

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Oregon Clean Energy, LLC for a Third)
Amendment to its Certificate of) Case No. 15-853-EL-BGA
Environmental Compatibility and Public)
Need.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board, in considering the above-entitled matter, and having determined that a hearing is not necessary, grants the application filed by Oregon Clean Energy, LLC to modify certain parts of the facility previously approved for construction of a natural gas fired electric power generating facility in Oregon, Ohio.

OPINION:

I. Procedural History of this Case

All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

On May 1, 2013, the Board issued its Opinion, Order, and Certificate granting the application of Oregon Clean Energy, LLC (OCE) for a certificate of environmental compatibility and public need (certificate) to construct a 799 megawatt capacity, natural gas fired electric power generating facility in Oregon, Ohio. *In re Oregon Clean Energy, LLC*, Case No. 12-2959-EL-BGN (*Oregon Certification Case*), Opinion, Order, and Certificate (Order) (May 1, 2013).

On October 27, 2014, in Case No. 14-1396-EL-BGA, the Board granted the application of OCE for an amendment to its certificate to permanently relocate the electrical switchyard to a 7.5 acre parcel of land adjacent to the current property and add a temporary construction trailer and parking lot on land adjacent to the current property.

On March 9, 2015, in Case No. 15-297-EL-BGA, the Board granted the application of OCE for a second amendment to its certificate to modify certain parts of the facility and its operations. The modifications included: using ultra low nitrogen oxide (NOx) combustors, instead of dry low NOx combustors as part of air quality impact minimization; changing the generator voltage from 20 kilovolts (kV) to 19 kV; increasing the estimated size of the oil storage tank from 50 gallons to a tank capable of holding up to 500 gallons; widening two stream crossings from 24 feet to 30 feet and from 16 feet to 20 feet; changing the 16-cell cooling tower placed in a double-wide arrangement to 11

cells in a single-row arrangement; changing the maximum heat input of the two electric fuel preheaters; eliminating a sound wall; and increasing the fuel consumption of the facility.

On May 1, 2015, OCE filed this application requesting a third amendment to its certificate. In the third amendment application, OCE proposes to add one new permanent access road to the switchyard and modify the planned ammonia storage tank system. On May 15, 2015, Staff filed a report investigating and evaluating the third amendment application (Staff Report).

Notice of OCE's third amendment application was published on May 7, 2015, in *The Toledo Blade*, a newspaper of general circulation in Lucas County. OCE filed proof of publication with the Board on May 19, 2015.

II. Summary of Ohio Revised Code and Ohio Administrative Code Certification Criteria

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

Pursuant to R.C. 4906.04, before construction can begin on any major utility facility within the state of Ohio, such as the project proposed in this application by OCE, a certificate of environmental compatibility and public need must be obtained from the Board. Pursuant to R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-13, prescribing regulations regarding electric generation facilities.

R.C. 4906.06(E) provides that an application for an amendment of a certificate shall be in such form and contain such information as the Board prescribes. R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing, "****if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility***."

R.C. 4906.06(E) provides that notice of an application for an amendment of a certificate shall be given as required in R.C. 4906.06(C). This section requires an applicant to file, within 15 days after the date of the filing of the application, public notice by publication of a summary of the application in newspapers of general circulation in the area and to file proof of publication.

III. Description of Amendment Application and Staff's Investigation

Under the amendment application, OCE proposes two modifications. First, OCE proposes to amend the certificate to build an additional access road to cross Driftmeyer Ditch. According to OCE, Driftmeyer Ditch will be impacted by the placement of a concrete pipe to facilitate the proposed access road. OCE states that the United States Army Corps of Engineers (USACE) issued a permit incorporating the impacts to Driftmeyer Ditch resulting from the new crossing and stormwater discharge structures associated with the switchyard. OCE also indicates that design changes were coordinated with FirstEnergy, the city of Oregon, and USACE. (OCE Application at 5-6.)

Staff notes that, after construction of the switchyard, OCE will transfer ownership to FirstEnergy, which has directed OCE to build a separate access road to the switchyard. The proposed road would necessitate an additional crossing of Driftmeyer Ditch. Staff finds that no listed species are expected to be impacted by the in-water work associated with the installation of the road. Staff also observes that OCE has coordinated with the USACE to modify the permit to reflect the proposed changes and USACE issued a modified permit on April 8, 2015. (Staff Report at 2-3.)

Second, OCE proposes to amend the certificate to modify the tank system used for on-site ammonia storage. According to OCE, the on-site ammonia tank storage system was to consist of one 40-foot long, 9-foot diameter, double-walled carbon steel tank, allowing for a maximum of 18,600 gallons of 19 percent aqueous ammonia to be stored on-site. OCE now seeks to modify the storage system design and use two tanks that will hold 25,500 gallons net each or 26,800 gallons gross, which equates to a total gross volume of 53,600 gallons. OCE notes that this change will permit ten days of storage for inclement weather conditions. In addition, single-walled stainless steel tanks will be used inside a curbed containment area so that an ammonia release would be contained and not allowed to flow into the wastewater stream from the facility. (OCE Application at 8-9.)

Staff observes that the tank originally proposed for ammonia storage was double walled carbon steel without a containment basin, but, as proposed in this amendment application, it will now be single-walled. Additionally, the associated pumps were not originally located within a containment area. Staff explains that, in the event of an ammonia spill, the proposed containment area would contain 110 percent of the gross volume of one of the tanks, with additional allowances for volume displaced by rainfall and 5,000 gallons of fire water. A spill would be pumped into a truck or appropriately sized container for proper disposal. Staff also indicates that the facility would incorporate ammonia gas detectors, inspection procedures, and personal protective equipment, and that emissions from a spill would not pose a risk to anyone offsite due to the concentration of a 19 percent aqueous ammonia solution. (Staff Report at 2-3.)

Staff recommends that the Board find that the proposed amendment to the certificate poses a minimal social and environmental impact and would not create new significant land use, recreational, cultural, aesthetic, wildlife, or ecological impacts. Staff recommends that OCE conform to the conditions and commitment of the original certificate. (Staff Report at 2-3.)

IV. Conclusion

Upon review, the Board finds, pursuant to R.C. 4906.07, that the proposed amendment to the certificate issued in the *Oregon Certification Case*, with the requirement that OCE conform to the conditions and commitments of the original certificate, does not result in any material increase in any social or environmental impact, or a substantial change in the location of the certificated facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Based on the record in this proceeding, the Board finds that, pursuant to R.C. Chapter 4906, OCE's third amendment application should be approved subject to the conditions and commitments set forth in the Order in the *Oregon Certification Case* and OCE's certificate should be amended to incorporate the proposed modifications, as described in the third amendment application filed on May 1, 2015.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) OCE is a corporation and a person under R.C. 4906.01(A).
- (2) OCE's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).
- (3) On May 1, 2015, OCE filed an application in this proceeding to amend the certificate issued in the *Oregon Certification Case*.
- (4) Public notice of the amendment application was published in Lucas County and filed with the Board on May 7, 2015.
- (5) The Staff Report was filed on May 15, 2015.
- (6) The proposed changes to the certificated facility do not result in any material increase in any social or environmental impact or any substantial change in the location of the facility; therefore, in accordance with R.C. 4906.07, a hearing is not necessary.
- (7) Based on the record, in accordance with R.C. Chapter 4906, the certificate for OCE's electric generation facility, issued in

the *Oregon Certification Case*, should be amended, as described in the third amendment application, and subject to the conditions and commitments set forth in the *Oregon Certification Case*.

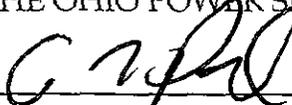
ORDER:

It is, therefore,

ORDERED, That OCE's third amendment application be approved, subject to the conditions and commitments set forth in the Order in the *Oregon Certification Case*. It is, further,

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

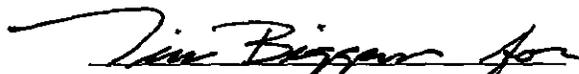
THE OHIO POWER SITING BOARD



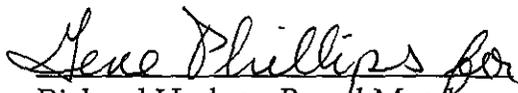
Andre T. Porter, Chairman
Public Utilities Commission of Ohio



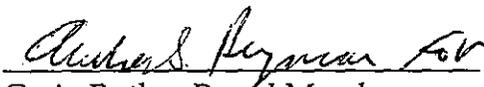
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



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



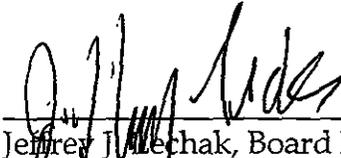
Richard Hodges, Board Member
and Director of the Ohio
Department of Health



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



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



Jeffrey J. Lechak, Board Member
and Public Member

SEF/dah

Entered in the Journal

JUN 04 2015



Barcy F. McNeal
Secretary