

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application** )  
**of Will-Power OH, LLC for a Certificate of** )  
**Environmental Compatibility and Public Need for the** ) **Case No. 25-0973-EL-BLN**  
**Apollo Power Generation Facility** )

Members of the Board:

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

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code 4906-6.

Staff recommends this application for automatic approval February 3, 2026, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any objections you or your designee may have with this case to my office at least four business days prior to February 3, 2026, which is the recommended automatic approval date.

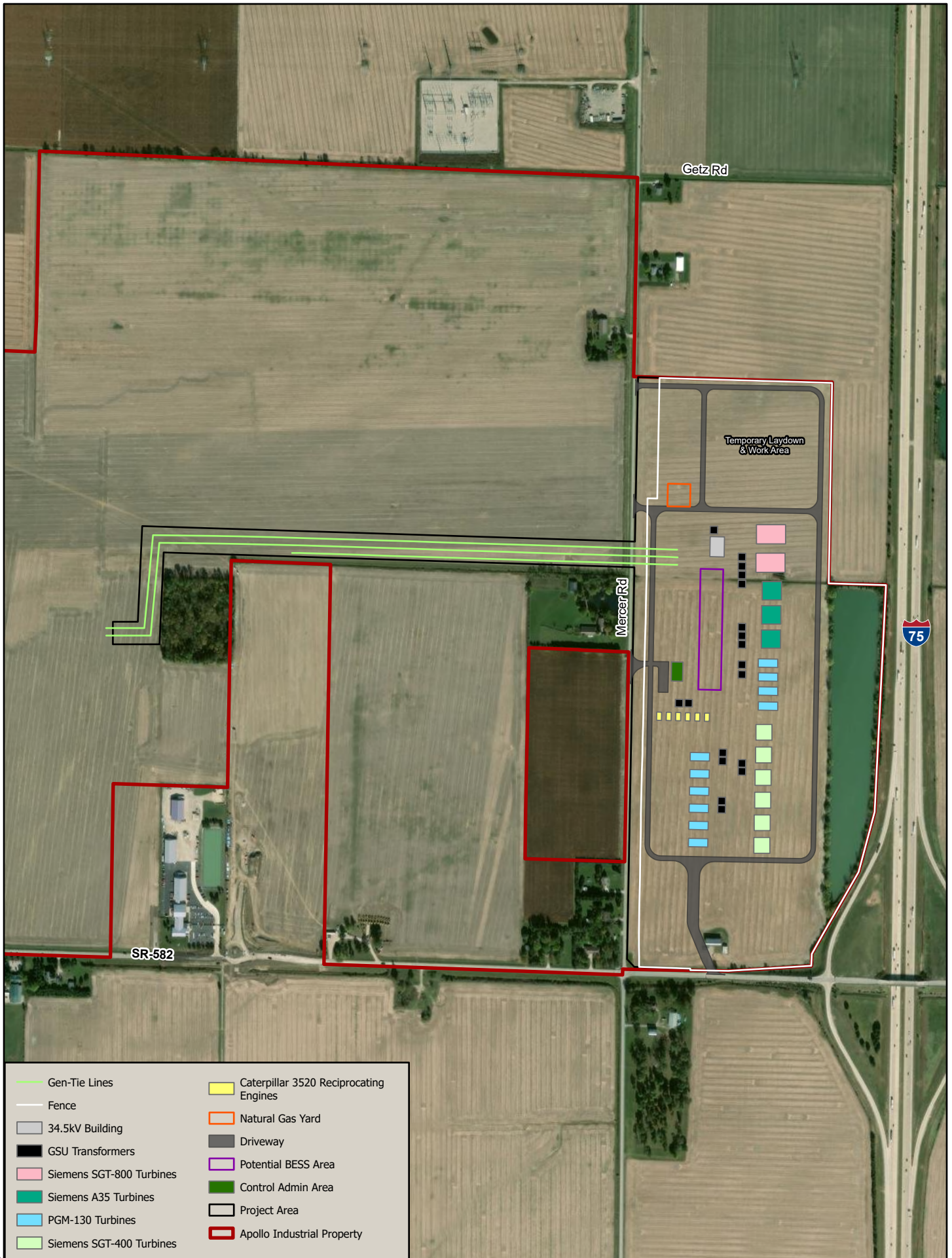
Sincerely,



Michael Williams  
Executive Director  
Ohio Power Siting Board



# Apollo Power Generation Detail Map



## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 25-0973-EL-BLN  
**Project Name:** Apollo Power Generation Facility  
**Project Location:** Middleton Township, Wood County  
**Applicant:** Will-Power OH, LLC  
**Application Filing Date:** November 5, 2025  
**Filing Type:** Letter of Notification  
**Inspection Date:** January 7, 2026  
**Report Date:** January 27, 2026  
**Recommended Automatic Approval Date:** February 3, 2026  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** A. Conway, M. Bellamy, M. Butler, T. Crawford, R. Gonzales, J. Patmon, J. Stottsberry, S. Richards

### Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions  
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

### Project Description

In this Application, Will-Power OH, LLC (Applicant) proposes to construct, operate, and maintain a 350 megawatt (MW) net capacity electric generation plant and associated facilities in Middleton Township, Wood County. The facility would operate in behind the meter (BTM) mode where its electric output is dedicated to a single customer's electric load and would not be physically connected to the electric grid. The facility would not have any steam generation or large-scale water use for cooling.

Liames, LLC ("Liames" or "customer") would be the customer of the Applicant's electric power generation. The customer intends a data center on its campus. The customer's facility is currently under construction and is adjacent to the proposed electric power generation facility.

The Applicant intends to deliver construction materials directly to the construction site where practicable. However, the Applicant would construct a temporary construction laydown yard for parts, material and equipment storage, construction trailers, and parking. The temporary construction laydown yard would be the subject of a future separate filing to the Board. Security measures such as gates and fencing would also be utilized for the BTM facility and laydown yard.

The project would include a manned control building, which would include office space and a maintenance shop. This control building would house the supervisory control and data acquisition (SCADA) control system. Water and wastewater service for the control building and maintenance shop would be obtained from the local provider, Northwestern Water and Sewer District. The project would also have unmanned buildings for both low and medium voltages, and prefabricated electrical motor control center buildings.

## **Electric Generation Equipment**

The proposed facility would be comprised of natural gas-fired electric generation equipment capable of 350 MW of net output. The proposed facility is designed as a series of combustion turbine generator sets, reciprocating engines coupled to electric generators, and battery energy containers.

### *Electric Generation Sets*

Electric power generation would occur through a combination of gas combustion turbine generator sets to support baseload power demand and quick start reciprocating engines and battery energy storage container units to support the variable energy demands of the customer's data center facility. The primary power generation equipment would consist of two Siemens SGT800 turbines, three Siemens A35 turbines, ten Solar PGM 130 turbines, six Siemens SGT400 turbines, and six Caterpillar 3520 reciprocating engines.<sup>1</sup> The facility would be capable of year-round operation, but actual hours would depend upon the electrical energy needs of the customer and would incorporate downtime for maintenance and unplanned outage events. The combustion turbines and reciprocating engines would use pipeline natural gas as the exclusive fuel.

The gas turbine generator sets are enclosed units which hold the air inlet, compressor turbines, electric generator, fire suppression safety equipment, and electric cabinets.

The Applicant has selected this combination of generation equipment to provide high reliability. The generation units would be capable of producing up to 491 MW at design atmospheric weather conditions. At those weather conditions, various generation units may be derated to still account for onsite equipment load and unplanned equipment downtime to still achieve a maximum 350 MW net output.

### *Battery Energy Storage System (BESS)*

Battery energy storage containers would be included with the generation equipment to accommodate fluctuations in demand from the associated Liames facility and to mitigate any unplanned outages. The Applicant has been refining its design and layout and would utilize approximately 119.5 MW of BESS capacity (for delivery of 239 MW-h of energy). This BESS equipment would consist of approximately 31 Tesla Megapack 2XL battery energy storage containers with inverters. Each BESS container would resemble a shipping container and measure approximately 8.5 feet wide by 7 feet long and 9 feet tall. This equipment would be compliant with the National Fire Protection Association (NFPA) standards. The Applicant has developed a preliminary decommissioning plan for the battery energy storage component. Staff has

---

1. Solar Turbines, Inc. ("Solar") is a subsidiary of Caterpillar, Inc. Solar is a brand name and not solar photovoltaic equipment. The Applicant initially was considering Baker Hughes LT16 turbines, but due to supply chain issues, has replaced those models with PGM 130.

recommended that this plan be updated and submitted prior to commissioning of the BESS equipment.

#### *Portable Generator Set*

The Applicant has included space within its footprint for a portable generator set, such as the Solar Mobile Turbomachinery (SMT) 130 mobile combustion turbine generator set. This could be brought in and utilized during outage events. Staff's recommendation for approval of this application includes authorization for the intermittent use of a megawatt scale portable generator such as the SMT 130 generator set.

#### *Emergency Diesel Generators*

The emergency and black start generation would come from two Caterpillar C32 diesel generators rated each at up to 1,000 kilowatts (kW). These would use ultra-low sulfur diesel as the fuel. The diesel generators are only for startup of the Apollo facility and would not directly support the customer's electric load demand needs.

#### *Electrical System*

The electric system network would consist of an internal BTM substation, switching substation, busses, circuit breakers, switchgear, transformers, and gen-tie lines. The generator sets would be connected to a series of approximately 18 transformers that would increase the voltage to 34.5 kV. The electric power would then be delivered through a series of 34.5 kV circuits to the customer.

#### **Gas Supply**

The procurement of adequate natural gas supplies and pipeline delivery capacity are necessary for the successful operation of the facility. Natural gas supply for the BTM facility would come from two 16-inch diameter gas pipelines. The Applicant intends to secure firm delivery of natural gas service from third parties to the power generation facility.

The Applicant has included a gas yard within the project footprint where the natural gas service would be delivered and connected. Typically, in the yard, natural gas would be processed and mechanically filtered to meet the requirements of the combustion turbines.

The two 16-inch diameter gas pipelines would be the subject of separate future filings with the Board.

#### **Project Timeline**

The Applicant proposes to commence construction in February 2026, upon authorization from the Board.

The Applicant intends to place portions of the facility (approximately 150MW) in service around July 2027 and place the remainder of the BTM facility fully in service around August 2027. The Applicant intends to complete construction by December 2027.

#### **Nature of Impacts**

##### *Land Use*

The proposed project would be located in Middleton Township, Wood County. The approximately 146.84-acre project area is situated within industrial property characterized primarily by industrial

development. Land use within and surrounding the project area includes areas of previously undeveloped agricultural land, agricultural fields, rural residential areas, existing industrial development, and isolated forested areas. Though with the industrial conversion of the areas surrounding the project area tied to the data center construction, the ongoing agricultural use of the project area is no longer practical.

Approximately 142.12 acres of agricultural land would be affected by the project, including approximately 75.143 acres classified as Agricultural District Land. This designation would not be retained, as the parcel would be incorporated into a permanent electric generation facility.

All facility components, including electrical generating equipment, would be located within the perimeter access road. The closest residence is located approximately 587 feet from the edge of the perimeter access road. Within 1,000 feet of the project fence line, there are two residences; no parks, churches, cemeteries, wildlife management areas, or nature preserves are located within this distance. Both residences are located within 1,000 feet of the electrical generating equipment. Additional residential properties within the industrial property have been acquired by the Applicant's customer and have been, or would be, demolished. Staff concurs that the project, as proposed, would have a minimal, if any, impact on surrounding land use.

### *Regional Planning*

The project area is located on an industrially zoned property within a designated Targeted Economic Development Area in Wood County, as identified in the Wood County Plan Commission Land Use Plan. Targeted Economic Development Areas are intended to concentrate employment and economic-generating land uses due to their proximity to major transportation infrastructure and access to utilities and services.

Additionally, the project area is situated within Middleton Township's SR 25 and SR 582 Overlay Zone, a regionally significant transportation corridor identified for economic growth and development. The proposed project is consistent with the goals and policies of these planning documents, as it represents an employment-oriented use aligned with anticipated growth patterns and does not introduce incompatible development within the corridor.

### *Aesthetics*

Staff reviewed the Applicant's Visual Resource Assessment to evaluate potential visual and aesthetic impacts of the proposed facility. The approximately 3-mile Visual Study Area (VSA) is dominated by open agricultural fields, with scattered rural residences, unincorporated communities, and roadway corridors. Prolonged views of the facility would be primarily limited to residences and communities within 0.5 miles, where topography and vegetation provide minimal screening. A total of 33 visually sensitive resources were identified within the VSA, including 19 high-density residential areas, four unincorporated communities, two cities or villages, two transportation corridors (Interstate 75 and State Route 582), and six recreational or trail resources. The anticipated visual effect on most resources is negligible or minor, with the greatest change occurring within 0.5 miles at Interstate 75, State Route 582, the Unincorporated Community of Dunbridge, and a nearby residential neighborhood. Final design measures to mitigate visual impacts include mounding, berming, and landscaping. Staff concludes that the proposed facility would have minimal aesthetic impact on the surrounding area.

### *Cultural Resources*

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant identified three previously identified archaeological sites and two Ohio Genealogical Society cemeteries within the project area. The three archaeological sites and two cemeteries were recommended as ineligible for listing on the National Register of Historic Places (NRHP). The consultant identified one newly discovered archaeological site within the project area, which was recommended as not eligible for listing in the NRHP. Four previously identified historic resources were identified within the area of potential effect which includes two Ohio Genealogical Society cemeteries. One hundred and four (104) newly identified historic resources were identified within the area of potential effect. The consultant recommended that two of the historic resources and one cemetery are potentially eligible for listing in the NRHP. However, views of the resources would be obscured and screened such that the project is not expected to affect potential NRHP eligibility of the resources. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO has not responded to the consultant in concurrence yet. Subject to the OHPO's confirmation, Staff agrees with the findings of the Applicant's consultant.

### *Transportation*

The Applicant submitted a Preliminary Traffic Management Plan for the project. The proposed project would be located on approximately 163 acres near Mercer Road and Middleton Pike, near Interstate 75 (I-75) in Middleton Township of Wood County. The Applicant anticipates material delivery to begin in March 2026 and large equipment delivery would begin in June 2026.

Traffic in the vicinity of the project would increase with the beginning of construction and would remain at elevated levels through the construction period. The traffic increase would also include the use of oversized and overweight loads and delivery vehicles. The preliminary plan would be revised as needed during the facility design. A final Transportation Management Plan would be developed and provided to Staff and the Wood County Engineer before the start of construction.

The Applicant states that most of the project's traffic would be worker transport and various construction support vehicles, including trucks and trucks with semi-trailers. Construction materials and off-road construction equipment would be transported utilizing various vehicles, including single and multiple-axle dump trucks, cement mixers, a mobile crane, and others during the construction period.

Travel to the project area would mostly use the Dixie Highway or I-75 to Middleton Pike then to Mercer Road. Dowling Road to Mercer Road to the project area would also be a feasible alternative.

The Applicant or its contractors would obtain all necessary permits from the Ohio Department of Transportation (ODOT), the Wood County Engineer, and Middleton Township before the start of construction. This includes the Road Use and Maintenance Agreement (RUMA) that might be required by the county engineer. The RUMA would include procedures to be implemented for temporary road closures, lane restrictions or closures, road access restrictions, necessary detour instructions, and other traffic control. The county engineer would require the Applicant to obtain a permit for driveway access on county and township roads. Coordination and necessary permitting would be through ODOT when such are needed for overweight or oversized loads. The Applicant

states that most of the necessary vehicles would meet the present legal dimensions and weights during construction of the project, however the Applicant does anticipate approximately 100 “superloads.” Special hauling permits would be expected for only a relatively small number of vehicles that would need to access the project area.

### *Existing Natural Gas Pipeline*

The western perimeter of the project is adjacent to a TC Energy d/b/a Columbia Gas Transmission pipeline. The project’s current design has an entrance from Mercer Road that crosses over the pipeline. The Applicant has coordinated with the pipeline’s owner/operator as to crossing precautions related to the access entrance.

The Applicant has committed that permanent and temporary driveway crossings would be structurally designed to accommodate anticipated vehicle loadings and protect the integrity of the existing pipeline in accordance with TC Energy’s specifications. The design would be formally approved by TC Energy. Staff recommends that at least 30 days prior to the preconstruction conference, the Applicant shall submit a document indicating that it has met or addressed notable points from the pipeline owner’s written guidelines for third party construction or maintenance activities within the pipeline’s easement. If written guidelines are unavailable, the Applicant shall include and address safety aspects as to the following specific issues: (1) obtain an encroachment agreement if such agreement is required by the pipeline owner (or, if such an agreement is not required by the pipeline owner, Applicant shall use industry accepted practices to design the limits of encroachment); (2) describe insurance coverage as it relates to potential pipeline impacts; (3) conduct an engineering review for crossing of pipelines with equipment, which may include a description of the use of timber mats, bridges, or other protective material to cross the pipelines during construction; (4) meet or exceed minimum HDD pipeline clearance of at least 60 inches from the pipeline; (5) establish non-interference with the pipeline’s cathodic protection system; (6) utilize proper shielding of the underground electric cable; (7) prohibit blasting near the pipeline; and (8) provide Staff written confirmation from the pipeline owner as to its agreement with the safety of intended activities in and around the area of the pipeline easement. Staff also recommends that the Applicant denote the pipeline(s) easement(s) on the final engineering drawings and install construction fence along the pipeline(s) easement(s) so that the pipeline easement is avoided during construction.

### *Public and Private Water Supplies*

The Applicant requested an Ohio Department of Natural Resources (ODNR) review of its proposed project, which included consideration of potential impacts to public and private water supplies using ground water.<sup>2</sup> The ODNR review indicated there are records of 54 water wells drilled within one mile of the project area. The wells range in depth from 32 feet to 210 feet with an average depth of 79 feet. Sustainable yield data reported from 8 of these wells indicates a 25 gallon per minute average. The water required for the project would include fire protection water and potable use water sourced from the Northwestern Water and Sewer District.<sup>3</sup> No use of on-site groundwater is proposed. The only wastewater to be generated by the project would be a small

---

2. Applicant’s response to Staff’s second data request includes ODNR review letter dated November 3, 2025.

3. Applicant intends to extend water and sewer lines. These proposed extensions may require permits to install from Ohio EPA, Application at page 23, Table 4 – Potential Pre-Construction Permits.

volume of sanitary waste that would discharge to a sanitary sewer collection system, also managed by Northwestern Water and Sewer District.

Ohio EPA defines a ground water source water protection area (SWPA) as the area that supplies water to a public water supply (PWS) well within a five-year time-of-travel.<sup>4</sup> In order to protect PWSs, Ohio EPA has established regulations that restrict certain activities that may impact groundwater quality. Construction and operation of energy generation facilities is not among those restricted activities, as the Applicant indicated in its response to Staff's second data request.<sup>5</sup> The nearest SWPA (5-year time-of-travel) is approximately 1,500 feet south of the proposed project.<sup>6</sup> The Applicant indicates that construction and operation activities of the proposed facility are not anticipated to affect any SWPA. Figure 5 of the application depicts water well locations. There appears to be five water wells within a near proximity to the project. Staff recommends that the Applicant incorporate a 50 foot setback from any active water wells.

ODNR's review of public and private water supply resources concludes that (1) the construction of this project is not expected to have significant impacts on public or private well yields and (2) the construction of the facility is not expected to pose a significant groundwater contamination risk. Based on the data and considerations provided within the application submittal to date, including consultation with Ohio EPA and ODNR, and the Applicant's commitment to the development and implementation of a Spill Prevention and Countermeasures Plan (or a comparable plan), Staff agrees with ODNR's finding that the construction and operation of the energy generation facility is unlikely to adversely impact public or private water supply resources.

### *Geology.<sup>7</sup>*

The application included an ODNR review of the area geology.<sup>8</sup> Per the ODNR desktop review, the uppermost bedrock in the project area is the Lockport Dolomite which is approximately 35-43 feet below the surface. The Applicant's on-site geotechnical exploration encountered bedrock at 31 feet below surface in one boring. The geotechnical report indicates: "Moderately to heavily loaded foundations, and large lightly loaded to moderately loaded foundations may require deep

---

4. Ohio EPA Drinking Water Area Source Delineation Manual  
[https://epa.ohio.gov/static/Portals/28/documents/swap/swap\\_delin\\_guidance.pdf](https://epa.ohio.gov/static/Portals/28/documents/swap/swap_delin_guidance.pdf)

5. Ohio EPA Division of Drinking and Waters SWPA Regulated Activities  
[https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/swap/SWAP\\_Rules.pdf](https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/28/documents/swap/SWAP_Rules.pdf)

6. Application at page 17 and Ohio EPA Division of Drinking and Ground Waters SWPA Interactive Map  
<https://epa.ohio.gov/monitor-pollution/maps-and-advisories/drinking-water-source-protection-areas>

7. According, in part, to R.C. 1505.01, the ODNR's division of geological survey "[s]hall advise, consult, or collaborate with representatives of agencies of the state...on problems or issues of a geological nature when requested by such an agency...." One of the missions of the ODNR Division Geological Survey is "to provide geologic information and services needed for responsible management of Ohio's natural resources." (ODNR, Division of Geological Survey, About the Division, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/geologic-survey/division-of-geologic-survey/division-of-geologic-survey>). This includes studying and investigating, among other things, glacial and surficial geology, bedrock geology, and geological hazards. According to ODNR a "geologic hazard or 'geohazard' is a geologic condition, either manmade or natural, that poses a potential danger to life and property. Ohio is home to a number of potential geohazards, including karst, mine subsidence, earthquakes, landslides, and shore erosion." (ODNR, Geologic Hazards, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/geologic-survey/geologic-hazards>).

8. Applicant's response to Staff's second data request includes ODNR review letter dated November 3, 2025.

foundations due to the potential for consolidation of the softer, more compressible soil stratum that was encountered at depths ranging from approximately 10 to 20 feet. Detailed bearing capacity and settlement analyses would be performed as part of the final geotechnical engineering evaluation and foundation recommendations would be presented in the geotechnical engineering report.”<sup>9</sup> If deep foundations are chosen, weathered bedrock may be encountered.

The project area and its general vicinity is designated as a karst geology area.<sup>10</sup> No documented geohazards exist within or adjacent to the proposed project area.<sup>11</sup> The nearest documented karst feature is approximately 18 miles to the east. Given the thickness of glacially deposited overburden material, sinkhole formation is unlikely. The ODNR review identified 20 records of oil and gas wells within one mile of the project area. No wells were identified within one-half mile. No mining operations were identified within five miles.

The ODNR review indicated that 94% of the project area contains hydric soils which are frequently ponded from December to May. Hydric soils are known to produce an environment conducive to corrosion. Staff’s review of USDA resources confirm that the project area soils are designated as having a high corrosivity potential for buried steel.<sup>12</sup> The Applicant’s geotechnical investigation report also confirms that resistivity testing shows the project area soils exhibit highly corrosive characteristics towards ferrous metals. The geotechnical report recommends that all concrete in contact with the on-site soils be formulated with an appropriate cement type, water-cement ratio, and an appropriate minimum compressive strength to resist Sulfate Expose Class S0 and Exposure Class F1 for freeze-thaw cycles, as outlined in Table 19.3.2.1 of ACI 318-14.<sup>13</sup> Staff further recommends that the Applicant consult a corrosion expert during the final design phase to account for any project infrastructure that may be exposed to corrosive soils.

The project area is generally described as being relatively flat, therefore extensive earthwork is not anticipated. However, the geotechnical report indicates that construction would include two soil stockpiles up to approximately 25 feet tall in the northern portion of the project. These created slopes “should have adequate long-term stability if constructed in accordance with CEC’s final recommendations included in the geotechnical engineering report.”<sup>14</sup>

The geotechnical report summarizes field studies including 20 borings ranging from 20-49 feet in depth. Thirty seven feet of bedrock coring was also performed. In addition, cone penetration testing

---

9. Application at Appendix D – Geotechnical Data Report by Civil and Environmental Consultants, Inc. (CEC), page 12.

10. Karst terrain is formed within carbonate (e.g. limestone or dolomite) or evaporite (e.g. anhydrite or gypsum) rocks through mineral dissolution caused by movement of water. Most common karst features include the formation of underground caves or channels, or the formation of depressions and sinkholes at the surface. Generally, karst features, and the likelihood of karst development are most prevalent in areas where the carbonate bedrock is overlain by 20 feet or less of glacial till material. Limestone and dolomite are the most common carbonate bedrock. Generally, Limestone is more prone to dissolution than dolomite.

11. A geohazard is a geologic condition, either manmade or natural, that poses a potential danger to life and property. Ohio is home to a number of potential geohazards, including karst (caves and sinkholes), mine subsidence, earthquakes, landslides, and shore erosion. ODNR - <https://ohiodnr.gov/discover-and-learn/safety-conservation/geologic-hazards/geologic-hazards>

12. United States Department of Agriculture – Natural Resources Conservation Service – Web Soil Survey at <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

13. Geotechnical report at page 203/720.

14. Geotechnical report at page 11.

was conducted at 14 locations, all of which would be evaluated as part of the final foundation design.<sup>15</sup> The boring data indicated the presence of ground water in eight of the borings. The depth of water ranged from 18-31 below surface. If groundwater is encountered during construction, it can likely be managed by pumping/dewatering. If deep foundations are required, groundwater would likely be encountered during installation.

Based on the Applicant's geotechnical analyses, ODNR's review, and Staff's analyses of the project area geology, Staff has determined that the project area appears suitable for development of the proposed project. Implementation of Staff's recommended conditions would further confirm this.

#### *Public Interaction*

The Applicant notified neighboring property owners and tenants regarding the proposed project, provided public notice in *The Sentinel Tribune*, and delivered copies of the application to local officials and the local library. The Applicant maintains a public website for the project at <https://www.williams.com/expansion-project/apollo-power-generation-project/>. The Applicant has developed a complaint resolution plan and commits to notify area residents and officials prior to the start of construction and before the start of operation. Several public comments have been filed in the docket for this case. The comments can be viewed in the online case record.

#### *Public Services, Facilities, and Safety*

The Applicant stated that it would use reliable and certified equipment compliant with applicable standards. Particularly, the Applicant has included in its design its commitment to applicable standards from Underwriters Laboratories, Institute of Electrical and Electronics Engineers, National Electrical Safety Code, National Fire Protection Association, American National Standards Institute, and applicable building codes or standards.

The Applicant stated that it intends to restrict public access to the generation facility through the use of an exterior fence that surrounds the facility. Further, as discussed above, the Applicant would provide additional plantings along portions of the eastern edge perimeter to create a visual aesthetics barrier. The Applicant has proposed perimeter fencing that would be seven feet tall agricultural style fence with access through gates.

The Applicant has considered fire protection criteria in its design and developed by a fire protection engineer. The Applicant indicates that its design is based on the Ohio State Fire Code, industry standards, and best practices. Staff notes that the generation equipment is designed and manufactured with automated CO2 fire suppression systems. Additional fire safety measures include (1) the project site would include a sitewide fire water loop consisting of hydrants, monitors, and post indicator valves, (2) the site fire water feed would be connected to large onsite tank fed from a public water supply, (3) fire detection and fire extinguishers would be at the various onsite buildings, (4) the station and each unit would have an inlet emergency shut down valves, and (5) power units would vent in case of fire. The Applicant indicates that the generation equipment fire detection systems are engineered products that would be reviewed and approved by the local Fire Chief or Fire Marshall. Staff has also recommended that the Applicant provide

---

15. Applicant further supplemented its geotechnical evaluation by providing additional geotechnical studies at adjacent and related properties, not subject to OPSB jurisdiction.

local fire and emergency responders with periodic training and proper firefighting equipment as reasonably required to enable them to respond to emergency situations at the BESS.

### *Noise*

Noise impacts from construction activities would include site clearing, installation of mechanical and electrical equipment, and commissioning and testing of equipment. Many of the construction activities would generate significant noise levels during the period of construction. However, the adverse impact of construction noise would be temporary and intermittent, would occur away from most residential structures, and would be limited to daytime working hours. The Applicant would use mitigation practices such as limiting construction activities to daylight hours, keeping equipment in good working condition, and establishing a complaint resolution process. Noise impacts associated with construction activities would be temporary. Staff recommends a condition that would generally limit construction to daylight hours.

To evaluate potential operational noise impacts, the Applicant hired a consultant to conduct an ambient sound level survey and to model noise levels for both construction and operation of the facility. The consultant's baseline sound survey was conducted at three survey locations, showing ranges of daytime equivalent continuous noise level (Leq) sound levels from 53.2 to 60.0 decibel A-weighting (dBA) and nighttime Leq sound levels from 53.1 to 56.0 dBA. Operational noise level modeling showed anticipated operational nighttime noise levels are within 1 dBA of area ambient noise levels. Based upon these results, operational noise impacts are anticipated to be minimal. However, Staff recommends that the Applicant use the noise mitigation as proposed in the application and data request responses, as well as maintaining a complaint resolution procedure during operation of the facility to address any noise related complaints. Staff is recommending a condition to ensure that operational noise from the facility not exceed modeled baseline noise impacts plus 3 dBA, which is the modeling's described testing margin.

### **Electric Grid Interconnection**

The proposed facility would not be connected to the regional grid and would instead serve the load of the Applicant's customer. If the Applicant plans to export power to the bulk power system in the future, a supplemental application must be filed with the Board.

### **Environmental Permitting**

#### *Air*<sup>16</sup>

The proposed project site is within Wood County which is designated as "in attainment" or "unclassifiable" for all regulated pollutants. Due to this designation, the facility would fall under the federal New Source Review (NSR) with respect to the Prevention of Significant Deterioration

---

16. The Revised Code provides for the Ohio EPA to administer and enforce the provisions of R.C. Ch. 3704 with regards to air pollution control. See e.g., RC 3704.03, 3704.161. The Ohio EPA Division of Air Pollution Control ensures compliance with the federal Clean Air Act and the Emergency Planning and Community Right-to-Know Act as part of its mission to attain and maintain air quality at a level that protects the environment and public health. (Ohio EPA, Division of Air Pollution Control, [https://www.epa.ohio.gov/dapc/#188913097-featured\[1\]topics](https://www.epa.ohio.gov/dapc/#188913097-featured[1]topics)). The Division of Air Pollution Control develops and enforces rules in the Ohio Administrative Code, which assist the state of Ohio to: attain and maintain the National Ambient Air Quality Standards (NAAQS) contained in the Clean Air Act; fulfill the requirements set forth by the Ohio General Assembly in R.C. 3704; and protect and maintain healthy air quality for the citizens of the state of Ohio. (See, Ohio EPA, Division of Air Pollution Control Rules and Laws).

(PSD) permit program. However, the facility is considered a minor source with respect to NSR, therefore PSD requirements are not applicable.

The proposed project would be classified as a major emission source under the Ohio EPA Title V Operating Permit program.<sup>17</sup> OAC 3745-31-05 requires that all new air containment emissions units obtain an Ohio EPA permit-to-install (PTI). The Applicant submitted its PTI application on December 5, 2025. Issuance of the final permit is pending; however, the Ohio EPA confirmed the Application's completeness on December 8, 2025.<sup>18</sup> The approved PTI would serve as the air construction permit and the initial operating permit. Within twelve months of commencement of commercial operation, the Applicant would submit to the Ohio EPA an application for a Title V operating permit, which would include emission limits and standards as well as monitoring, record keeping, reporting, and testing requirements. Title V permit holders must certify annually that they have complied with the terms of the permit.

The PTI application includes an analysis of the potentially applicable federal and state air permitting and regulatory requirements for the proposed project as well as anticipated emissions of regulated pollutants. Components of the facility may be subject to Federal New Source Performance Standards (NSPS) under 40 CFR 60, Maximum Achievable Control Technology standards (MACT) under 40 CFR 63, and Title IV acid rain requirements under 40 CFR 72 and 40 CFR 73. Regulated pollutants that would be emitted by the facility include particulate matter (PM), particulate matter less than 10 microns in size (PM<sub>10</sub>), particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), total hazardous air pollutants (HAP), formaldehyde (CH<sub>2</sub>O), and carbon dioxide (CO<sub>2</sub>).

Uncontrolled emissions of regulated pollutants from select turbines are expected to be greater than 10 tons per year and may be required to meet Ohio EPA's best available technology (BAT) mandates. The Applicant states it would install controls representing BAT on each turbine included in the project. Each proposed turbine would be equipped with a selective catalytic reduction (SCR) system to reduce emissions of NO<sub>x</sub>. SCR reduces NO<sub>x</sub> through a catalyzed chemical reduction of NO<sub>x</sub> by ammonia or urea. This reaction generates nitrogen gas and water as the end products that are emitted from the stack into the atmosphere. Additionally, each turbine would be equipped with oxidation catalysts to reduce emissions of CO, VOCs, and CH<sub>2</sub>O. These catalysts facilitate chemical reactions that convert pollutants into CO<sub>2</sub> and water. The Applicant states that in the event of a control equipment failure, it would be detected by the control system software, and corrective action would be initiated. The Applicant does not anticipate that any unforeseen outage of pollution control systems would result in a significant impact before corrective action is taken.

Construction impacts on air quality primarily consist of relatively minor emissions from the construction equipment and from fugitive dust emissions. The Applicant states that fugitive dust from construction related activities would be minimized through a combination of surface

---

17. In accordance with Ohio Adm.Code 3745-77, sources with a potential to emit of 100 tons per year (tpy) or more for criteria pollutants, 25 tpy or more for Total HAP, or 10 tpy or more for individual HAP are considered major sources for which applicants must obtain a Title V operating permit.

18. Applicant's January 2025, response to Staff data requests

improvements with crushed stone, gravel and/or cement stabilization, routine watering, and the use of street sweepers, as needed, on internal and public roads.

With these measures, construction and operation of this facility would comply with requirements of R.C. Chapter 3704, and the rules and laws adopted under that chapter.

### *Water*

The Applicant would obtain water related environmental permits if and where necessary. The Applicant would submit a Notice of Intent for coverage under the Ohio NPDES construction stormwater general permit, Ohio EPA Permit No. OHC000006. This permit is required by the Ohio EPA for facilities that wish to discharge water to a surface water of the State, including construction stormwater runoff. All construction sites which result in ground disturbance of one acre or more are required to obtain an NPDES permit.<sup>19</sup> The permit regulates wastewater discharges by limiting the quantities of pollutants to be discharged and imposing monitoring requirements or conditions.<sup>20</sup>

Coverage under the NPDES construction general permit also requires the development of a stormwater pollution prevention plan (SWPPP), which outlines BMPs for soil erosion control. BMPs are outlined in the Rainwater and Land Development Manual, which defines Ohio's standards and specifications for stormwater management practices implemented during land development. The Rainwater and Land Development Manual includes pre-, during, and post-construction practices and measures to be taken to ensure compliance with Ohio's water quality laws, rules, regulations and policy.<sup>21</sup>

The Applicant would develop a Spill Prevention Control and Countermeasures plan, which is required for facilities that could reasonably be expected to discharge contaminants into navigable waters. This plan would outline spill prevention practices as well as procedures to contain and control accidental releases if they occur.

Construction and operation of the proposed facility would not require the use of significant amounts of water. The closed-loop water/glycol system would be cooled using either a simple fin fan cooler design or a closed-circuit cooling tower, which is anticipated to have a water volume of approximately 1,375 gallons. This water would not discharge, or blow down, to any sewers or streams. Additionally, approximately 10,000 gallons water per year would be used during operation for equipment cleaning, which would be disposed of offsite. An estimated 18,000 gallons of water would be used annually to test the hydrant system. The facility anticipates connecting to the municipal water and sewer connections with no groundwater wells proposed and would not have any wastewater processing.

One Drinking Water Source Protection Area (SWPA) is located approximately 0.85-mile southeast of the project area. The Applicant states it is not anticipated that the proposed activities would affect this SWPA due to the well depths and notes that construction and operation of the proposed

---

19. See R.C. 6111.04(A)(1) and Ohio Adm.Code 3745-39-04(B)(14).

20. Ohio EPA, "NPDES General Permits", <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/npdes-general-permits>.

21. OEPA, "Rainwater and Land Development", <https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/rainwater-and-land-development?msclkid=cb5f60f4b48d11ec8b5ece1ef5e16d3c>.

generation facility would not be considered a restricted activity by the Ohio EPA within or near the SWPA.

The project as currently designed proposes 0.061 acres of impacts to an intermittent stream.

With these measures, construction and operation of this facility would comply with requirements of R.C. Chapter 6111, and the rules and laws adopted under that chapter.

### *Solid Waste*

Debris generated from construction activities would primarily include items such as packing materials, office waste, scrap lumber, metals, cables, glass, cardboard containers, and miscellaneous trash. Debris generated by operation of the facility would consist primarily of office waste, including paper and miscellaneous trash, as well as plant operations and maintenance waste such as empty chemical and used oil and lube oil containers, spare parts, filters, and packaging. The Applicant anticipates the facility to generate up to approximately 250 cubic yards of waste annually while operational. Solid waste that can neither be recycled nor reused would be stored in on-site collection facilities prior to disposal. The Applicant would manage, store, and dispose of all waste in accordance with federal, state, and local regulations and utilize licensed vendors for removal. The Applicant's solid waste disposal plans must comply with solid waste disposal requirements set forth in R.C. Chapter 3734.

The Applicant states hazardous waste is not anticipated to be generated. Should unanticipated hazardous wastes be generated during operation of the facility, such wastes would be segregated from other waste streams, properly labeled, and managed in compliance with the applicable federal, state, and local regulations.

### *Aviation* <sup>22</sup>

Filing with the Federal Aviation Administration (FAA) is required for structures that exceed 200 feet above ground level or that are located within certain imaginary surfaces or protection zones associated with airports or heliports.

The Wood County Airport is the closest public-use airport to the project area. The distance from the northern edge of the airport's closest runway to the southern edge of the project area is approximately 4.47 miles. No other public-use airports or heliports are located within the immediate vicinity of the project area.

The tallest permanent structures associated with the project are the exhaust stacks at the generation facility, which are approximately 60 feet in height, and the gen-tie support structures, which are approximately 79 feet in height. The Applicant evaluated all permanent and temporary project structures using the FAA Pre-Screening Tool. Based on the results of the FAA Pre-Screening Tool,

---

22. The FAA is the authority in the U.S. government responsible for regulating all aspects of civil aviation, including issuing determinations on petitions for objects that penetrate the nation's airspace. The FAA conducts aeronautical studies for new structures that will exceed 200 feet in height under the provisions of 49 U.S.C. 44718, and applicable 14 CFR Part 77. Pursuant to R.C. 4561.32, ODOT regulates the height and location of structures and objects within any airport's clear zone surface, horizontal surface, conical surface, primary surface, approach surface, or transitional surface.

filing with the FAA was not required for permanent structures associated with either the generation facility or the gen-tie corridor.

Temporary construction equipment associated with the project includes mobile cranes with maximum heights of approximately 265 feet at the generation facility and approximately 120 feet along the gen-tie corridor. Due to the height of this temporary construction equipment and the project's proximity to the Wood County Airport, the Applicant is required to file notices of proposed construction or alteration with the FAA at least 45 days prior to crane erection. The Applicant has filed the required FAA notices for the mobile cranes and would comply with all applicable FAA notification and timing requirements prior to the start of construction.

In accordance with R.C. 4906.10(A)(5), Staff coordinated with the Ohio Department of Transportation (ODOT) Office of Aviation regarding potential aviation impacts. Based on the information provided, including structure heights and FAA coordination for temporary construction equipment, no adverse impacts to aviation or airport operations have been identified.

### *Surface Waters*<sup>23</sup>

The Applicant's consultant conducted a wetland and surface water delineation of the approximately 165.11-acre study area, including the gen-tie corridor, on September 1, September 29, and October 27, 2025. One intermittent stream, one pond, and one stormwater basin were identified during the field surveys.

The Applicant proposes 0.061 acres of permanent impacts to the intermittent stream. A Nationwide Permit 39 Preconstruction Notification would be submitted to the US Army Corps of Engineers (USACE) Buffalo Regulatory District as well as an Ohio EPA Section 401 Water Quality Certification, if needed, for the proposed impact. The existing pond within the generation area is proposed to be converted into a stormwater management basin.

The Applicant would obtain an Ohio National Pollutant Discharge Elimination System (NPDES) construction stormwater general permit No. OHC000006 through the Ohio EPA prior to the start of construction. Coverage under the Ohio EPA General Permit would include the development of a Stormwater Pollution Prevention Plan (SWPPP), which would outline further specifics about how surface waters would be protected from indirect construction stormwater impacts. The

---

23. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, About Us: Surface Water, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, Obtain a Permit, <https://www.usace.army.mil/missions/civil-works/Regulatory-Program-and-permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, Division of Water Resources, <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/water-resources>).

Applicant states associated documentation for this permit would be provided to local officials upon request to provide information regarding the project's stormwater controls.

The project area is not located within a Federal Emergency Management Agency 100-year floodplain, therefore, no floodplain permitting would be required.

#### *Threatened and Endangered Species*<sup>24</sup>

The Applicant received an environmental review of the project area for the generation facility from the ODNR on November 3, 2025, and from the United States Fish and Wildlife Service (USFWS) on November 18, 2025. Environmental reviews were also received from the ODNR and the USFWS for the project area of the gen-tie corridor on November 19, 2025.

The project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), the state and federally endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered and federally proposed tricolored bat (*Perimyotis subflavus*), and the state endangered little brown bat (*Myotis lucifugus*). The ODNR and the USFWS recommend only cutting trees greater than three inches diameter at breast height between October 1 and March 31 to prevent potential impacts to roosting bat species. The Applicant anticipates a maximum of 1.24 acres of tree clearing and commits to adhere to the seasonal clearing restriction or complete coordination with the ODNR and the USFWS for summer tree clearing should it become necessary. The ODNR and the USFWS further recommended an analysis for potential hibernacula within or near the site. No potential hibernacula were identified as a result of this analysis.

The project is within the range of the state threatened pondhorn mussel (*Unio merus tetralasmus*). Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact this species.

The project is within the range of the state endangered western banded killifish (*Fundulus diaphanatus menona*), and the state threatened greater redhorse fish (*Moxostoma valenciennesi*). Due to the location, and that there is no in-water work proposed in a perennial stream, this project is not likely to impact these species.

---

24. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: "In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals." One of the missions of the ODNR is to "conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans." In carrying out this mission, the ODNR considers the "status of native wildlife species [to be] very important" and therefore lists wildlife species needing protection. (ODNR, State Listed Species, <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>). In addition to endangered species, those species classified as "threatened" are considered during OPSB project planning and approval because these species are those "whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in its becoming endangered." Id.

The project is within the range of the state threatened Kirtland's snake (*Clonophis kirtlandii*). This secretive species prefers wet meadows and other wetlands. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the state threatened spotted turtle (*Clemmys guttata*). This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the type of habitat within the project area, and the type of work proposed, this project is not likely to impact this species.

This project is within range of the state endangered northern harrier (*Circus hudsonius*). This species occasionally breeds in large marshes and grasslands, and hunts over grasslands. If this type of habitat would be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 through July 31.

## **Conclusion**

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this case on February 3, 2026, provided that the following conditions are satisfied.

## **Recommended Conditions**

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this Staff Report of Investigation. Post-certification changes to specified equipment, construction practices, mitigation measures, or facility layout shall be coordinated with Staff. The Applicant shall make Staff aware of the changes prior to the applicable construction by providing mapping and a narrative of nature of the change(s) and impact quantifications associated with the change. Changes which do not require filing of another application shall be documented on the case docket and shall include applicable mapping and an explanation of how the change conforms with the terms of the certificate. Nothing in this condition supersedes the Board's authority as to application filings.
- (2) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within three years of the accelerated application approval date, unless the Board grants a waiver or extension of time.
- (3) As the information becomes known, the Applicant shall file on the public docket the date on which construction will begin, the date on which construction was completed, and the date on which the facility is placed in-service.
- (4) Subject to the application of R.C. 4906.13(B), the certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other

local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

- (5) 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. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (6) Prior to the preconstruction conference, the Applicant shall submit to Staff, for Staff records, detailed engineering drawings of the final project design for the applicable phase of construction. The engineering drawings shall be provided electronically, and on a USB drive. The engineering drawings shall include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. The Applicant shall also submit to Staff geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings, for Staff records. A PDF map of the final layout based on the engineering drawings shall be filed on the docket of this case prior to construction. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. All applicable geotechnical study results shall be included in the submission of the final project design to Staff.
- (7) The Applicant shall operate and maintain the facility and equipment according to manufacturer specifications. The Applicant shall contact Staff if any equipment failures occur that result in personal injury or third-party property damage in excess of fifty thousand dollars.
- (8) Within 180 days after the placed in-service date of the facility, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility in both hard copy and as geographically referenced electronic data. The as-built specifications shall be provided electronically and on a USB drive. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 180 days after the placed in-service date of the facility, it may request an extension of time for the filing of such as-built specifications.
- (9) The Applicant shall develop an emergency response or site safety plan prior to commencing operation activities, and the Applicant shall provide a copy to Staff to ensure compliance with this condition.
- (10) In order to ensure that noise impacts associated with construction and operation of the proposed facility are minimized, the Applicant shall comply with the construction noise mitigation recommendations provided by its consultant and shall maintain complaint resolution procedures during both construction and operation of the facility to be used to address any noise related complaints raised by area residents.

- (11) The Applicant shall operate the facility such that sound levels emitted to nonparticipating receptors are no higher than the modeled operational noise impacts as shown on Attachment B (from the Applicant's responses to the fourth set of Staff Data Requests) plus 3 dBA. If the facility is found to be above these limits, the Applicant shall install additional noise mitigation measures to maintain compliance with this provision.
- (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 and hoe ram operations shall be limited to the hours between 10:00 a.m. and 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels or light pollution at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected residents within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.
- (13) The Applicant shall prepare a quarterly complaint summary report about the nature and resolution of all complaints received in that quarter and file these reports on the public docket during construction and through the first five years of operation. The Applicant shall file on the public docket a complaint summary report by the last day of April, July, October, and January of each year. The report shall include a list of all complaints received through the Applicant's complaint resolution program, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved.
- (14) The facility shall be operated in such a way that the output of the facility does not exceed 350 megawatts.
- (15) The Applicant shall not have a physical or electrical interconnection with the Transmission System pursuant to the PJM Interconnection, LLC Open Access Transmission Tariff (OATT), Part IV or OATT Part VI.
- (16) The Applicant shall initiate the following applications if the facility plans to export power to the bulk power system.
  - (a) New service request for generation interconnection with PJM Interconnection, LLC or the current regional transmission organization operating in Ohio.
  - (b) Seek supplemental approval from the Board.
- (17) 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.
- (18) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to listed bat species, unless coordination with the ODNR and the USFWS allows a different course of action. If coordination with these agencies allows clearing between April 1 and

September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

- (19) Construction in northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31, unless coordination with the ODNR allows a different course of action. If coordination with ODNR allows construction in harrier preferred nesting habitat between April 15 through July 31, the Applicant shall docket proof of completed coordination on the case docket prior to such construction.
- (20) The Applicant shall coordinate with the appropriate authorities regarding traffic and transportation requirements necessary for construction and operation of the proposed facility. To assure compliance with this condition, prior to the commencement of construction, the Applicant shall file a final transportation management plan on the public case docket. This shall include (but not be limited to) the following:
  - (a) A summary of coordination with appropriate authorities regarding traffic and transportation requirements, including temporary road closures, road use agreements, driveway permits, railroad crossing permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility.
  - (b) Documentation of this coordination, with copies of applicable permits or authorizations, or the schedule for obtaining necessary future permits or authorizations.
  - (c) A description of best management practices that would be implemented to maintain clean roads free of construction debris and excess mud.
  - (d) Details summarizing signage and other best management practices that would ensure construction vehicles only use designated transportation routes.
- (21) Prior to construction, the Applicant shall submit to Staff, for review, a copy of all NPDES permits including its SWPPP. The Applicant must address any erosion related issues through proper design and adherence to Ohio EPA best management practices related to erosion and sedimentation control.
- (22) The Applicant shall develop and implement a Spill Prevention Control and Countermeasures Plan or comparable plan that will address prevention of, response to, and notification to the appropriate authorities in the event of any spills. Prior to construction, the Applicant shall submit to Staff, for review, a copy of its Spill Prevention, Control, and Countermeasure Procedures or comparable plan.
- (23) The Applicant shall incorporate a minimum setback of 50 feet from any active water well.
- (24) Prior to the pre-construction conference, the Applicant shall provide Staff with a final geotechnical report confirming the soil and geologic suitability of the project area. If applicable, the report should include any final recommendations to account for site conditions.

- (25) The Applicant shall include consultation with a soil corrosivity expert in the development of the project's final design.
- (26) The Applicant shall notify Staff within 24 hours of notification to Ohio EPA of any permit violations. Notification to Staff shall include, at a minimum, the date and cause of failure, resulting environmental impacts, response to the failure, and a plan for avoiding similar failures in the future.
- (27) The Applicant shall obtain and file on the case docket its Ohio EPA air permit-to-install and-operate and Title V permit upon receipt.
- (28) At least 30 days prior to the preconstruction conference, the Applicant shall submit a document indicating that it has met or addressed notable points from the pipeline owner's written guidelines for third party construction or maintenance activities within the pipeline's easement. If written guidelines are unavailable, the Applicant shall include and address safety aspects as to the following specific issues: (1) obtain an encroachment agreement if such agreement is required by the pipeline owner (or, if such an agreement is not required by the pipeline owner, Applicant shall use industry accepted practices to design the limits of encroachment); (2) describe insurance coverage as it relates to potential pipeline impacts; (3) conduct an engineering review for crossing of pipelines with equipment, which may include a description of the use of timber mats, bridges, or other protective material to cross the pipelines during construction; (4) meet or exceed minimum HDD pipeline clearance of at least 60 inches from the pipeline; (5) establish non-interference with the pipeline's cathodic protection system; (6) utilize proper shielding of the underground electric cable; (7) prohibit blasting near the pipeline; and (8) provide Staff written confirmation from the pipeline owner as to its agreement with the safety of intended activities in and around the area of the pipeline easement.
- (29) The Applicant shall denote the pipeline(s) easement(s) on the final engineering drawings and install construction fence along the pipeline(s) easement(s) so that the pipeline easement is avoided during construction.
- (30) The Applicant shall provide documentation to Staff, and file on the docket in this case, the fire protection engineering review of the BESS facility prior to the placing the facility in service.
- (31) At least thirty days prior to commissioning the battery energy storage system, the Applicant shall submit an updated decommissioning plan and total decommissioning cost estimate without regard to salvage value on the public docket that includes: (a) a provision for a contingency percentage in the cost estimate, (b) a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (c) a timeline of 12 months or less for removal of the BESS equipment; (d) a provision where the performance bond is posted prior to placing the BESS equipment in service; (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value; (f) a provision that the decommissioning plan be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors; (g) a provision stating that

the bond shall be recalculated every five years by an engineer retained by the Applicant. The Applicant shall implement and comply with the decommissioning plan as approved by Staff.

- (32) Prior to construction of the BESS, the Applicant shall provide training to and equip the fire and emergency responders with proper firefighting equipment as reasonably required to enable them to respond to emergency situations at the BESS. The Applicant shall provide and document in the case docket (1) training at least once per calendar year unless waived by the local fire and emergency services and (2) any specialized firefighting equipment that becomes necessary for future emergency response as determined by Applicant and emergency responders or Staff.
- (33) In relation to aviation, no proposed structure is permitted where it constitutes an obstruction to air navigation as described in R.C. 4561.341 and 4561.31 unless the ODOT Office of Aviation provides written authorization for the structure(s), including any terms, conditions, and modifications that are necessary to eliminate the obstruction or a statement that compliance with the obstruction standards may be waived.
- (34) The Applicant shall file an annual operational compliance report for at least three years following completion of construction. Annual reports shall contain the following information:
  - (a) Any modifications to the facility, equipment, construction practices, and mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the Staff Report of Investigation.
  - (b) Notice of any equipment failures, outages, and warranty claims related to the generation facility equipment.
  - (c) Any use of the Mobile SMT 130 or megawatt scale portable generator.

**OPSB Staff Report Distribution List**  
(the following individuals were provided a copy of this report)

**Jenifer French, Chair**  
**Public Utilities Commission of Ohio**  
180 E. Broad St.  
Columbus, OH 43215

**Gregory Slone**  
**OPSB Public Member**  
6123 Sugar Maple Dr.  
Westerville, OH 43082

**Lydia Mihalik, Director**  
**Ohio Department of Development**  
77 S. High St., 29<sup>th</sup> Floor  
Columbus, OH 43216

**Senator Kent Smith**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**Bruce T. Vanderhoff, M.D.**  
**Director of Health**  
**Ohio Department of Health**  
246 N. High St., P.O. Box 118  
Columbus, OH 43215

**Senator Shane Wilkin**  
**Ohio Senate**  
1 Capitol Square  
Columbus, OH 43215

**Brian Baldrige, Director**  
**Ohio Department of Agriculture**  
8995 E. Main St.  
Reynoldsburg, OH 43068

**Rep. Adam Holmes**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**John Logue, Director**  
**Ohio EPA**  
50 W. Town St., Suite 700  
Columbus, OH 43215

**Rep. Tristan Rader**  
**Ohio House of Representatives**  
77 S High St.  
Columbus, OH 43215

**Mary Mertz, Director**  
**Ohio Department of Natural Resources**  
2045 Morse Rd., Building D-3  
Columbus, OH 43229