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March 9, 2016

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Clean Energy Future-Lordstown, LLC,
OPSB Case No. 14-2322-EL-BGN**

Dear Ms. McNeal:

The September 17, 2015, Opinion, Order, and Certificate ("Certificate") approving Clean Energy Future-Lordstown, LLC ("CEFL") Certificate of Environmental Compatibility and Public Need to Construct the Lordstown Energy Center established a set of conditions as part of the Certificate.

Within this set of conditions, **Condition No. 10** requires that:

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.

In compliance with **Condition No. 10**, attached is a copy of the wetland permits from the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers for the civil construction phase of the project. A copy of these permits was provided to OPSB Staff on March 4, 2016.

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

Attachments

cc: Jon Whitis (w/Attachments)



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

DEC 24 2015

Certified Mail

**Re: Lordstown Energy Center
Permit - Intermediate
Approval
401 Wetlands
Trumbull
DSW401154803**

December 24, 2015

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Bill Siderewicz
Clean Energy Future – Lordstown, LLC
24 Proctor Street
Manchester, Massachusetts 01944

By: John Kasich Date: 12-24-15

Subject: Lordstown Energy Center
Trumbull County / Lordstown Township
Grant of a Level Two Isolated Wetland Permit
Ohio EPA ID No. 154803

Dear Stakeholders:

I hereby authorize the above referenced project under one or both of the following authorities and it is subject to the following modifications and/or conditions:

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111, I hereby conclude that the above-referenced project will comply with the applicable provisions of Ohio Revised Code Sections 6111.02 through 6111.028. This authorization is specifically limited to a Ohio Isolated Wetlands Permit (here after referred to as "permit") with respect to water pollution and does not relieve the Permittee of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Mahoning River Watershed (HUC 05030103) as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the requirements set forth in Ohio Revised Code Sections 6111.02 through 6111.028.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The watershed in which this project is located, Lordstown Township – Mud Creek (HUC 050301030602), has an area of 14.2 square miles of which 22.0 percent is developed, 33.50 percent is forest, 90.0 percent is grass/pasture, 20.5 percent is row crop agriculture, and 8.2 percent is other.

Mud Creek is a warmwater habitat (EWH) stream, agriculture and industrial water supply, and considered a primary contact recreation.

B. Project Description

Construct an energy conversion facility which consists of interconnecting mechanical and electrical processes that convert natural gas to electricity.

C. Impacts

Impacts to isolated wetlands are as follows:

Fill 1.011 acres of isolated forested and non-forested wetlands as part of the construction/staging requirements of the project.

Wetland ID	Isolated or Non-isolated?	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
M2	Isolated	Non-Forested	2	0.016	0.016	0
M3	Isolated	Forested	2	0.702	0.702	0
M4	Isolated	Non-Forested	1	0.249	0.249	0
M5	Isolated	Non-Forested	1	0.035	0.035	0
M6	Isolated	Non-Forested	1	0.009	0.009	0
Totals				1.011	1.011	0

PART II TERMS & CONDITIONS

- A. Terms and conditions outlined in this section apply to project and mitigation construction as described in this permit.
- B. This permit shall be valid for a period of five (5) years from the date of issuance.
- C. The Permittee shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this permit, upon the start and completion of site development.

- D. A copy of this permit shall remain on-site for the duration of the project.
- E. In the event of an inadvertent spill, the Permittee must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401/Stormwater Manager (614-644-2001).
- F. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project must be reported within 24 hours of occurrence to Ohio EPA, Division of Surface Water, Section 401/Stormwater Manager (614-644-2001), for further evaluation.
- G. Pesticide application(s) for the control of plants and animals shall be applied in accordance with rule 3745-1-01 of the Ohio Administrative Code, and may require a pesticide applicator license from the Ohio Department of Agriculture.
- H. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
- I. In the event that there is a conflict between the permit application, including the mitigation plan, and the conditions within this permit, the condition shall prevail unless Ohio EPA agrees, in writing, that the permit application or other provision prevails.
- J. The Permittee shall provide electronic maps of the development area and the mitigation area to Ohio EPA 401 WQC and Isolated Wetland Permitting Section within 30 days of the date of this permit. JPEG, TIFF, PDF or BMP files are acceptable. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc). The electronic files shall be sent to the following e-mail address: EPA.401Webmail@epa.ohio.gov

If the files are too large to send by e-mail, a disk containing the electronic files shall be mailed to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
Attn: 401/Stormwater Section Manager
50 West Town Street, Suite 700
PO Box 1049
Columbus, OH 43216-1049

- K. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
330-963-1200

Additional information regarding environmental permitting assistance at Ohio EPA can be found at http://www.epa.ohio.gov/dir/permit_assistance.aspx

L. Best Management Practices (BMPs)

1. All water resources and their buffers which are to be avoided shall be clearly indicated on site drawings, demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
2. All BMPs for storm water management shall be designed and implemented in accordance with the most current edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual, unless otherwise required by the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:
<http://soilwater.ohiodnr.gov/water-conservation/stormwater-management>

A copy of the NPDES construction general permit is available at:
http://www.epa.ohio.gov/dsw/storm/construction_index.aspx#Construction%20General%20Permit

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Concrete rubble used for fill or bank stabilization shall be in accordance with ODOT specifications; free of exposed re-bar; and, free of all debris, soil and fines.
7. Chemically treated lumber which may include, but is not limited to, chromated copper arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
8. Trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.

M. Wildlife Protection

In the event that an eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*) is encountered during construction of the project, work should immediately cease and the Ohio Department of Natural Resources, Division of Wildlife contacted. Caution should be employed during construction and during the snakes' active season (March 15 - November 15).

PART III MITIGATION

A. Description of Required Mitigation

The applicant proposes to purchase 2.5 total In-Lieu Fee wetland credits, 0.7 non-forested credits and 1.8 forested credits, from Stream and Wetlands Foundation In-Lieu Fee program. A copy of the reservation credits agreement was submitted with the application.

B. Mitigation and Monitoring Plan

As mitigation for impacts described in Part I.C of this permit the Permittee shall implement the mitigation plan dated September 11, 2015, and in accordance with the conditions in this permit.

C. Timing of Mitigation Requirements

Within 30 days of the date of permit, a copy of a fully executed in-lieu fee program agreement with Stream and Wetlands Foundation shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

PART IV NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this permit shall reference the following information:

Permittee Name: Clean Energy Future-Lordstown, LLC
Project Name: Lordstown Energy Center
Ohio EPA ID No.: 154803

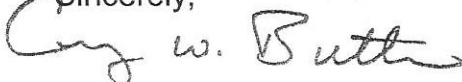
and shall be sent to:

Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,



Craig W. Butler
Director

cc: Tyler Bintrim, Department of the Army, Pittsburgh District, Corps of Engineers
Matthew Mason, Department of the Army, Pittsburgh District, Corps of Engineers
Peter Swenson, U.S. EPA, Region 5
Dan Everson, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office
Ed Wilk Ohio EPA, DSW, Section 401/IWP
Jeff DeShon, Ohio EPA, DSW, EAS
Megan Wolf, Ohio EPA, DSW, Mitigation Coordinator
Vince Messerly, Stream + Wetlands Foundation
Jessica Stratigakos, The Mannik & Smith Group, Inc.

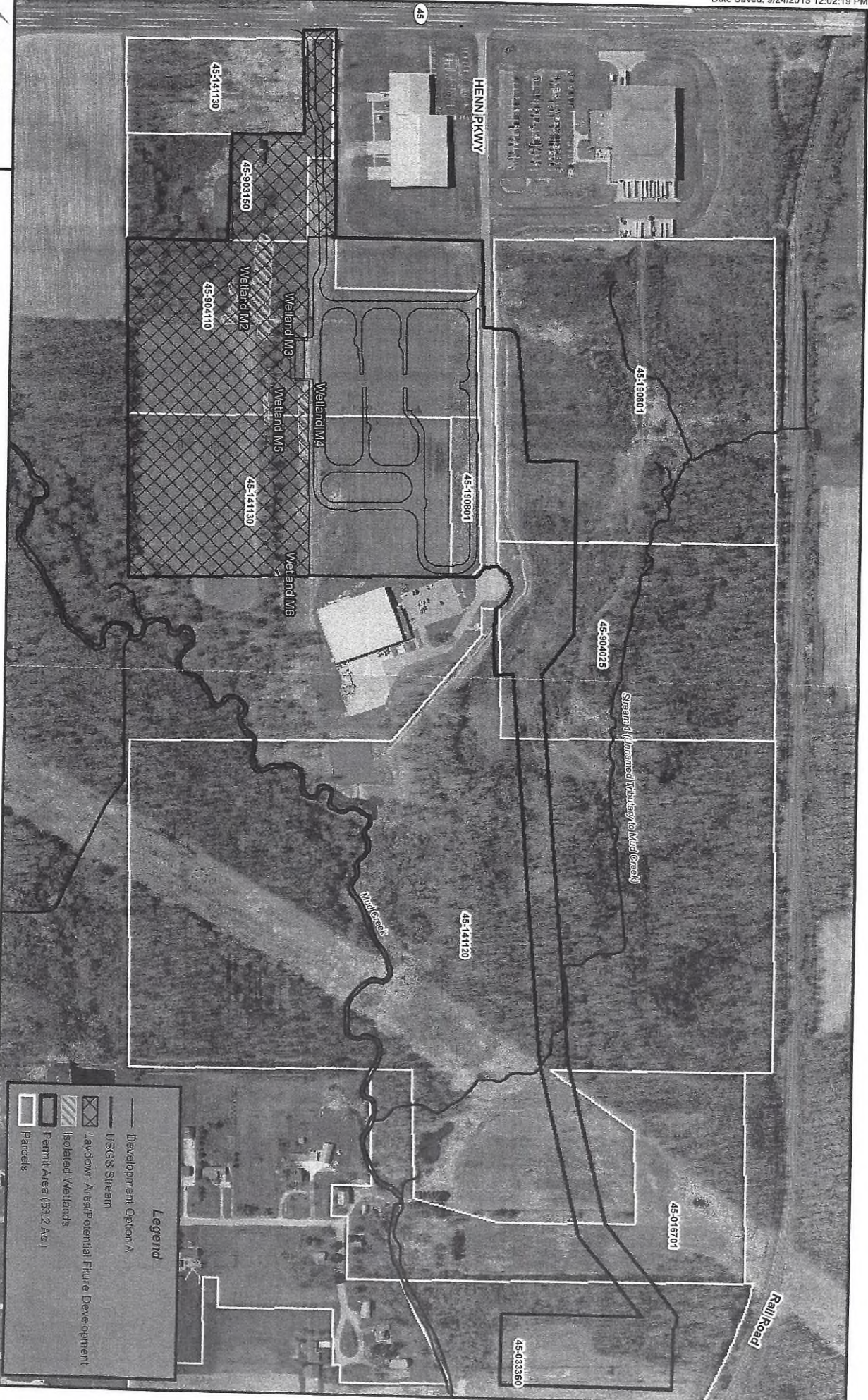
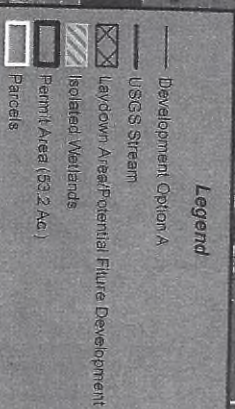
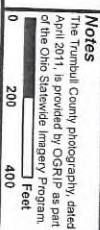
Attachments: Site Location Map (project)

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>.



Isolated Wetlands
Lordstown Energy Center
Lordstown, Ohio

Sent
9-29-15





DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

REPLY TO

February 18, 2016

Operations Division
Regulatory Branch
2005-1448

Clean Energy Future- Lordstown, LLC
c/o William Siderewicz
24 Proctor Street
Manchester, Massachusetts 01944

Dear Mr. Siderewicz:

I refer to your request for a permit modification, received in this office August 14, 2015, requesting a modification to Department of the Army Permit No. 2005-1448 previously issued to Henn Development, Incorporated.

You have proposed to impact 1.82 acres of wetland for the construction of the Lordstown Energy Center on 53 acres within the Lordstown Industrial Park located along the Henn Parkway, Lordstown, Trumbull County, Ohio. This facility will convert natural gas to electricity and involves two gas turbines, two heat recovery steam generators, one steam turbine, a wet cooling tower, and an electrical switchyard which will convey the electricity to the local grid system.

Initially the Henn Development permit authorized 1.76 acres of wetland fill with permittee responsible mitigation being proposed just off site. Currently the mitigation requirement is proposed to be satisfied through the purchase of 3.1 credits from the Stream + Wetlands Foundation In-Lieu Fee (ILF) in addition to establishing a 40.04 acre conservation instrument containing 19.45 acres of wetland. Permission is granted to impact the aquatic resources for the construction of the Lordstown Energy Center per the applicable original permit conditions in addition to the following **special conditions**.

1. The time limit for completing the work authorized ends on December 31, 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. Submit a check payable to "Stream + Wetlands Foundation" for the purchase price of \$139,500.00 for 3.1 wetland credits from The Stream + Wetlands Foundation ILF Program. Mail both the form and check to Stream + Wetlands Foundation at:

Stream + Wetlands Foundation
1220 Stone Run Court
Lancaster, Ohio 43130

Please note, this permit is not valid until the ILF payment has been made. After making the required payment, please forward a copy of the ILF Receipt to our office within 60 calendar days and reference file number 2005-1448.

3. A fully signed and executed conservation instrument protecting 40.04 acres (19.45 acres of which is wetland) as shown on the enclosed map titled "Conservation Easement Lordstown Energy Center Lordstown, Ohio" is required to be submitted to this office within 60 days.
4. Tree removal may not occur from April 1 to September 30 to preclude impacts to federally listed bats.

All four Special Conditions from the original Henn Development permit are rescinded as anticipated development, permittee responsible mitigation, and the original conservation instrument are no longer applicable. All other conditions of the Permit remain in full force and effect.

If you have any questions, please contact Tyler Bintrim at 412-395-7115 or email at tyler.j.bintrim@usace.army.mil. Please complete our customer survey online and provide us with feedback at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

//SIGNED//

Scott A. Hans
Chief, Regulatory Branch

Enclosure

Copies Furnished:

Jessica Stratigakos
The Mannik and Smith Group, Inc.
23225 Mercantile Road
Beachwood, Ohio 44122

Ed Wilk
Ohio Environmental Protection Agency
Division of Surface Water
2110 E. Aurora Rd,
Twinsburg, OH 44087

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/9/2016 12:30:12 PM

in

Case No(s). 14-2322-EL-BGN

Summary: Correspondence of Clean Energy Future-Lordstown, LLC in Compliance with Condition No. 10 electronically filed by Teresa Orahod on behalf of Sally Bloomfield