE: 1"=20'



**Figure 5**  
Johlin Ditch Road Crossing and  
Culvert Removal

Oregon Clean Energy Center  
Lucas County, Ohio



CROSS SECTION OF FENCE CROSSING PERPENDICULAR TO FLOW  
JOHLIN DITCH  
SCALE: 1"=20'

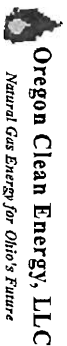
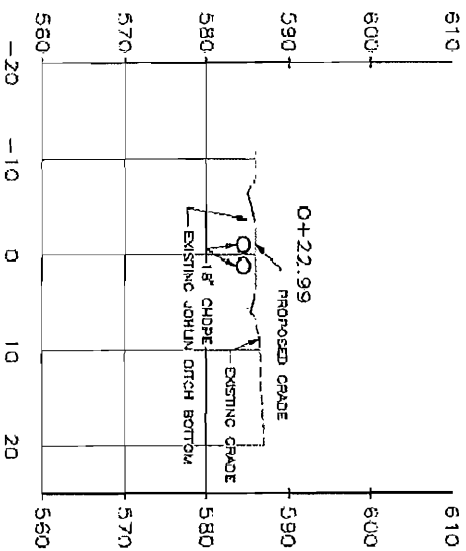


Figure 6  
Johlin Ditch Security  
Fence Crossing

Oregon Clean Energy Center  
Lucas County, Ohio

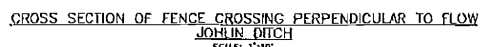
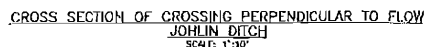
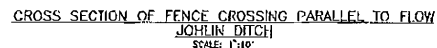
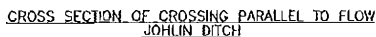




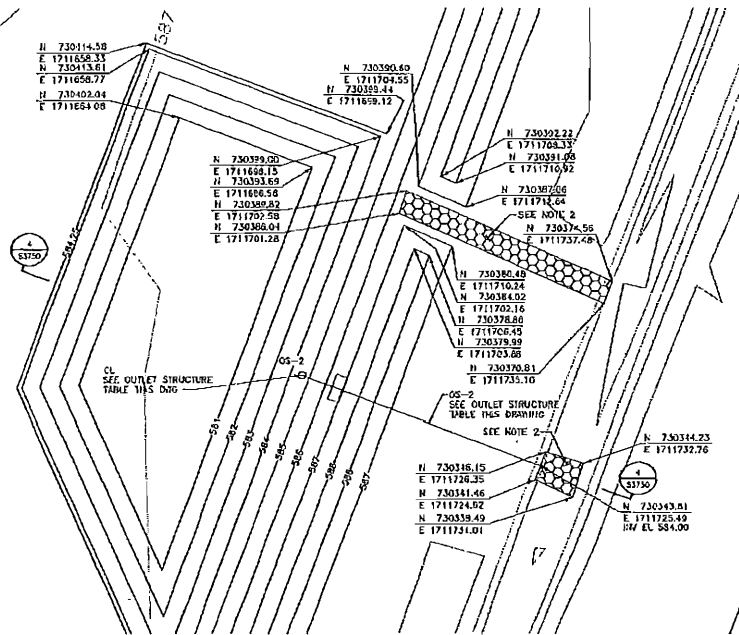
SCALE: 1"=10'



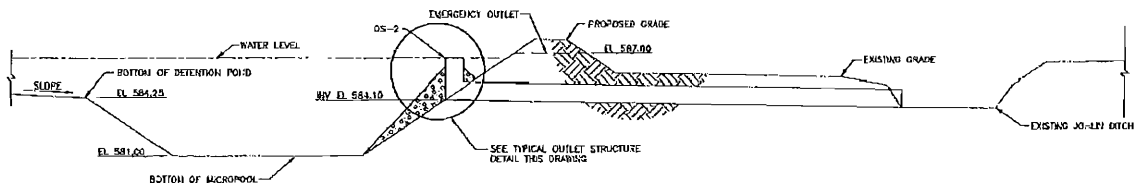
JORLIN



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DETAIL 2  
EAST POND  
SCALE 1"=10'  
SEE DWG 102C-S3704



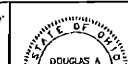
SECTION 4  
NO SCALE  
SEE THIS DWG

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G	H		REMARKS
	EL	DIA	
20+	12'	—	• IN EL IS TOP OF STAKEPIPE
—	—	—	• IN EL IS TOP OF STAKEPIPE

BACKCIRCLES PER  
ECN-N-S-0001

0 10' 20'  
1"=10'



DOUGLAS A DVORAK  
2014.10.07 14:38:13 -05'00'

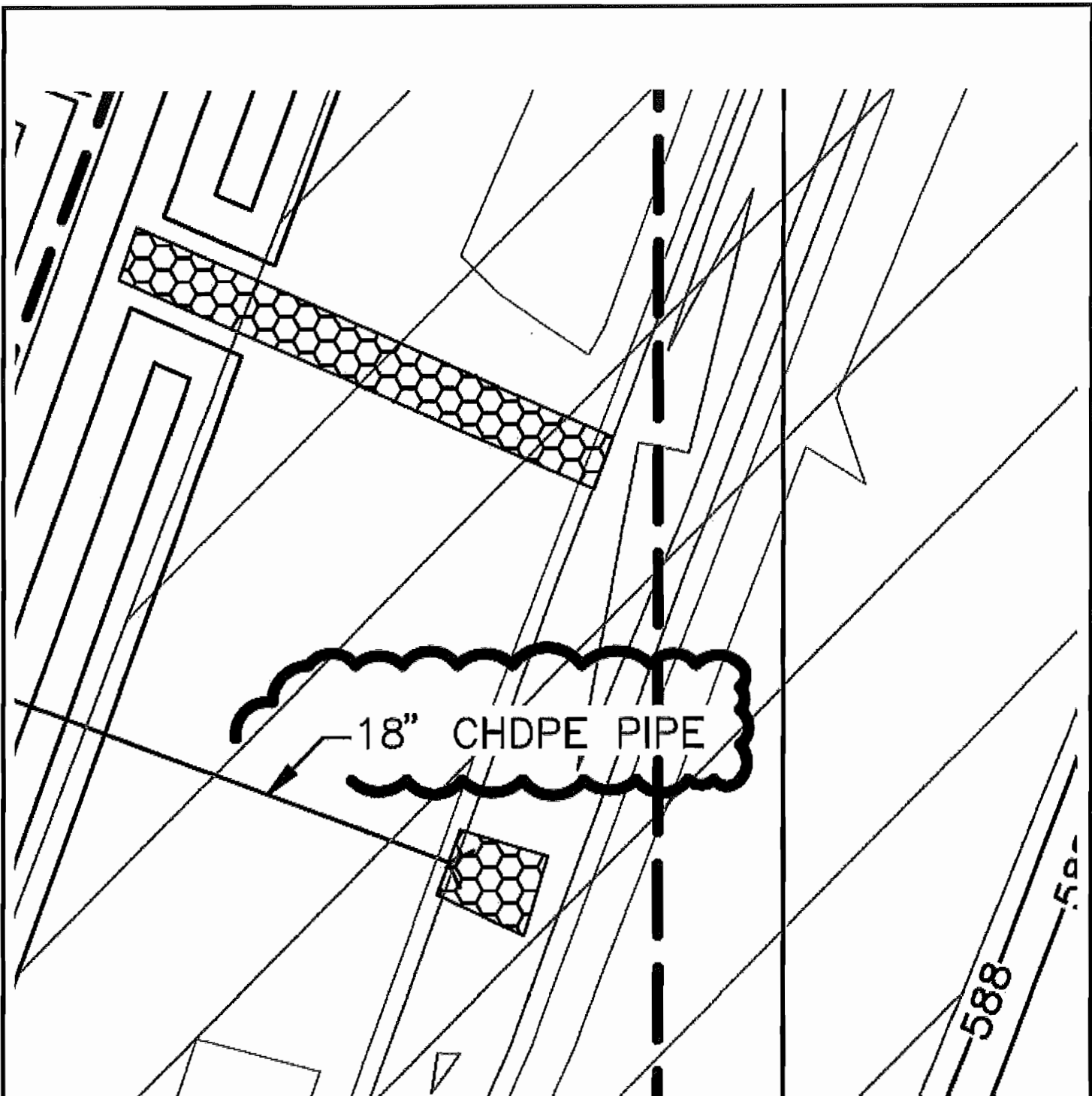
BLACK & VEATCH CORPORATION  
CIVIL ENGINEERING  
CREDENTIAL NUMBER  
PRV.01645

#### NOTES


- SEE DRAWING 102C-S3700 FOR GENERAL NOTES, LEGEND AND ABBREVIATIONS.
- INSTALL GROUT TYPE B, 24" THICK REBAR, WITH A MIN 500K OR ACCEPTABLE EQUAL LAYER, PER SPECIFICATION.
- GRATE SHALL BE NYLON/PLAST 12" DEEP-IN CHUTE OR EQUIVALENT FOR OS-1 AND OS-2.
- ORFICE SHALL BE FIELD DRILLED ONLY AFTER TEMPORARY SKIMMER DEPRESSURE DEVICE IS REMOVED AND PLEGGED. SUBSIDIARY SHALL WRAP PIPE AROUND THE ORFICE WITH A MIN 1400 OR ACCEPTABLE EQUAL LAYER. LAYER SHALL BE SECURED TO THE PIPE AND HAVE A SIX INCH VERTICAL MARGIN ABOVE AND BELOW THE ORFICE.
- SUBCONTRACTOR SHALL INSTALL STONE AS INDICATED ON DETAIL. AFTER THE ORFICE IS FIELD DRILLED, THESE ACTIVITIES SHALL HAPPEN AT THE END OF PROJECT CONSTRUCTION AND THE COMPLETION OF THE PERMANENT POND.

APPROVED FOR  
CONSTRUCTION

THE DISTRIBUTION AND USE OF THE NATIVE FORMAT CAD  
FILE OF THIS DRAWING IS UNCONTROLLED. THE USER  
SHALL VERIFY TRACEABILITY OF THIS DRAWING TO THE  
LATEST CONTROLLED VERSION.



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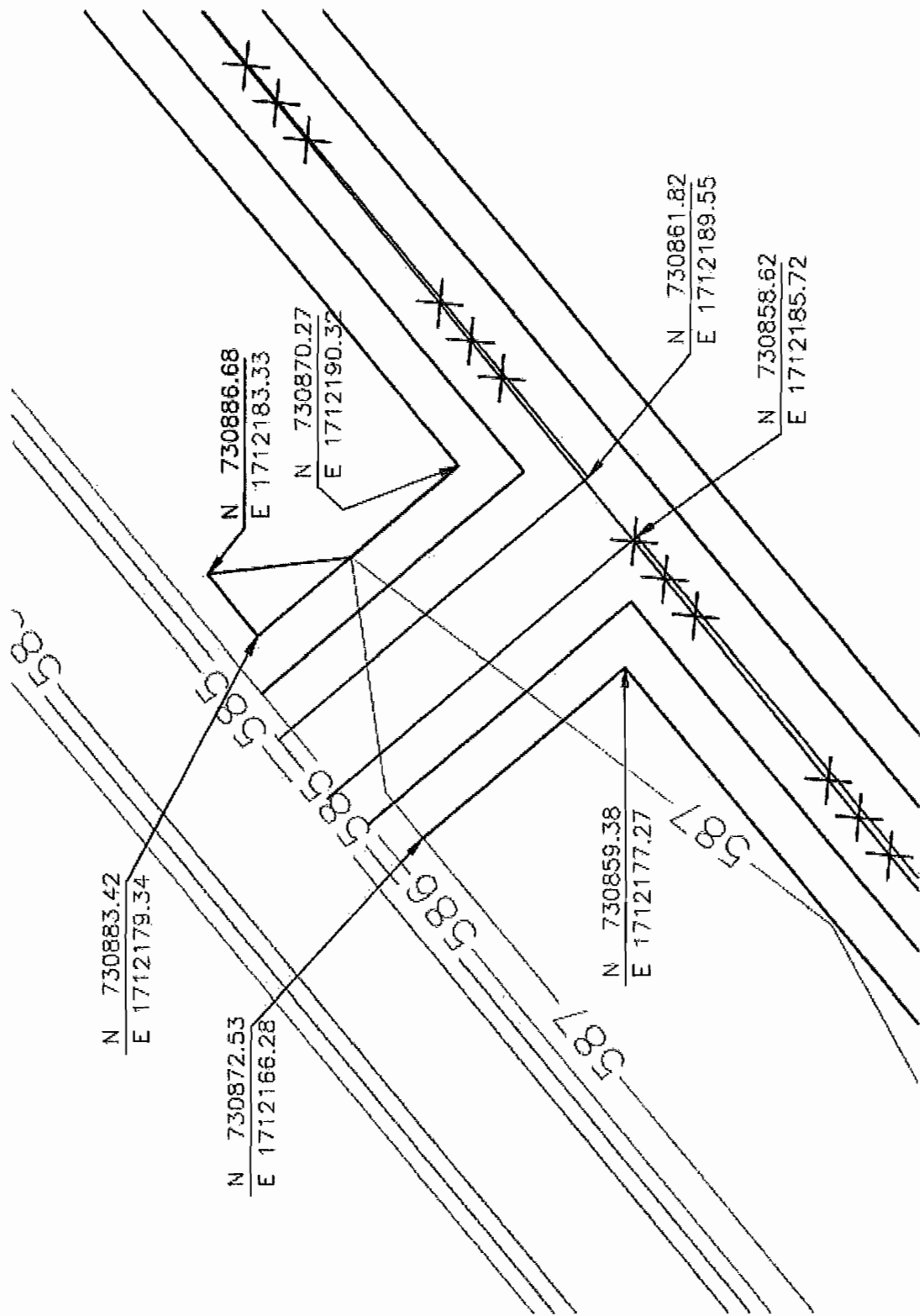
20' 10' 0 20' 40'  
  
SCALE: 1"=20'

 **Oregon Clean Energy, LLC**  
*Natural Gas Energy for Ohio's Future*

**Figure 10**  
**Johlin Ditch Permanent Outfall**  
**and Overflow**

Oregon Clean Energy Center  
Lucas County, Ohio





Oregon Clean Energy, LLC

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

**Commission of Ohio Docketing Information System on**

**12/4/2014 2:55:06 PM**

**in**

**Case No(s). 12-2959-EL-BGN**

Summary: Permit Issued Transmittal of ACOE Permit Approval electronically filed by Ms. Kellee C Fletcher on behalf of Oregon Clean Energy, LLC