



COLUMBUS | CLEVELAND  
CINCINNATI | DAYTON  
MARIETTA

**BRICKER & ECKLER LLP**  
100 South Third Street  
Columbus, OH 43215-4291  
MAIN: 614.227.2300  
FAX: 614.227.2390

www.bricker.com  
info@bricker.com

**Sally W. Bloomfield**  
614.227.2368  
sbloomfield@bricker.com

January 11, 2017

*Via Electronic Filing*

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 ("OCE") 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 No. 20**, which is included in the Second Supplement filed on March 15, 2013, requires that:

**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.**

Attached for filing is a copy of the final Air Pollution Control Title IV Acid Rain Permit issued January 10, 2017.

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

Sincerely,

Sally W. Bloomfield

Attachment

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



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

1/10/2017

Bart Vince  
Oregon Clean Energy Center  
816 N. Lallendorf Rd.  
Oregon, OH 43616

Certified Mail  
Facility ID: 0448020102  
Permit Number: P0118896  
County: Lucas

RE: FINAL AIR POLLUTION CONTROL TITLE IV ACID RAIN PERMIT  
Permit Type: Initial

Dear Permit Holder:

Enclosed is a Title IV Acid Rain permit we urge you to read it carefully.

The issuance of this Title IV permit is a final action of the Director 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 thirty (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 (3) 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, OH 43215

If you have any questions regarding this permit, please contact Dana Thompson (614) 644-3701. This permit has been posted to the Division of Air Pollution Control (DAPC) Web page <http://www.epa.ohio.gov/dapc>.

Sincerely,

Michael E. Hopkins, P.E.  
Assistant Chief, Permitting Section, DAPC

Cc: U.S. EPA Region 5 *Via E-Mail Notification*  
Toledo Department of Environmental Services



**FINAL**

**Title IV Acid Rain Permit  
OAC Chapter 3745-103  
for  
Oregon Clean Energy Center**

Facility ID: 0448020102  
Permit Number: P0118896  
Permit Type: Initial  
Issued: 1/10/2017  
Effective: 1/10/2017  
Expiration: 1/10/2022



**Title IV Acid Rain Permit**  
**OAC Chapter 3745-103**  
Oregon Clean Energy Center

**Table of Contents**

Authorization .....	1
A. Standard Terms and Conditions .....	2
1. Statement of Basis.....	3
2. Permit Application .....	3
B. Emissions Unit Terms and Conditions .....	4
1. P001.....	5
2. P002.....	6



**Final Title IV Acid Rain Permit**  
**Permit Number:** P0118896  
**Facility ID:** 0448020102  
**Effective Date:** 1/10/2017

## Authorization

Facility ID: 0448020102  
Facility Description: Electric power generating plant  
Application Number(s): A0053436  
Permit Number: P0118896  
Permit Description: Initial Title IV permit  
Permit Type: Initial  
Issue Date: 1/10/2017  
Effective Date: 1/10/2017  
Expiration Date: 1/10/2022

This document constitutes issuance of an OAC Chapter 3745-103 Title IV permit to:

Oregon Clean Energy Center  
816 Lallendorf Rd  
Oregon, OH 43616

The above named entity is hereby granted a Title IV acid rain permit pursuant to Chapter 3745-103 of the Ohio Administrative Code. This permit shall expire at midnight on the expiration date shown above. You will be sent a notice approximately 18 months prior to the expiration date regarding the renewal of this permit. It is the permittee's responsibility to renew this permit even if no notice of its expiration is received. If a renewal permit is not issued prior to the expiration date, the permittee may continue to follow the terms and conditions in the permit pursuant to OAC rule 3745-103-08(A) provided that a complete renewal application is submitted for each source at least six months prior to the expiration date as required by OAC rule 3745-103-07(A).

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

A handwritten signature in black ink that reads "Craig W. Butler".

Craig W. Butler  
Director

## **A. Standard Terms and Conditions**

**1. Statement of Basis**

- a) In accordance with Ohio Revised Code Section 3704 and Titles IV and V of the Clean Air Act, the Ohio Environmental Protection Agency issues this permit pursuant to Ohio Administrative Code (OAC) Chapters 3745-103 and 3745-77.

**2. Permit Application**

- a) Attached as part of this permit is the permittee's Title IV Acid Rain Permit Application (See Appendix A). The application contains additional conditions, terms and limitations that must be met and that are a part of this permit. The application identifies the affected source, affected units, and specifies standard requirements (Permit Requirements, Monitoring Requirements, Sulfur Dioxide Requirements, Nitrogen Oxides Requirements, Excess Emissions Requirements, Record keeping and Reporting Requirements, Liability, and Effect on Other Authorities).

## **B. Emissions Unit Terms and Conditions**



**1. P001**

**ORIS Code: 59764**

**Acid Rain Program Description:**

Unit 01

**a) Sulfur Dioxide (SO<sub>2</sub>) Allowance Allocations**

The owners and operators of each source and each affected unit at the sources shall:

(1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

**b) Nitrogen Oxides (NO<sub>x</sub>) Requirements**

(1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

**c) Comments, Notes, and Justifications**

(1) None.

**2. P002**

**ORIS Code: 59764**

**Acid Rain Program Description:**

Unit 02

a) Sulfur Dioxide (SO<sub>2</sub>) Allowance Allocations

The owners and operators of each source and each affected unit at the sources shall:

- (1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
- (2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

b) Nitrogen Oxides (NO<sub>x</sub>) Requirements

- (1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

c) Comments, Notes, and Justifications

- (1) None.



**Permit Requirements****STEP 3**

Read the standard requirements.

(1) The designated representative of each affected source and each affected unit at the source shall:

(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;

(2) The owners and operators of each affected source and each affected unit at the source shall:

(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and

(ii) Have an Acid Rain Permit.

**Monitoring Requirements**

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

(1) The owners and operators of each source and each affected unit at the source shall:

(i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:

(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or

(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

**Sulfur Dioxide Requirements, Cont'd.****STEP 3, Cont'd.**

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

**Nitrogen Oxides Requirements**

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Excess Emissions Requirements**

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.

(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:

(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission

of a new certificate of representation changing the designated representative;

**STEP 3, Cont'd.****Recordkeeping and Reporting Requirements, Cont'd.**

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with

any other provision of the Act, including the provisions of title I of the Act relating

**STEP 3, Cont'd.****Effect on Other Authorities, Cont'd.**

to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

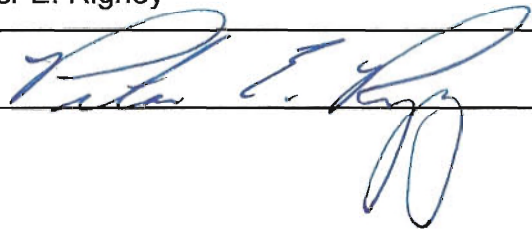
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**STEP 4**

Read the certification statement, sign, and date.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Peter E. Rigney	
Signature		Date 05/07/2015

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

**Commission of Ohio Docketing Information System on**

**1/11/2017 10:58:03 AM**

**in**

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

Summary: Correspondence of Oregon Clean Energy, LLC in Compliance with Commitment No. 20 - Acid Rain Permit electronically filed by Teresa Orahod on behalf of Sally W. Bloomfield