

Staff Report of Investigation

Timber Road IV Wind Farm Transmission Line
Paulding Wind Farm IV LLC

Case No. 18-1293-EL-BTX

February 15, 2019



Mike DeWine, Governor | Asim Z. Haque, Chairman

**In the Matter of the Application of Paulding Wind)
Farm IV LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a) Case No. 18-1293-EL-BTX
Transmission Line in Paulding County, Ohio)**

Staff Report of Investigation

Submitted to the
OHIO POWER SITING BOARD

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of Paulding Wind)
Farm IV LLC for a Certificate of Environmental) Case No. 18-1293-EL-BTX
Compatibility and Public Need to Construct a)
Transmission Line in Paulding County, Ohio)**

Chairman, Public Utilities Commission	Director, Department of Natural Resources
Director, Department of Agriculture	Public Member
Director, Development Services Agency	Ohio House of Representatives
Director, Environmental Protection Agency	Ohio Senate
Director, Department of Health	

To the Honorable Power Siting Board:

In accordance with the Ohio Revised Code (R.C.) 4906.07(C) and rules of the Ohio Power Siting Board (Board), the staff of the Public Utilities Commission of Ohio (Staff) has completed its investigation in the above matter and submits its findings and recommendations in this Staff Report for consideration by the Board.

The findings and recommendations contained in this report are the result of Staff coordination with the following agencies that are members of the Board: Ohio Environmental Protection Agency, the Ohio Department of Health, the Ohio Development Services Agency, the Ohio Department of Natural Resources, and the Ohio Department of Agriculture. In addition, Staff coordinated with the Ohio Department of Transportation, the Ohio Historic Preservation Office, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the Federal Aviation Administration.

In accordance with R.C. 4906.07(C) and 4906.12, copies of this Staff Report have been filed with the Docketing Division of the Public Utilities Commission of Ohio and served upon the Applicant or its authorized representative, the parties of record, and pursuant to Ohio Administrative Code 4906-3-06, the main public libraries of the political subdivisions in the project area.

The Staff Report presents the results of Staff's investigation conducted in accordance with R.C. Chapter 4906 and the rules of the Board, and does not purport to reflect the views of the Board nor should any party to the instant proceeding consider the Board in any manner constrained by the findings and recommendations set forth herein.

Respectfully submitted,



Tamara S. Turkenton
Director, Rates and Analysis
Public Utilities Commission of Ohio

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I. POWERS AND DUTIES

OHIO POWER SITING BOARD

The authority of the Ohio Power Siting Board (Board) is prescribed by Ohio Revised Code (R.C.) Chapter 4906. R.C. 4906.03 authorizes the Board to issue certificates of environmental compatibility and public need for the construction, operation, and maintenance of major utility facilities defined in R.C. 4906.01. Included within this definition of major utility facilities are: electric generating plants and associated facilities designed for, or capable of, operation at 50 megawatts (MW) or more; electric transmission lines and associated facilities of a design capacity of 100 kilovolts (kV) or more; and gas pipelines greater than 500 feet in length and more than nine inches in outside diameter, and associated facilities, designed for transporting gas at a maximum allowable operating pressure in excess of 125 pounds per square inch. In addition, pursuant to R.C. 4906.20, the Board authority applies to economically significant wind farms, defined in R.C. 4906.13(A) as wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of 5 MW or greater but less than 50 MW.

Membership of the Board is specified in R.C. 4906.02(A). The voting members include: the Chairman of the Public Utilities Commission of Ohio (PUCO or Commission) who serves as Chairman of the Board; the directors of the Ohio Environmental Protection Agency (Ohio EPA), the Ohio Department of Health, the Ohio Development Services Agency (ODSA), the Ohio Department of Agriculture, and the Ohio Department of Natural Resources (ODNR); and a member of the public, specified as an engineer, appointed by the Governor from a list of three nominees provided by the Ohio Consumers' Counsel. Ex-officio Board members include two members (with alternates) from each house of the Ohio General Assembly.

NATURE OF INVESTIGATION

The Board has promulgated rules and regulations, found in Ohio Administrative Code (Ohio Adm.Code) 4906:1-01 et seq., which establish application procedures for major utility facilities and economically significant wind farms.

Application Procedures

Any person that wishes to construct a major utility facility or economically significant wind farm in this state must first submit to the Board an application for a certificate of environmental compatibility and public need.¹ The application must include a description of the facility and its location, a summary of environmental studies, a statement explaining the need for the facility and how it fits into the Applicant's energy forecasts (for transmission projects), and any other information the Applicant or Board may consider relevant.²

Within 60 days of receiving an application, the Chairman must determine whether the application is sufficiently complete to begin an investigation.³ If an application is considered complete, the Board or an administrative law judge will cause a public hearing to be held 60 to 90 days after the

1. R.C. 4906.04 and 4906.20.

2. R.C. 4906.06(A) and 4906.20(B)(1).

3. Ohio Adm.Code 4906-3-06(A).

official filing date of the completed application.⁴ At the public hearing, any person may provide written or oral testimony and may be examined by the parties.⁵

Staff Investigation and Report

The Chairman will also cause each application to be investigated and a report published by the Board's Staff not less than 15 days prior to the public hearing.⁶ The report sets forth the nature of the investigation and contains the findings and conditions recommended by Staff.⁷ The Board's Staff, which consists of career professionals drawn from the staff of the PUCO and other member agencies of the Board, coordinates its investigation among the agencies represented on the Board and with other interested agencies such as the Ohio Department of Transportation (ODOT), the Ohio History Connection, and the U.S. Fish and Wildlife Service (USFWS).

The technical investigations and evaluations are conducted pursuant to Ohio Adm.Code 4906-1-01 et seq. The recommended findings resulting from Staff's investigation are described in the Staff Report pursuant to R.C. 4906.07(C). The report does not represent the views or opinions of the Board and is only one piece of evidence that the Board may consider when making its decision. Once published, the report becomes a part of the record, is served upon all parties to the proceeding and is made available to any person upon request.⁸ A record of the public hearings and all evidence, including the Staff Report, may be examined by the public at anytime.⁹

Board Decision

The Board may approve, modify and approve, or deny an application for a certificate of environmental compatibility and public need.¹⁰ If the Board approves, or modifies and approves an application, it will issue a certificate subject to conditions. The certificate is also conditioned upon the facility being in compliance with applicable standards and rules adopted under the Ohio Revised Code.¹¹

Upon rendering its decision, the Board must issue an opinion stating its reasons for approving, modifying and approving, or denying an application for a certificate of environmental compatibility and public need.¹² A copy of the Board's decision and its opinion is memorialized upon the record and must be served upon all parties to the proceeding.¹³ Any party to the proceeding that believes its issues were not adequately addressed by the Board may submit within 30 days an application for rehearing.¹⁴ An entry on rehearing will be issued by the Board within 30 days and may be appealed within 60 days to the Supreme Court of Ohio.¹⁵

4. R.C. 4906.07(A) and Ohio Adm.Code 4906-3-08.

5. R.C. 4906.08(C).

6. R.C. 4906.07.

7. Ohio Adm.Code 4906-3-06(C).

8. R.C. 4906.07(C) and 4906.10.

9. R.C. 4906.09 and 4906.12.

10. R.C. 4906.10(A).

11. R.C. 4906.10.

12. R.C. 4906.11.

13. R.C. 4906.10(C).

14. R.C. 4903.10 and 4906.12.

15. R.C. 4903.11, 4903.12, and 4906.12.

CRITERIA

Staff developed the recommendations and conditions in this *Staff Report of Investigation* pursuant to the criteria set forth in R.C. 4906.10(A), which reads, in part:

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;
- (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 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 standards 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 office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 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; and
- (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.

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II. APPLICATION

APPLICANT

Paulding Wind Farm IV LLC (Applicant) proposes to develop, build, and operate the 138 kV Timber Road IV Transmission Facility in association with the proposed Timber Road IV Wind Farm (Case No. 18-0091-EL-BGN). Paulding Wind Farm IV LLC is a Delaware limited liability company that is a wholly owned subsidiary of EDP Renewables North America LLC (EDPR). EDPR is a renewable energy company focused on solar and wind development. EDPR's current operations take place in 12 countries. EDPR developments in the U.S. can be found in California, Illinois, Indiana, Iowa, Kansas, Minnesota, New York, Ohio, Oklahoma, Oregon, Texas, and Washington. EDPR is the second largest owner/operator of wind farms in Ohio, with 265 MW of operating facilities located in Paulding and Hardin Counties.¹⁶

HISTORY OF THE APPLICATION

Prior to formally submitting its application, the Applicant consulted with the Staff regarding application procedures.

On September 12, 2018, the Applicant held a public informational meeting regarding the proposed electric transmission line in Paulding, Ohio.

On October 17, 2018, the Applicant filed the Timber Road IV Transmission Line application.

On October 17, 2018, the Applicant filed motions for waivers from the requirements to submit fully-developed information on two routes, and that not more than 20 percent of the Preferred Route and the Alternate Route be in common.

On November 16, 2018, the Ohio Attorney General filed a letter stating that Staff did not object to the Applicant's waiver request and clarified that Staff believed the intent of the Applicant's request was limited to waivers related solely to the Alternate Route.

On December 5, 2018, the Administrative Law Judge (ALJ) granted the Applicant's motion with respect to the waiver of detailed information relating specifically to the Alternate Route and the waiver of the 20 percent in common requirement.

On December 17, 2018, the Director of Rates and Analysis, Public Utilities Commission of Ohio (PUCO), issued a letter of compliance regarding the application.

On January 15, 2018 the Ohio Farm Bureau Federation filed a motion to intervene.

On February 1, 2019 the Applicant filed a supplement to the application for an additional H-frame structure.

A local public hearing has been scheduled for March 5, 2019 at 6:00 p.m. at the Ohio State University Extension Building, 503 Fairground Drive, Paulding, Ohio 45879. The evidentiary

¹⁶ *In the Matter of the Application of Paulding Wind Farm IV LLC for a Certificate of Environmental Compatibility and Public Need*, Case No. 18-1293-EL-BTX, Application at pp. 4 (October 17, 2018)

hearing will commence on March 19, 2019, at 10:00 a.m., in Hearing Room 11-C, at the offices of the PUCO, 180 East Broad Street, Columbus, Ohio, 43215.

This summary of the history of the application does not include every filing in case number 18-1293-EL-BTX. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us>.

PROJECT DESCRIPTION

The Applicant proposes to construct the Timber Road IV 138 kV transmission line in Paulding County, Ohio. The Applicant would own, operate, and maintain the transmission line. The project is associated with the Timber Road IV wind farm, proposed in case number 18-0091-EL-BGN, and would be used to deliver 75.9 MW of energy produced by the wind farm to the electric grid. The proposed line would begin at the collection substation, which is proposed in case 18-0091-EL-BGN and end where it connects to the existing Timber Road III 138 kV transmission line. The electricity would then be transported on the existing line to the point of interconnection (POI) at the existing Logtown Substation. A 150-foot right-of-way is proposed by the Applicant for the transmission line, which would incorporate steel mono-pole structures for support. The Applicant also filed a supplement to the application to incorporate an H-frame structure along the Timber Road III transmission line, near the POI, to support metering and turbine voltage control equipment. The Applicant incorporated public input and field survey data to identify its Preferred and Alternate routes. Approximately one mile beginning at the collection substation is in-common between the Applicant's preferred and alternate routes. The project area and proposed facilities are shown on the maps in this report.

Preferred Transmission Line Route

As proposed, the Preferred Route would be approximately 2.9 miles long. The Applicant estimates that the Preferred Route would require approximately 19 steel pole support structures, ranging in height from 100 to 130 feet. The route would exit the Timber Road IV Wind Farm collection substation in a straight line east to west direction parallel to the north side of Township Road 52 until it meets the existing Timber Road III 138 kV transmission line. The Applicant has secured all transmission line easements for the Preferred Route.

Alternate Transmission Line Route

The Alternate Route would be approximately 3.8 miles long. The route would exit the Timber Road IV Wind Farm collection substation along an in-common route to the Preferred Route for 1 mile. The Alternate Route would then head south for 0.5 mile parallel to the west side of Township Road 49. The Alternate Route would then travel west for 1 mile along the north side of Township Road 48. The Alternate Route would then head south for 0.5 mile parallel to the west side of State Route 49. The route would then travel west for 0.8 mile through an agricultural field where it would meet the existing Timber Road III 138 kV transmission line.

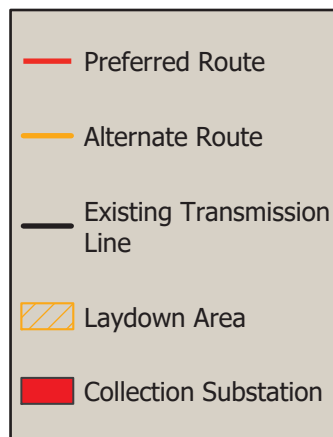
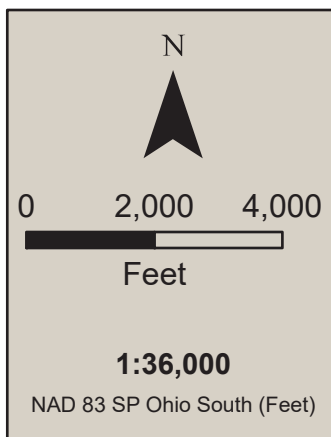
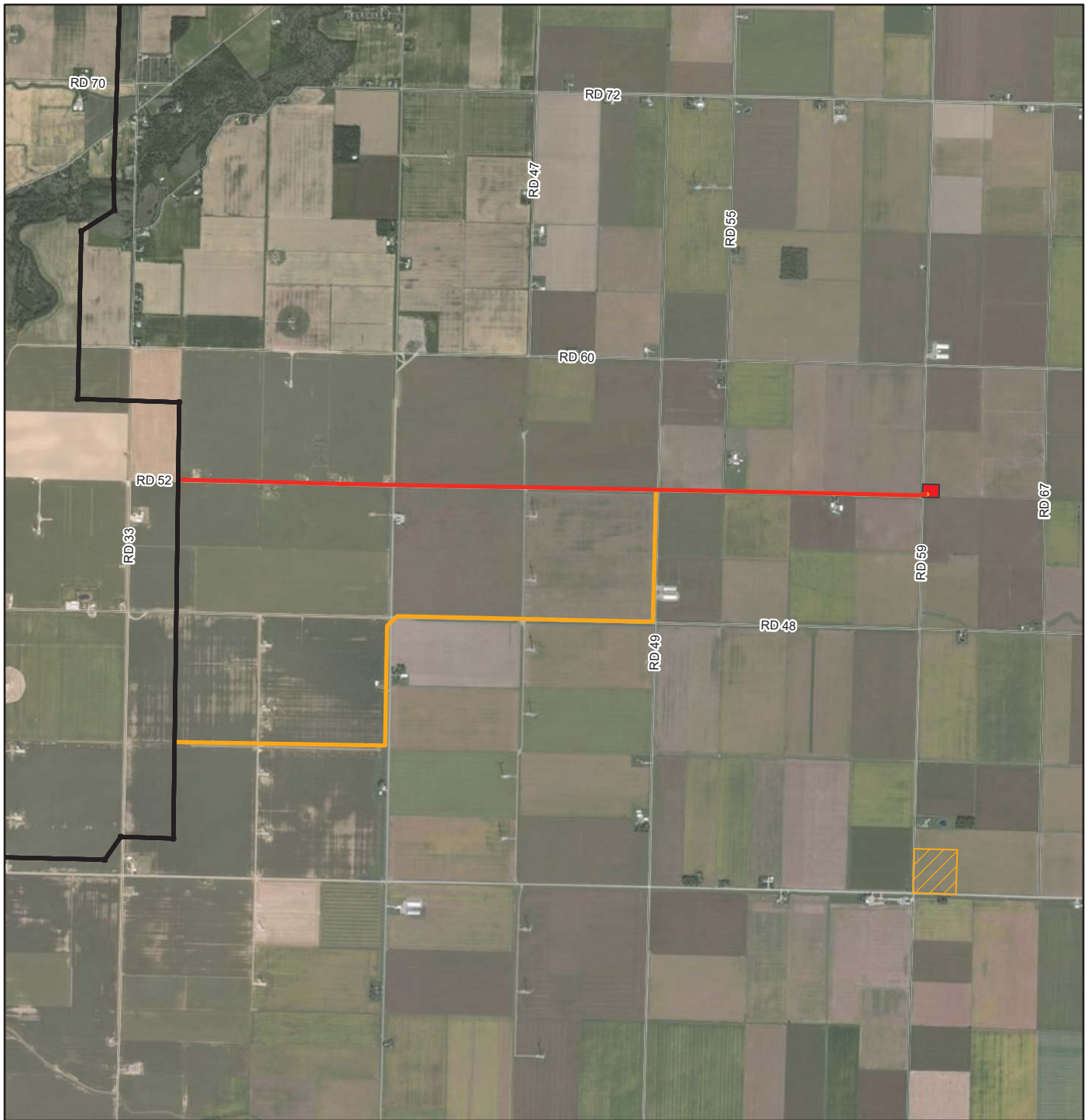
H-Frame Structure

The H-frame structure would not be located along either of the proposed routes, but on land between the existing substation that was constructed as part of the Timber Road II Wind Farm certificate, approved in case no. 10-369-EL-BGN, and the existing American Electric Power (AEP) Logtown Switchyard, approved in case no. 15-1737-EL-BTX. The new H-frame structure would be a steel structure with a height of 80 feet along the existing Timber Road III transmission

line on State Road 114, approximately 350 feet east of Township Road 27 in Benton Township, Paulding County, Ohio. The structure would be installed on a parcel that is currently owned by Paulding Wind Farm III LLC.

Project Schedule

The Applicant plans to complete final design work in the first quarter of 2019. Construction is anticipated to begin immediately following issuance of the Certificate, and will be completed within approximately 6 months, around October 2019.



Overview Map

18-1293-EL-BTX

Timber Road IV Transmission Line

Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certified application and supplemental materials.



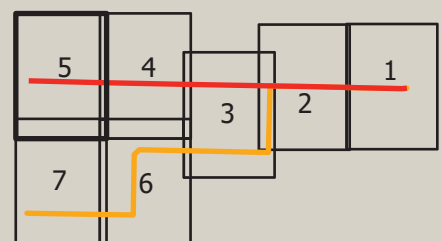


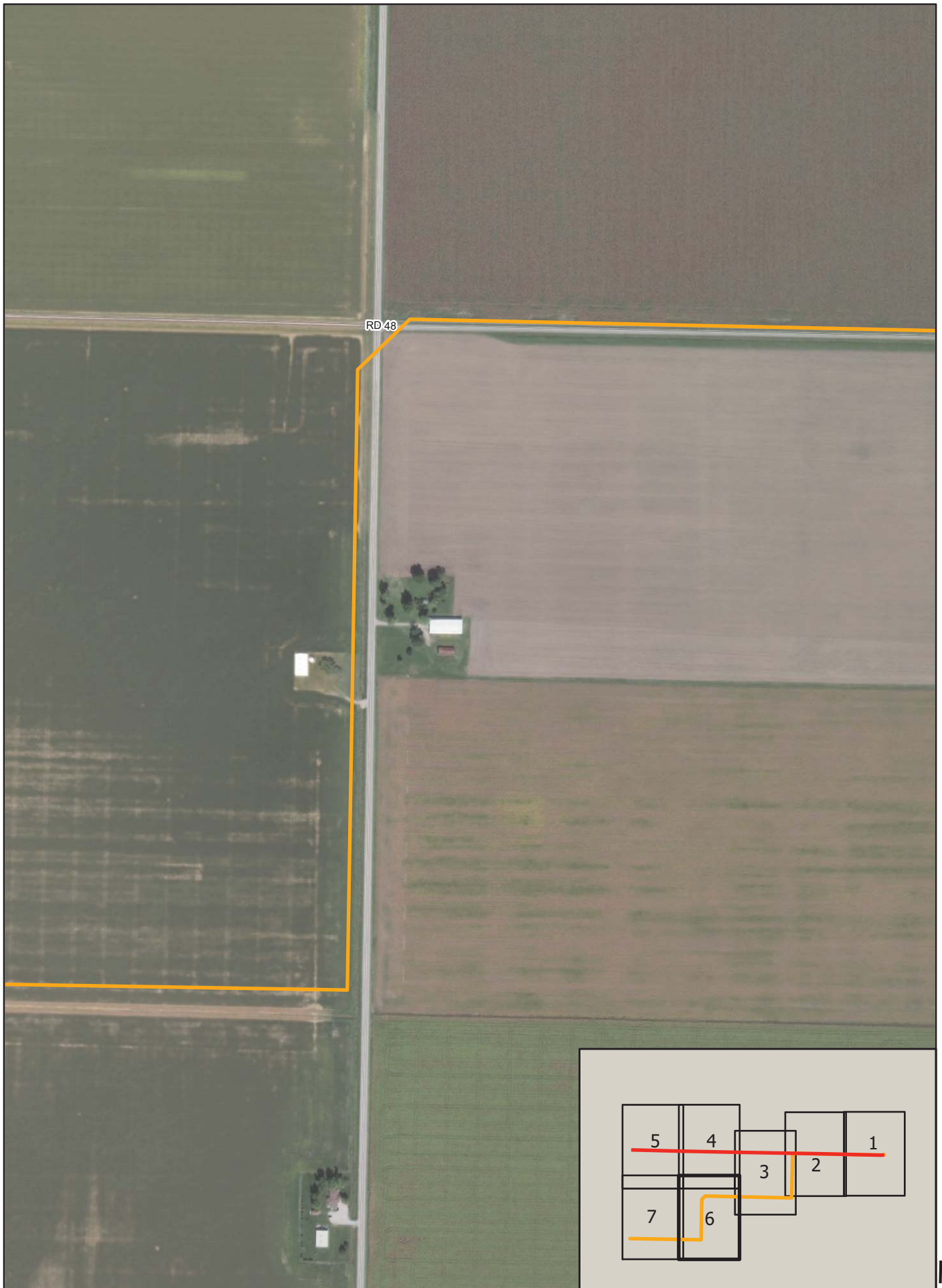
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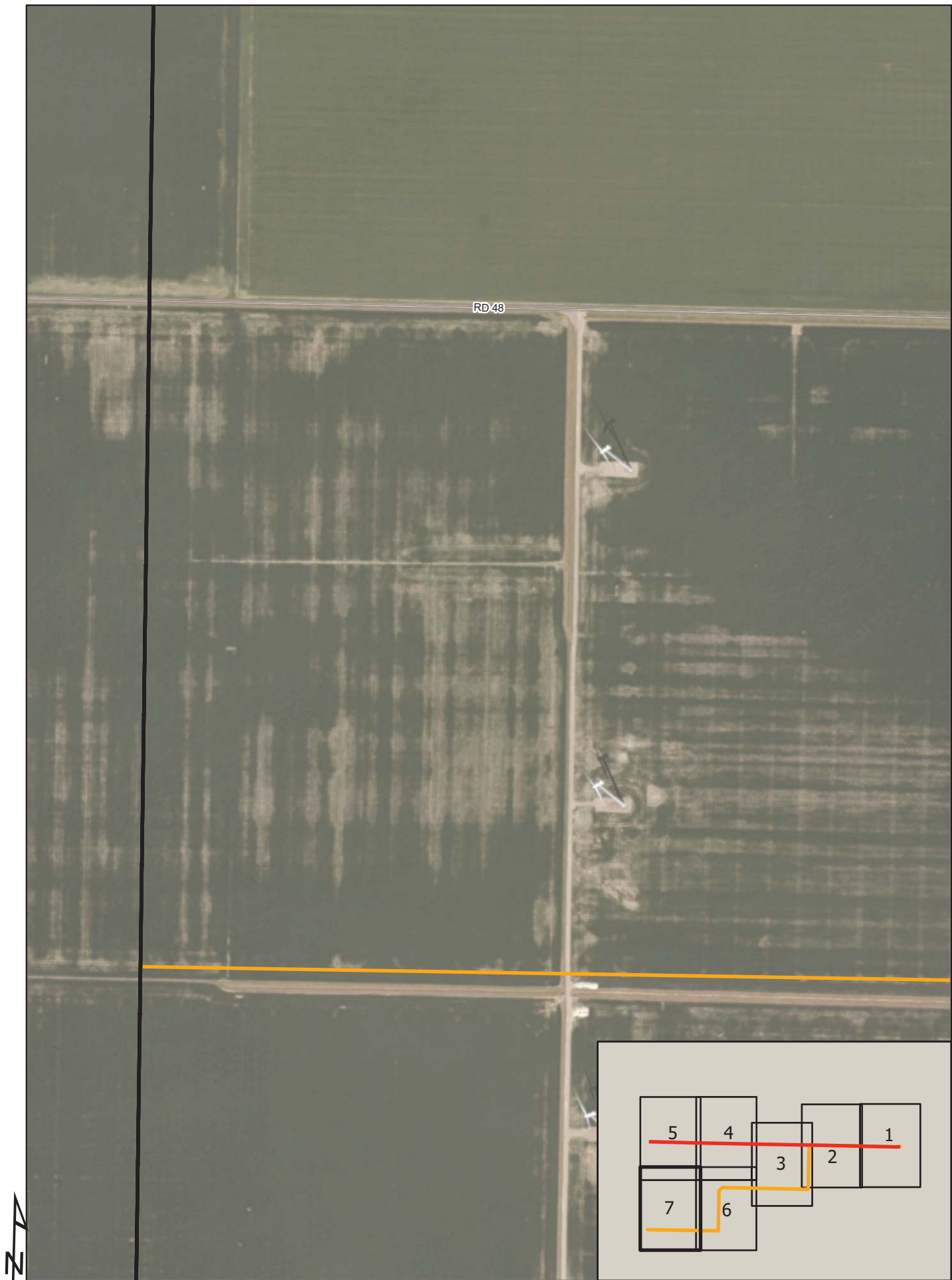


1 inch = 500 feet





1 inch = 500 feet



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III. CONSIDERATIONS AND RECOMMENDED FINDINGS

In the matter of the application of Paulding Wind Farm IV LLC, Staff submits the following considerations and recommended findings pursuant to R.C. 4906.07(C) and 4906.10(A).

Considerations for R.C. 4906.10(A)(1)

BASIS OF NEED

Purpose of Proposed Facility

The Applicant purposes to construct a 2.9-mile 138 kV transmission line to deliver energy from the Timber Road IV Wind Farm switchyard to the bulk power system (BPS). The proposed 138 kV transmission line point of interconnection would be AEP's existing Logtown 138 kV switching station.

Long Term Forecast

The Applicant currently does not own or operate any major utility facilities within this state. Therefore, the project was not included in the long-term forecast as Applicant is currently not required to file one.

System Economy and Reliability

The proposed transmission line would not be constructed to relieve congestion or improve the electric grid. The facility is an integral part of Timber Road IV Wind Farm, and is necessary to transport energy from the wind farm to the electric power grid. Staff evaluated this grid interconnection in the staff report of investigation issued in case number 18-0091-EL-BGN on November 19, 2018.

Recommended Findings

Staff recommends that the Board find that the basis of need for the project has been demonstrated and therefore complies with the requirements specified in R.C. 4906.10(A)(1), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(2)

NATURE OF PROBABLE ENVIRONMENTAL IMPACT

Pursuant to R.C. 4906.10(A)(2), the Board must determine the nature of the probable environmental impact of the proposed facility.

Socioeconomic Impacts

Demographics

The proposed facility is located entirely in Paulding County. In 2010, the population of Paulding County was approximately 19,600, and the population density was 47.1 persons per square mile.¹⁷ The 2010 population of Ohio was 11,536,730, and the population density was 282.3 persons per square mile. Further, the population of Paulding County is projected to decrease to approximately 19,000 between 2010 and 2020.¹⁸

Land Use

Land use in proximity to the proposed facility is predominately agricultural. Temporary disturbances to agricultural land uses would amount to approximately 18 acres for the Preferred Route and 40 acres for the Alternate Route. Less than a tenth of an acre of agricultural land is expected to be permanently converted to transmission line use. No structures are expected to be removed or relocated for this facility's construction or operation. Significant impacts to commercial, industrial, recreational and institutional land uses are not anticipated as these land uses are not present in the project area.

Cultural, Archaeological, and Architectural Resources

The Applicant initially conducted a Phase I cultural resource survey to ascertain potential impacts to historical properties and archaeological sites. The survey included an analysis of National Register of Historic Places (NHRP) and sites that may be eligible for the NHRP. The Applicant's survey focused on a 10-mile radius of the project area. The Applicant's survey included archaeological resources and known sites, landmarks, historical structures, bridges, cemeteries and historic districts.

The Applicant consulted with the State Historic Preservation Office (SHPO) in preparation of their overall survey plan for the project area and the SHPO has approved the Applicant's design for ongoing archaeological and architectural field work. An evaluation of the Applicant's study results will be coordinated with the SHPO to determine specific measures to appropriately avoid or minimize any potentially adverse impacts to cultural resources. If potentially adverse impacts to cultural resources can not be avoided or minimized, then the Applicant has committed to achieving a memorandum of understanding with the SHPO to address and mitigate those impacts.

17. United States Census Bureau, "State and County Quick Facts: Paulding County, OH," accessed October 09, 2018, <https://www.census.gov/quickfacts/fact/table/pauldintcountyohio,US/PST045217>.

18. Ohio Development Services Agency, "Population Characteristics and Projections: 2010 to 2040 Projected Population for Ohio Counties," accessed October 18, 2018, http://development.ohio.gov/reports/reports_pop_proj_map.htm.

Aesthetics

Aesthetic impacts and considerations are always measured against the surrounding land use features and potential viewers' subjective opinions. In this case, the proposed project features and location of the transmission line among existing agricultural fields and adjacent to farm features, such as storage silos, provides mitigation of potential viewshed impacts. The Applicant has selected a single monopole design for a simpler appearance. The rural nature of the project vicinity limits and diminishes the potential number of viewers. Transportation corridors typically are smaller and much more lightly traveled, which again reduces viewing impacts. The presence of existing woodlots are able to offer additional natural screening of portions of the facility.

Economics

The Applicant would own, operate, construct, permit, and maintain all structures and equipment associated with the proposed transmission line.

The Applicant submitted all estimated capital and intangible costs under seal. Staff has reviewed all costs and equipment for the proposed routes. Based on the assumption that the proposed transmission line would qualify as a component of the Paulding Wind Farm IV electric generation facility, there would be no incremental tax revenue associated with the proposed transmission line. The Applicant estimates it would make a payment in lieu of taxes (PILOT) on the overall wind farm property at a rate of \$6,000 to \$9,000 per MW of nameplate capacity per year during the life of the wind farm. Based on the 75.9 MW capacity of the wind farm facility, this would result in payments between \$455,400 and \$683,100 annually for the life of the wind farm.

The proposed facility would have an overall positive impact on commercial and industrial development in Paulding County and northwest Ohio, given the increase to wages, purchase of goods and services, construction spending, and local tax revenue.

All Staff recommendations for the requirements discussed in this section of the *Staff Report of Investigation* are included under the **Socioeconomic Conditions** heading of the Recommended Conditions of Certificate section.

Ecological Impacts

Geology

The geology of Paulding County within the project area of the 138 kV transmission line consists of glacial till ranging from 27 to 40 feet thick. The glacial till consists of a heterogeneous mixture of all sizes of soil consisting of clay, silt, sand, and gravel. It may also contain streaks, seams, layers, or lenses of sand and gravel, which may be water-bearing. The bedrock within the project area is the Salina Group, the Detroit River Group, the Middle Devonian Dundee Limestone, and the Ten Mile Creek Dolomite and Silica Formation, comprised of brown limestone and dolomite and is somewhat variable in character. There are no known or probable karst areas within the project area. The geology at the project area does not present any known geological hazards or features that would adversely impact or prevent the construction of the proposed 138 kV transmission line.

Seismology

Paulding County does not have any recorded earthquake epicenters of note. The closest known structural feature is the Fort Wayne Rift, located 20 miles west southwest of the project area. The

potential for earthquakes is not a limiting factor to the construction of the 138 kV transmission line in the proposed project area.

Soils and Test Borings

The soils in the project area, as characterized in the Soils Survey of Paulding County, Ohio, generally consist of silty clays and silty clay loams. The dominant soils series are Hoytville and Nappanee that formed in till, and are very deep, nearly level, and somewhat poorly drained to very poorly drained.

The Hoytville Series is very deep and very poorly drained. The permeability is moderately slow in the upper part of the subsoil and slow in the lower part of the subsoil and in the substratum. The parent material is till with the landform described as Lake Plains. The position on the landform is along flat area, depressions, and drainageways. The slopes are nearly flat lying ranging from 0 to 2 percent.

The Nappanee Series is also very deep and somewhat poorly drained soils. The permeability is slow. The parent material is till with the landform described as Lake Plains positioned along slight rises, flat areas, knolls, and backslopes. The slopes vary ranging from 0 to 6 percent. Neither series presents any limiting factors to construction of the transmission line.

The Applicant stated that it will perform additional subsurface drilling and soil testing in the project area at representative sites along the preferred utility corridor. The borings will extend to the proposed depth within the soil subsurface or to competent bedrock, whichever is encountered first. Various tests will be performed both in the field and inside a laboratory. The geotechnical representative will provide the Applicant and OPSB Staff a final report prior to construction that documents the findings of the geotechnical investigation and laboratory testing, along with recommendations on constructions methods and foundation designs. Pending the final report, the soils appear to be suitable for design and construction of the proposed 138 kV transmission line project.

Surface Waters

The Preferred Route right-of-way would cross seven streams, all of which are manmade ditches. The Alternate Route would cross ten streams, all of which are manmade ditches. All streams have maintained herbaceous vegetative banks with no forested riparian areas. Facility construction and operation activities would not require the crossing of streams by equipment, nor require any in-water work. The Applicant would utilize existing farm roads and crop areas to access either side of streams.

No wetlands, lakes, reservoirs, ponds, or floodplains were identified within the construction corridor of the routes.

The Applicant would obtain coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. Sedimentation that may occur as a result of construction activities would be minimized through best management practices (BMPs), such as silt fences. BMPs would be outlined in the Applicant's Stormwater Pollution Prevention Plan (SWPPP) required as part of the NPDES Permit.

Threatened and Endangered Species

The Applicant requested information from the ODNR and the USFWS regarding state and federal listed threatened and endangered plant and animal species. Staff gathered additional information through field assessments and review of published ecological information. The following table reflects the results of the information requests, field assessments, and document review.

BIRDS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA & MBTA ¹⁹	N/A	Known range, observed during wind farm Avian Use Surveys.
REPTILES & AMPHIBIANS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Blanding's turtle	<i>Emydoidea blandingii</i>	N/A	Threatened	Habitat would be avoided. No impacts to this species are anticipated.
Kirtland's snake	<i>Clonophis kirtlandii</i>	N/A	Threatened	Due to the location, the type of habitat present at the project site, no impacts to this species are anticipated.
MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	Known range, presence of the species has been established.
northern long-eared bat	<i>Myotis septentrionalis</i>	Threatened	Threatened	Known range, habitat includes woodlands.
FRESH WATER MUSSELS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
clubshell	<i>Pleurobema clava</i>	Endangered	Endangered	Known range, Applicant conducted a mussel survey in 2016, no suitable habitat was found within the project area.
Pondhorn	<i>Unio merus tetralasmus</i>	N/A	Threatened	Known range, Applicant conducted a mussel survey in 2016, no suitable habitat was found within the project area.

19. Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

FISH				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Greater redhorse	<i>Moxostoma valenciennesi</i>	N/A	Threatened	No suitable habitat or in-water work proposed.

Construction would be limited to actively maintained agricultural and lawn areas. No tree clearing or in-water work is proposed. The habitat of listed animal species would be avoided during construction of the proposed Preferred and Alternate routes. The ODNR and the USFWS did not identify any concerns regarding impacts to listed plant species and no listed plant species were identified during field surveys. In the unexpected event that the Applicant encounters listed plant or animal species during construction, Staff recommends that the Applicant contact Staff, the ODNR, and the USFWS, as applicable. Staff Recommends the Applicant provide a final access plan to Staff prior to construction to assure construction would avoid impacts to listed species as presented in the application. Staff also recommends that if the Applicant encounters any listed plant or animal species prior to construction, the Applicant include the location and how impacts would be avoided in a final access plan.

Vegetation

The Preferred and Alternate routes cross through two major vegetative communities. The following table reflects the major vegetative communities present in the construction corridor and associated acres of impact for each route.

VEGETATION		
Community Type	Preferred Route Impacts (Acres)	Alternate Route Impacts (Acres)
Agricultural	34.3	63.2
Maintained Lawn	1.5	1.1

The Applicant proposes to clear 35 feet on either side of the transmission line. During operation, the right-of-way would be returned to agricultural land use. Temporary disturbance to the right-of-way includes vegetative clearing and the installation of poles and stringing locations. Vegetation cover type associated with the H-frame structure is limited to mowed grass. The Applicant does not plan to clear any trees for the construction of the facility. The Applicant does not anticipate the use of herbicides during construction or operation.

All Staff recommendations for the requirements discussed in this section of the *Staff Report of Investigation* are included under the **Ecological Conditions** heading of the Recommended Conditions of Certificate section.

Public Services, Facilities, and Safety

Public Services, Traffic, Roads and Bridges

The Preferred and Alternate routes cross one state route and several county and township roads. Neither the Preferred Route nor the Alternate Route would cross any U.S. highways.

The Applicant stated that, according to the Ohio Department of Transportation, there are no active railroads in the project area.

Access to construction areas would be through existing farm roads and public roads. However, some widening and additional stabilization of these existing roads may be required. The Applicant stated that, beyond construction equipment access and delivery of construction supplies, it does not anticipate any additional truck traffic.

Noise

Most noise impacts associated with this project would occur during the proposed construction period. The Applicant would mitigate noise impacts by using standard construction techniques and limiting construction activities to daylight hours, to the extent feasible.

Safety

The Applicant stated that it would comply with all applicable safety standards set by the Occupational Safety and Health Administration (OSHA), safety standards of the PUCO, and the North American Electric Reliability Corporation (NERC) Reliability Standards. The Applicant would design the facility to meet the requirements of the National Electric Safety Code.

Communications

The Applicant does not expect AM or FM radio or microwave path interference to occur from the operation of the proposed transmission line along either the Preferred or Alternate route.

Any likely source of television interference would be a localized effect primarily from defective hardware that could be easily detected and replaced. The Applicant indicates that it will maintain the transmission line in good condition, which should avoid impacts to television reception at the residences closest to the transmission line. Television interference would be resolved through the complaint resolution process either by equipment repair, employment of a high-gain directional antenna, or other mitigation options.

All Staff recommendations for the requirements discussed in this section of the *Staff Report of Investigation* are included under the **Public Services, Facilities, and Safety Conditions** heading of the Recommended Conditions of Certificate section.

Recommended Findings

Staff recommends that the Board find that the Applicant has determined the nature of the probable environmental impact for the proposed facility, and therefore complies with the requirements specified in R.C. 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(3)

MINIMUM ADVERSE ENVIRONMENTAL IMPACT

Pursuant to R.C. 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

Site and Route Selection

The Applicant completed a site and route selection process resulting in the identification of the Preferred and Alternate transmission line routes. The Applicant's study focused on the area between the Timber Road IV Wind Farm collection substation and the interconnection to the existing Timber Road III 138 kV transmission line.

Within the defined study area, the Applicant sought the most direct routes within land already under lease for the wind farm that would avoid or minimize socioeconomic and ecological impacts when possible. Route selection took into consideration a range of siting constraints including woodlots, wetlands and streams, habitat of endangered or threatened species, residential development, sensitive land uses, and sites of historic or archaeological significance.

The Applicant also relied on public involvement to determine the routes. Consultation with landowners began September 2017 when feedback indicated that the landowners were strongly opposed to siting the line in the middle of agricultural fields. Taking the feedback of the landowners, the Applicant then met with local officials. The local officials were supportive of the Preferred Route so long as it would comply with the 25-foot public road setback. The Applicant concluded that the Preferred and Alternate routes identified in the application were the best routes when compared to the other alternatives and has obtained all easements necessary for the Preferred Route.

Minimizing Impacts

While both the Preferred and Alternate routes are viable, Staff has concluded that, when compared to the Preferred Route, potential impacts are greater along the Alternate Route. The Alternate Route would require 28.4 more acres of right-of-way and require an additional 0.9 miles of transmission line infrastructure compared to the Preferred Route. Additionally, the Preferred Route would cost less to build, because it is a more direct route from the collection substation to the POI and includes fewer structures.

Neither route would result in significant impacts and the minor impacts would be comparable for both the Preferred and Alternate routes. The Applicant has obtained all easements necessary for the Preferred Route.

Recommended Findings

Staff recommends that the Board find that the Preferred Route represents the minimum adverse environmental impact, and therefore complies with the requirements specified in R.C. 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(4)

ELECTRIC GRID

Pursuant to R.C. 4906.10(A)(4), the Board must determine that the proposed electric facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability.

The Applicant proposes to construct a 2.9-mile 138 kilovolt (kV) transmission line in Paulding County, Ohio. The proposed facility would interconnect the Timber Road IV Wind Farm to the BPS through AEP's existing Logtown 138 kilovolt (kV) switching station.²⁰

NERC Planning Criteria

NERC is responsible for the development and enforcement of the federal government's approved Reliability Standards, which are applicable to all owners, operators, and users of the BPS. As an owner, operator, and/or user of the BPS, the Applicant is subject to compliance with various NERC Reliability Standards, including but not limited to those related to transmission planning for contingency events.

PJM Interconnection

Interconnection of the proposed Paulding Wind Farm IV to the electric transmission grid was previously reviewed by Staff in the context of the wind farm application, case number 18-0091-EL-BGN. In proposing interconnection with the transmission grid, the Applicant utilized generation interconnection queue positions AC1-173 and T-131. Queue position AC1-173 was submitted to PJM Interconnection, LLC (PJM) on October 31, 2016 for 75.9 MW. The System Impact Study (SIS) was released in May 2017. Queue position T131 was submitted to PJM on January 9, 2008 for 150 MW, of which only 49.2 would be used for the Timber Road IV Wind Farm. An Interconnection Service Agreement for T-131 was executed on February 18, 2016. Construction of the facility shall not commence until the ISA is executed for queue position AC1-173.^{21,22}

PJM analyzed the BPS for compliance with NERC reliability standards and PJM reliability criteria. The PJM system studies indicated that no reliability violations were modeled to occur during single and multiple contingencies.²³

20. *In the Matter of the Application of Paulding Wind Farm IV LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Wind-Powered Electric Generation Facility in Paulding County, Ohio*, Case No. 18 009189-EL-BGN, (Staff Report)(November 19, 2018)

21. “. PJM Interconnection, LLC, “System Impact Study, Queue Number T-131,” accessed January 28, 2019, <https://pjm.com/planning/services-requests/interconnection-queues.aspx>

22. PJM Interconnection, LLC, “System Impact Study, Queue Number AC1-173,” accessed January 28, 2019, <https://pjm.com/planning/services-requests.aspx>.

23. PJM Interconnection, LLC, “Interconnection Service Agreement, Queue Number T-131,” accessed January 28, 2019, <https://pjm.com/planning/services-requests.aspx>.

Conclusion

The proposed transmission line would not be constructed to relieve congestion or improve the electric grid. The proposed project is an integral part of Timber Road IV Wind Farm and is necessary to transport energy to the BPS.

Recommended Findings

Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facility would serve the interests of electric system economy and reliability. Therefore, Staff recommends that the Board find that the facility complies with the requirements specified in R.C. 4906.10(A)(4), provided that any certificate issued by the Board for the proposed facilities include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(5)

AIR, WATER, SOLID WASTE, AND AVIATION

Pursuant to R.C. 4906.10(A)(5), the facility must comply with Ohio law regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

Air

Air quality permits are not required for construction of the proposed facility. However, fugitive dust rules adopted under R.C. Chapter 3704 may be applicable to the construction of the proposed facility. The Applicant would control fugitive dust through dust suppression techniques such as application of water or calcium chloride (a dust suppressant). These methods of dust control are sufficient to comply with fugitive dust rules.

Water

Neither construction nor operation of the proposed facility would require the use of significant amounts of water. Therefore, the requirements under R.C. 1501.33 and 1501.34 are not applicable to this project.

The Applicant's field delineation identified no wetlands within 100 feet of the Preferred or Alternate Route and laydown yard. The Applicant would minimize waterbody impacts by placing poles in uplands. Therefore, the Applicant does not anticipate the need for wetland permits/authorizations.

The Applicant stated that it would submit a Notice of Intent for coverage under the Ohio EPA's NPDES general permit for stormwater discharges associated with construction activities. The Applicant would submit a SWPPP to the Ohio EPA as part of the NPDES permit. This SWPPP would include a detailed construction access plan and indicate BMPs for construction activities that minimize erosion-related impacts to surface water resources. The Applicant has committed to identify surface water resources, and other environmentally sensitive areas before commencement of clearing or construction. The Applicant has also stated that no construction or access would be permitted in these areas unless clearly specified in the construction plans and specifications, thus minimizing any clearing-related disturbance to surface water bodies. With these provisions, construction of this facility would comply with the requirements set forth under R.C. Chapter 6111.

Solid Waste

Debris generated during construction would consist of items such as conductor scrap, construction material packaging, including cartons, boxes, insulator crates, conductor reels, wrapping, and used stormwater erosion control materials. Materials with salvage value would include clearance poles and conductor reels. All construction-related debris would be disposed of in accordance with state and federal requirements.

Any contaminated soils discovered or generated during construction would be handled in accordance with applicable regulations. The Applicant would have a Spill Prevention Plan in place and would follow the Spill Prevention Plan for any spill cleanup. The Applicant's solid waste disposal plans comply with solid waste disposal requirements set forth in R.C. Chapter 3734.

Aviation

The height of the tallest above ground structure of the transmission line and construction equipment would be approximately 130 feet. Because the height is below the Federal Aviation Administration (FAA) threshold, the Applicant does not anticipate the need for an FAA permit.

In accordance with R.C. 4906.10(A)(5), Staff contacted the ODOT Office of Aviation during the review of this application in order to coordinate review of potential impacts of the facility on local airports. As of the date of this filing, no such concerns have been identified.

All Staff recommendations for the requirements discussed in this section of the *Staff Report of Investigation* are included under the **Air, Water, Solid Waste, and Aviation Conditions** heading of the Recommended Conditions of Certificate section.

Recommended Findings

Staff recommends that the Board find that the proposed facility complies with the requirements specified in R.C. 4906.10(A)(5), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(6)

PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

Pursuant to R.C. 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

Public Interaction

The Applicant hosted a public informational open house for this project on September 12, 2018. Attendees were provided the opportunity to speak with representatives of the Applicant about the proposed project and to provide feedback. The Applicant stated that it will continue to provide community members, elected officials, and the local media with information about the project. The Applicant maintains a website online at <http://timberroadwindfarm.com>.

The Applicant indicated that it served copies of the complete application on officials representing Paulding County; Benton and Blue Creek townships; and the villages of Antwerp, Paulding, and Payne. The Applicant indicated that it also sent copies of the complete application to the Paulding County Carnegie Library and the Payne Public Library. Additionally, copies of the complete application are available for public inspection at the offices of the PUCO and online at <http://opsb.ohio.gov>.

During the construction and operation of the project, the Applicant has committed to implementing the complaint resolution plan described in Exhibit B of the application. According to the plan, residents with complaints may call a toll-free number or visit the operations and maintenance building for the wind farm to register a complaint. The Applicant stated that it will log all complaints and will notify the OPSB, within 48 hours, of any complaints that are a direct result of the wind farm. The Applicant stated that it will also send quarterly complaint reports to the OPSB staff.

The Applicant has committed to provide notice to any affected property owners and tenants about construction activities and complaint resolution at least seven days prior to the start of construction.

The Administrative Law Judge issued an entry on September 18, 2018 scheduling a local public hearing and an adjudicatory hearing for this proceeding. The local public hearing, at which the Board will accept written or oral testimony from any person, is scheduled for March 5, 2019 at 6:00 p.m., at the Ohio State University Extension Building, located at 503 Fairground Dr. in Paulding, Ohio 45879. The adjudicatory hearing is scheduled to begin at 10:00 a.m. on March 19, 2019, at the offices of the PUCO, located at 180 E. Broad St., Hearing Room 11-D in Columbus, Ohio 43215.

As of the date of this report, the OPSB has not received any public comments related to this case. On January 15, 2019, the Ohio Farm Bureau Federation filed a motion to intervene.

Electromagnetic Fields

Electric transmission lines, when energized, generate electromagnetic fields (EMF). Laboratory studies have failed to establish a strong correlation between exposure to EMF and effects on human health. There have been concerns, however, that EMF may have impacts on human health.

Because these concerns exist, the Applicant has computed the EMF associated with the new circuits.²⁴ The fields were computed based on the maximum loadings of the lines, which would lead to the highest EMF values that might exist along the proposed transmission line. Daily current load levels normally operate below the maximum load conditions, thereby further reducing nominal EMF values.

The electric field is a function of the voltage, the line configuration, and the distance from the transmission lines. Electric fields are produced by voltage or electric charge. For example, a plugged in lamp cord produces an electric field, even if the lamp is turned off. The electric field for this transmission line would be 0.3 kV/meter or less. Electric fields are easily shielded by physical structures such as the walls of a house, foliage, etc.

Magnetic fields are a function of the electric current, the configuration of the conductors, and the distance from the transmission lines. The magnetic fields for this project are estimated at the right-of-way edge to be less than 41.18 milligauss. The magnetic field output less than the Institute of Electrical and Electronics Engineers EMF Exposure Guidelines.

The Applicant stated that it would use a compact design to reduce EMF field values compared to other structure designs. The Applicant states that the transmission facilities would be designed according to the requirements of the National Electric Safety Code.

Recommended Findings

Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and therefore complies with the requirements specified in R.C. 4906.10(A)(6), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

24. Application, Table 07-2.

Considerations for R.C. 4906.10(A)(7)

AGRICULTURAL DISTRICTS

Pursuant to R.C. 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any existing agricultural district land within the Preferred and Alternate routes of the proposed utility facility. The agricultural district program was established under R.C. Chapter 929. Agricultural district land is exempt from sewer, water, and electrical service tax assessments.

Agricultural land can be classified as an agricultural district through an application and approval process that is administered through local county auditors' offices. Eligible land must be devoted exclusively to agricultural production or be qualified for compensation under a land conservation program for the preceding three calendar years. Furthermore, eligible land must be at least 10 acres or produce a minimum average gross annual income of \$2,500.

The Preferred and Alternate routes would include approximately 18 and 40 acres, respectively, of agricultural land. The majority of agricultural land to be impacted is primarily used for the production of soybeans, corn, and wheat. Temporary agricultural impacts associated with construction, including the laydown yard, poles, and stinging locations would total 13.4 acres along the Preferred Route and 13.5 acres along the Alternate Route. Permanent loss of agricultural land would total 0.02 acres along the Preferred Route and 0.03 along the Alternate Route. According to the Applicant's research of county records, neither the Preferred nor Alternate route would cross any designated agricultural district land.

The Applicant would take measures to minimize impacts to field operations, irrigation, agricultural and field drainage systems associated with agricultural lands that would occur as a result of construction, operation, and maintenance of the proposed project. The Applicant stated it would coordinate with landowners to mitigate any impact to irrigation systems. Field drainage systems damaged by construction activities would be repaired by the Applicant. The Applicant stated that landowners would be compensated for any lost or damaged crops. Structures would be located, where feasible, at the edge of fields, and excavated top soil would be segregated and stockpiled. Top soil would also be restored to original conditions. According to the Applicant, no agricultural structures are anticipated to be impacted by this project.

Recommended Findings

Staff recommends that the Board find that the impact of the proposed facility on the viability of existing agricultural land in an agricultural district has been determined, and therefore complies with the requirements specified in R.C. 4906.10(A)(7), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this *Staff Report of Investigation* entitled Recommended Conditions of Certificate.

Considerations for R.C. 4906.10(A)(8)

WATER CONSERVATION PRACTICE

Pursuant to R.C. 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

The facility may require the use of minimal amounts of water for dust control and for concrete foundations during construction. However, the transmission line would not require the use of any water during operation. Therefore, the facility would comply with water conservation practice as specified under R.C. 4906.10(A)(8).

Recommended Findings

Staff recommends that the Board find that the proposed facility would incorporate maximum feasible water conservation practices, and therefore complies with the requirements specified in R.C. 4906.10(A)(8).

IV. RECOMMENDED CONDITIONS OF CERTIFICATE

Following a review of the application filed by Paulding Wind Farm IV LLC, and the record compiled to date in this proceeding, Staff recommends that a number of conditions become part of any certificate issued for the proposed facility. These recommended conditions may be modified as a result of public or other input received subsequent to the issuance of this report. At this time, Staff recommends the following conditions:

GENERAL CONDITIONS

Staff recommends the following conditions to ensure conformance with the proposed plans and procedures as outlined in the case record to date, and to ensure compliance with all conditions listed in this Staff Report:

- (1) The facility shall be installed on the Applicant's Preferred Route, utilizing the equipment, construction practices, and mitigation measures as presented in the application filed on October 17, 2018, and further clarified by recommendations in this *Staff Report of Investigation*.
- (2) 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/or 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 to ensure compliance with this condition. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (3) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff one set of detailed engineering drawings of the final project design, including the facility, temporary and permanent access roads, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the Certificate. The final project design shall be provided in hard copy and as geographically referenced electronic data. The final design shall include all conditions of the Certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the Certificate.
- (4) 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. The Applicant shall provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (5) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (6) 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.

- (7) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations, including any permits necessary for aviation clearance. 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.

SOCIOECONOMIC CONDITIONS

Staff recommends the following conditions to address the impacts discussed in the **Socioeconomic Impacts** section of the Nature of Probable Environmental Impact:

- (8) At least seven days prior to construction, the Applicant shall provide Staff, affected property owners and tenants, Paulding County officials, municipal and township officials, emergency responders, surrounding airports, and libraries with written notice regarding the start of construction and the complaint resolution process outlined in Exhibit B of the application. The notice shall include a description of the nature of the project, contact information for the project, and the proposed timeframe for project construction and restoration activities. A copy of the notice shall be filed on the docket in this case.

ECOLOGICAL CONDITIONS

Staff recommends the following conditions to address the impacts discussed in the **Ecological Impacts** section of the Nature of Probable Environmental Impact:

- (9) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.
- (10) The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan shall consider the location of streams, wetlands, wooded areas, and sensitive plant or animal species, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan shall include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes.

PUBLIC SERVICES, FACILITIES, AND SAFETY CONDITIONS

Staff recommends the following conditions to address the requirements discussed in the **Public Services, Facilities, and Safety** section of the Nature of Probable Environmental Impact:

- (11) 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.

- (12) 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 Ohio Adm.Code 4906-5-08(C)(3) (2014), of upcoming construction activities including potential for nighttime construction activities.

AIR, WATER, SOLID WASTE, AND AVIATION CONDITIONS

Staff recommends the following conditions to address the requirements discussed in the **Air, Water, Solid Waste, and Aviation** section of the Nature of Probable Environmental Impact:

- (13) The Applicant shall remove all 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 Ohio Environmental Protection Agency (Ohio EPA) General National Pollutant Discharge Elimination System permit(s) obtained for the project and the approved Stormwater Pollution Prevention Plan created for this project.
- (14) The Applicant shall not dispose of gravel, or any other construction material, during or following construction of the facility by placing such material on agricultural land. All construction debris and all contaminated soil shall promptly be removed and properly disposed of in accordance with Ohio EPA regulations.



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