

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Carroll )  
County Energy, LLC for an Amendment )  
to Its Certificate of Environmental ) Case No. 14-2085-EL-BGA  
Compatibility and Public Need to )  
Construct an Electric Generation Facility. )

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter, and having determined that a public hearing is not necessary, having reviewed the amendment application and being otherwise fully advised, hereby issues its Order on Certificate Amendment in accordance with R.C. Chapter 4906.

OPINION:

I. Summary of the Proceeding

On April 28, 2014, the Board granted the application of Carroll County Energy, LLC (CCE or Applicant) for a certificate to construct an electric power generating facility in Washington Township, Carroll County, Ohio. *In re Carroll County Energy, LLC*, Case No. 13-1752-EL-BGN (*CCE Certification Case*), Opinion, Order, and Certificate (Apr. 28, 2014). The Board granted CCE's application pursuant to a stipulation filed by CCE, Washington Township, and Staff. CCE was approved to construct a natural gas fired, combined-cycle power plant, with a 742 megawatt (MW) capacity. The plant was to be built on 77 acres in Washington Township, Carroll County, Ohio, with commercial operation estimated to begin in May 2017. (CCE Application at 1.)

On November 26, 2014, CCE filed an application to amend the certificate issued in the *CCE Certification Case*. The amendment proposes three changes. First, there will be the addition of a 20-acre temporary construction area and 2.5-acre temporary stockpile area located directly north of the facility site, to be used during construction for temporary parking and construction laydown uses such as storage of bulk materials and early deliveries of materials. Second, there will be the addition of an option to utilize an ion exchange demineralizing system, to replace the reverse osmosis demineralizing system, which, along with other water-conserving measures, has the potential to reduce water use and minimize wastewater discharge. Third, the facility switchyard will be re-oriented and there will be other minor internal electrical system changes at the request of American Electric Power. (CCE Application at 1-2.)

Notice of the amendment application was published on December 4, 2014, in *The Free Press Standard*, a newspaper of general circulation in Carroll County. CCE filed the proof of publication with the Board on February 13, 2015. On January 16, 2015, Staff filed a report evaluating the amendment application (Staff Report).

## II. Applicable Law

CCE is a corporation and a person under R.C. 4906.01(A) and is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10 in accordance with the Board's Order in the *CCE Certification Case*.

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and provides that such facilities must be certified by the Board prior to the commencement of construction. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-13, prescribing regulations regarding electric generation facilities.

R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing "\*\*\*\*if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility\*\*\*." Under Ohio Adm.Code 4906-5-10(B), an applicant is required to provide notice of its application for amendment in accordance with R.C. 4906.06(B) and (C).

## III. Staff Investigation of Proposed Amendment

Staff's investigation found that the amendment would not significantly alter the proposed land use and that overall expected impacts to cultural resources remain minimal. Staff determined that the proposed option to treat wastewater on site is expected to result in a net reduction of potential social impacts, as increased treatment capacity would not be required from the local sewage system. According to the Staff Report, the Applicant needs to add a temporary laydown area and a 2.5-acre temporary soils stockpile, which would be located directly north of the facility site. The Applicant would also develop an access point off of the facility driveway to connect to the new laydown area; however, the access point would not impact any ecological resources and would connect with an existing gravel access road. Staff noted that the land would be returned to agricultural production upon completion of the project. (Staff Report at 2.)

According to Staff, utilizing the existing access road would also avoid potential impacts to delineated wetlands and streams, protecting ecological resources. Staff also found that reorientation of the facility switchyard would require an additional 0.5 acres of permanent tree clearing; however, the adjustment would have little negative impact

on ecological resources and would enhance reliability of the electric system. (Staff Report at 1.)

Staff determined that no additional state or federally listed endangered, threatened, candidate, or proposed species were identified. While a total of approximately 12 acres of additional tree clearing would be required for the temporary laydown area and 0.5 acres for the reorientation of the switchyard, the Applicant agreed to restrict habitat tree clearing outside of April 1 through September 30 in order to avoid potential disturbance to summer roosting habitat associated with the Indiana Bat. The Applicant will also maintain a minimum 20-foot riparian buffer around surrounding intermittent streams associated with Pipes Fork in order to minimize potential impacts to water resources. (Staff Report at 3.)

Because the amendment would have a minimal social and environmental impact, Staff recommended the Board approve the amendment. Staff also recommended that, in order to best protect ecological resources associated with this project and to minimize potential social impacts, the Applicant be required to conform to the conditions and commitments of the original certificate. (Staff Report at 1, 3.)

#### IV. Conclusion

Upon review, the Board finds, pursuant to R.C. 4906.07, that the proposed amendment to the certificate issued in the *CCE Certification Case*, with the requirement that the Applicant conform to the conditions and commitments of the original certificate, does not result in any material increase in any social or environmental impact, or a substantial change in the location of the certificated facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Accordingly, the Board concludes that CCE's certificate should be amended to add a 20-acre temporary construction area and 2.5-acre temporary stockpile area, reorient the facility switchyard, and permit the Applicant the option to treat wastewater on site, as described in the application.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) CCE is a corporation and a person under R.C. 4906.01(A).
- (2) CCE's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).
- (3) On November 26, 2014, CCE filed an application in this proceeding to amend the certificate issued in the *CCE Certification Case*.

- (4) The proposed amendment would add a 20-acre temporary construction area and 2.5-acre temporary stockpile area, reorient the facility switchyard, and permit the Applicant the option to treat wastewater on site.
- (5) Public notice of the proposed amendment was published in Carroll County, Ohio, and filed with the Board on February 13, 2015.
- (6) On January 16, 2015, Staff filed a report evaluating the amendment application.
- (7) The proposed changes to the certificated facility do not result in a substantial change in the location of the facility or any material increase in any social or environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.
- (8) Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need for CCE's electric generation facility, issued in the *CCE Certification Case*, should be amended to add a 20-acre temporary construction area and 2.5-acre temporary stockpile area, reorient the facility switchyard, and permit the Applicant the option to treat wastewater on site, as described in the application, and subject to the conditions set forth in the *CCE Certification Case*.

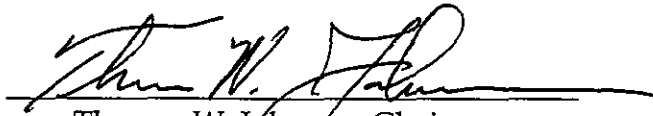
ORDER:

It is, therefore,

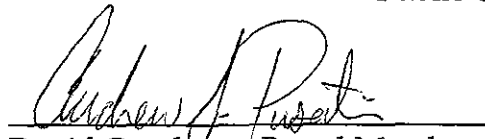
ORDERED, That CCE's amendment application be approved, subject to the conditions set forth in the *CCE Certification Case*. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all parties and interested persons of record.

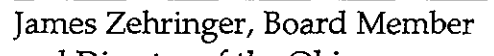
THE OHIO POWER SITING BOARD



Thomas W. Johnson, Chairman  
Public Utilities Commission of Ohio



David Goodman, Board Member  
and Director of the Ohio  
Development Services Agency



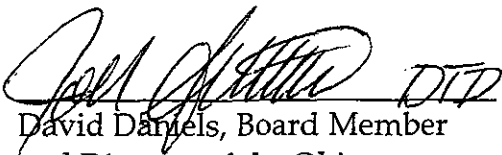
James Zehringer, Board Member  
and Director of the Ohio  
Department of Natural Resources



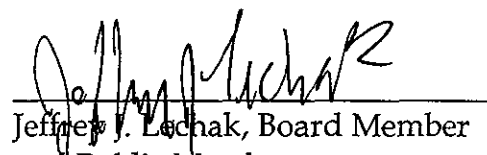
Richard Hodges, Board Member  
and Director of the Ohio  
Department of Health



Craig Butler, Board Member  
and Director of the Ohio  
Environmental Protection Agency



David Daniels, Board Member  
and Director of the Ohio  
Department of Agriculture



Jeffrey J. Lechak, Board Member  
and Public Member

SEF/dah

Entered in the Journal



Barcy F. McNeal  
Secretary