

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application of)
Ohio Power Company for a Certificate of Environmental)
Compatibility and Public Need for the Scioto Darby) Case No. 25-0649-EL-BLN
Creek Road Fuel Cell System Electric Generation)
Project)**

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 (Ohio Adm.Code) 4906-6.

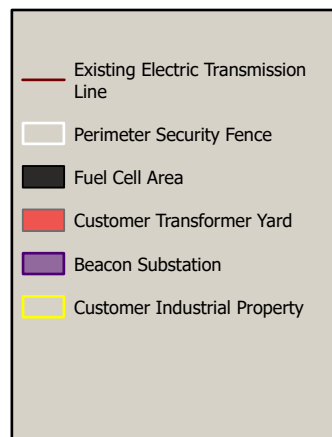
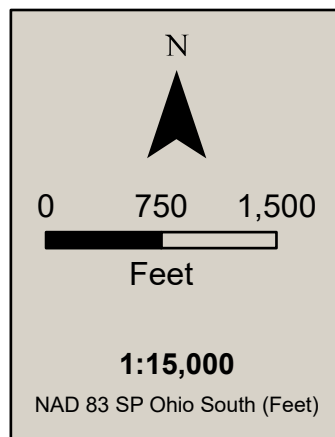
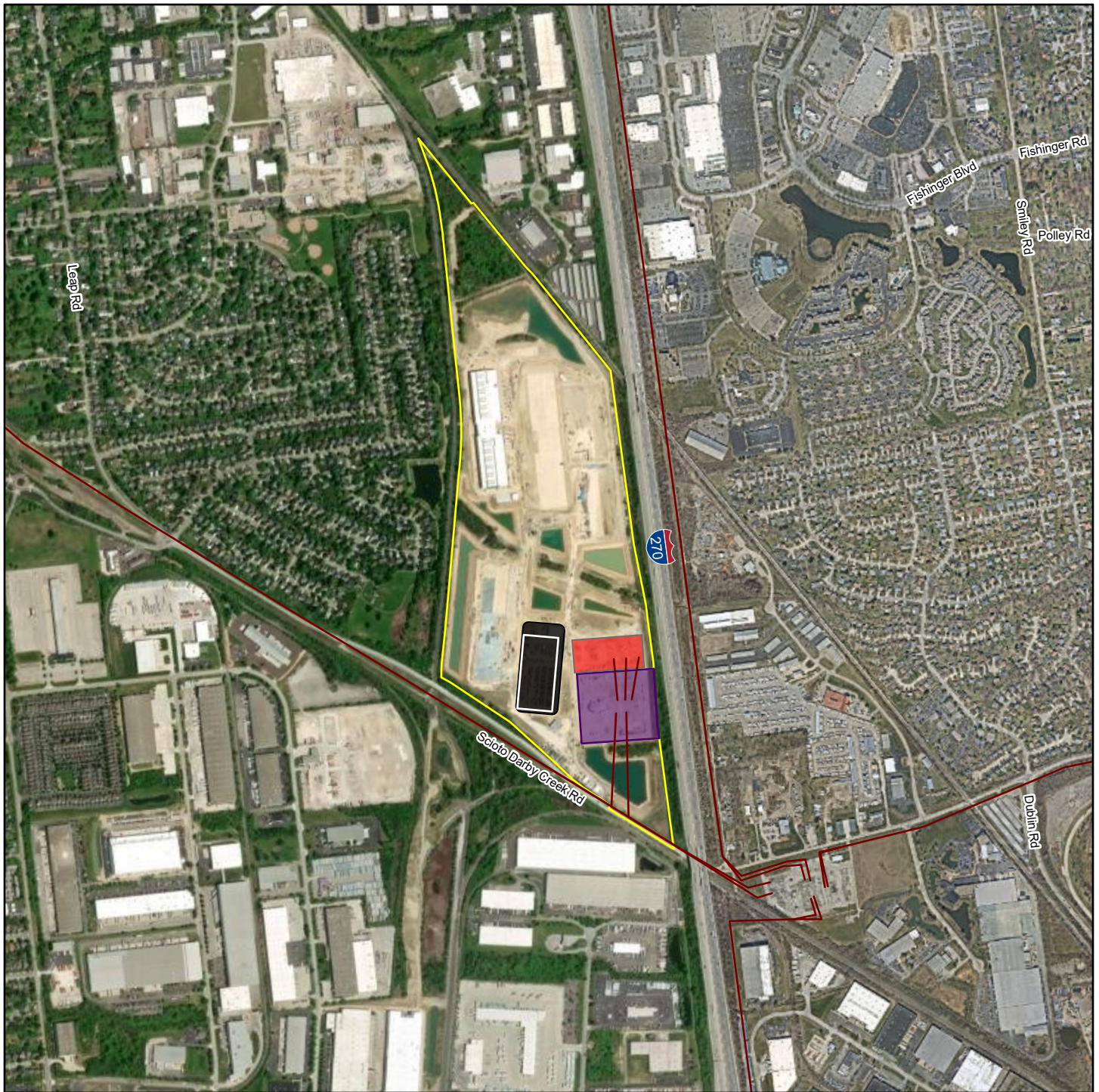
Staff recommends this application for automatic approval September 22, 2025, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the 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 September 22, 2025, which is the recommended automatic approval date.

Sincerely,



Michael Williams
Executive Director
Ohio Power Siting Board



Overview Map

25-0649-EL-BLN

Scioto Darby Creek Road Fuel Cell System Project

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.

Fuel Cell Site Detail Map



1 inch = 150 feet

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 25-0649-EL-BLN
Project Name: Scioto Darby Creek Road Fuel Cell System Project
Project Location: City of Hilliard, Franklin County
Applicant: Ohio Power Company
Application Filing Date: June 24, 2025
Filing Type: Letter of Notification
Inspection Date: August 19, 2025
Report Date: September 15, 2025
Recommended Automatic Approval Date: September 22, 2025
Applicant's Waiver Requests: None
Staff Assigned: A. Conway, M. Bellamy, M. Butler, J. Cross, R. Gonzales, J. Patmon, J. Stottsberry, T. Crawford

Summary of Staff Recommendations (see discussion below):

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

Project Description

Ohio Power Company (Applicant) is an electric utility subsidiary of American Electric Power (AEP) who engages in transmission and distribution of electric power to retail customers in Ohio. The Applicant proposes to construct, operate, and maintain a nominal 72.9-megawatt (MW) net capacity solid oxide fuel cell system electric generation plant at 4186 Scioto Darby Creek Road in the city of Hilliard, Franklin County.

Amazon Data Services, Inc. ("Amazon" or "customer") is a retail customer of the Applicant. Amazon owns a 142-acre industrial property campus where the 6.4-acre project would be located. The customer has constructed multiple data center buildings on this campus. The customer's latest data center is currently under construction and is adjacent to the proposed electric power generation facility. The customer currently has an electric load of 328 MW that would be supplied by the Applicant and its affiliates. The Applicant and affiliates have enhanced the onsite electric

infrastructure by constructing the Beacon substation and other associated facilities.¹ The customer has requested additional electric load for the campus.

The customer and the Applicant have recently entered an agreement for the Applicant to procure, install, maintain, and operate this electric generation project on the customer's campus to offset a portion of the customer's electricity needs.² Also, the Applicant would recover all costs incurred for the fuel cell system from the customer.³ The Applicant has also contracted with Bloom Energy Corporation (Bloom Energy) for installation of the fuel cell system equipment. The Applicant would own all equipment.

This facility would be operated in behind the meter (BTM) mode where its electric output is dedicated to a single customer's electric load. The fuel cell project would run in parallel with the grid but would not back feed its power to the grid. The facility would use water to produce steam during startup conditions but does not require large-scale water use for operations, including cooling.

Fuel Cell Based Electric Generation Technology⁴

Fuel cells are electrical generating equipment that use an electrochemical reaction, not combustion, of natural gas with steam and air to produce electrical power. Fuel cells are well established technology for generating electric power and are designated as renewable energy resources per R.C. 4928.01.⁵

Bloom Energy Servers

The Applicant has contracted with third party, Bloom Energy, to design its fuel cell system. Bloom Energy has created solid oxide fuel cell-based equipment, notably the Energy Server 5 (ES5) and Energy Server 6 (ES6) models. The ES module dimensions vary by model and configuration but the largest is approximately 36.8 feet long by 8.2 feet wide by 8.2 feet tall.

The ES models contain three main components; (1) a fuel processing module to remove sulfur impurities from the natural gas, (2) a power module that contains the stacks of fuel cells, and (3) an alternating current (AC) module that inverts the direct current (DC) power to AC.

1. The Applicant or its affiliates have made the following enhancements to the electrical infrastructure serving the customer site: Beacon substation (OPSB Case No. 23-0691-EL-BLN), Beacon-Darby 345 kilovolt (kV) tie lines (OPSB Case No. 24-1036-EL-BNR), and Hayden-Roberts 345 kV cut-in (OPSB Case No. 24-0630-EL-BLN).

2. *In the Matter of the Application of Ohio Power Company for Approval of an Agreement Under R.C. 4928.47*, Case No. 25-0133-EL-AEC, Application (February 12, 2025).

3. *Ibid.*

4. Inside a solid oxide fuel cell, natural gas and steam react at high temperature in the presence of a catalyst to form hydrogen and carbon dioxide in the fuel cell. The hydrogen enters the anode side of the fuel cell where it loses its electron through the action of another catalyst. The free electron passes through an external circuit creating the electric current, while the hydrogen ion (a proton) enters the solid oxide (or ceramic) membrane and migrates toward the cathode. Oxygen from ambient air is supplied to the cathode where it gains two electrons from the external circuit with the aid of a catalyst to form an oxygen ion. The oxygen ion then reacts with, or combines with, two hydrogen ions which have traveled through the solid oxide electrolyte to form one water molecule. Thermal energy is also released with the formation of water.

5. <https://www.bloomenergy.com/power-generation-system/>, Bloom Energy has multiple commercial installations and notably has installed a 25MW fuel cell system in New Castle, Delaware.

Energy Server Stamp Arrangement

The Applicant's layout design anticipates installing approximately 228 energy servers onsite. The design configuration arranges the electrical generating equipment and associated facilities into a collection of individual stamps. Each stamp arrangement would include approximately 9 or 10 energy servers, two water deionization modules, a telemetry cabinet, a power distribution system, a medium voltage transformer, and a gas regulator. The telemetry cabinet houses the communications components that allows a remote monitoring control center to continuously monitoring the equipment functions. The Applicant anticipates approximately 22 stamps for the design layout.

34.5 kV Electric Collection System

The medium voltage transformer increases the voltage from energy servers' 480 volts to 34.5 kV. The current design includes 22 medium voltage transformers. The electric collection system consolidates the medium voltage cables and connects underground to switchgear at the customer's existing transformer yard.

Access from Road, Easement, and Laydown Yard.

The Applicant intends to deliver construction materials and equipment directly to the construction site. The Applicant has incorporated a temporary laydown yard for material staging and construction parking within the temporary laydown yard. The Applicant is working with the customer to secure an easement to allow access to the project area footprint from Scioto Darby Creek Road.

Security measures such as gates and fencing would also be utilized for the BTM facility footprint and temporary laydown yard. The fuel cell system electric generation project would be largely bound by the customer's data center campus and a chain link perimeter fence.

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 fuel cell electric generation facility would come from an 8-inch diameter gas pipeline. The Applicant intends to secure firm delivery of natural gas service from a third party 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 gas yard, natural gas would be heated, processed, and mechanically filtered to meet the requirements of the fuel cells.

The 8-inch diameter gas pipeline would not be jurisdictional to the OPSB and would be the subject of separate future filings with other pertinent governmental bodies.

Project Timeline

The Applicant proposes to commence construction in January 2026. The Applicant intends to complete construction and place the BTM fuel cell system electric generation facility in service around September 2027.

Nature of Impacts

Land Use

The proposed project would be located in the city of Hilliard, Franklin County. The project area is within an existing industrial facility currently being developed and owned by the customer. The nearest residence is located approximately 920 feet northwest from the edge of the generation facility. No occupied residences or institutions are located within 100 feet of the facility. No agricultural land is present within the potential disturbance area. According to the Franklin County Auditor's Office, there are no Agricultural District Land parcels within the project area. Additionally, no Ohio Department of Agriculture easements are located within the potential disturbance area. Staff concurs with the Applicant that minimal, if any, impact on surrounding land use is expected as a result of the project.

Cultural Resources

The Applicant's consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. From the literature review, the consultant identified three Ohio Archaeological Inventory (OAI) sites. During the Phase I survey, the consultant identified two new archaeological sites within the project area. The consultant recommended that the two sites, one a small lithic site and the other an isolated prehistoric find, be deemed not significant. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

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. The ODNR review indicated there are records of 127 water wells drilled within one mile of the project area. The wells range in depth from 10 feet to 300 feet with an average depth of 87 feet. Sustainable yield data taken from 11 wells indicates a 53 gallon per minute average. No wells are present within the project area. The nearest well is approximately 1,200 feet from the project boundary.

The water required for the project would include fire protection water and potable use water, both sourced from the city of Columbus. No use of onsite groundwater is proposed.

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 of the groundwater flow.⁶ In order to protect a PWS, Ohio EPA has established regulations that restrict certain activities which may impact groundwater quality. Construction and operation of energy generation

6. Ohio EPA Drinking Water Area Source Delineation Manual
https://epa.ohio.gov/static/Portals/28/documents/swap/swap_delin_guidance.pdf

facilities is not among those restricted activities.⁷ No ground water sourced public drinking water SWPAs occur within 2.5 miles of the project footprint.⁸

Ohio EPA defines a surface water SWPA as the drainage area upstream of the point where a public water system withdraws water from a surface source. The proposed project is located within the surface water corridor management zone for the city of Columbus's public water system.⁹ The corridor management zone includes several square miles throughout the central Ohio region with the nearest intake being approximately 5.9 miles downstream from the proposed project area. The proposed facility is not located within the emergency management zone.¹⁰ Ohio EPA recommends that the Applicant comply with applicable standard operating procedures and best management practices to reduce the possibility of contamination. In response to a Staff data request, the Applicant states: "The operation of the system is anticipated to have no material effect on public and private water supplies, either during construction or once it becomes operational".

Conclusion

Based on the information provided within the application, consultation with Ohio EPA and ODNR, the Applicant's commitment to the development and implementation of a Spill Prevention, Control, and Countermeasure Plan (SPCC) or a comparable plan, Staff agrees with (1) ODNR's recommendation that construction and operation of the energy generation facility is unlikely to adversely impact ground water resources and (2) Ohio EPA's guidance supporting that there are no adverse impacts to surface waters as the facility would not discharge any wastewater.

Transportation

The Applicant has committed to compliance with all applicable road use requirements which may require a formal Road Use and Maintenance Agreement (RUMA) with the Franklin County Engineer and coordination with the city of Hilliard and Norwich Township. Placement of energy servers and ancillary equipment would require the use of a crane. The Applicant would submit a lift plan for review and approval by the general contractor.

Although no formal traffic study has been provided to Staff for review, the proposed construction and operation is not expected to significantly increase the current project area traffic given the proposed project size and scope. The Applicant's commitment to working with the appropriate local authorities regarding road use and maintenance would further ensure that the proposed construction would minimize traffic impacts to the extent practical.¹¹

7. 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

8. Applicant's August 20, 2025 response to Staff's fourth data request and Ohio EPA Division of Drinking and Ground Waters SWPA Interactive Map
<https://geo.epa.ohio.gov/portal/apps/webappviewer/index.html?id=6ff3062a68284ef28951f673ca9cbd10>

9. The corridor management zone is the surface and subsurface area where the potential for drinking water contamination warrants delineation, inventory, and management because of its proximity to a public water system intake.

10. The emergency management zone is the surface and subsurface area in the immediate vicinity of a public water system intake.

11. Applicant's response to Staff's third data request. Response #35.

Staff recommends that the Applicant file a copy of any RUMA, transportation management plans or other road agreements and/or permitting on the public case docket prior to commencement of construction.

Geology¹²

The application included an ODNR review of the area geology. The Columbus Limestone bedrock is in excess of 100 feet below any proposed infrastructure. The project area and its general vicinity are designated as a karst geology area.¹³ No documented geohazards exist within or adjacent to the proposed project area.¹⁴ The nearest documented karst feature is approximately 1.2 miles to the east. Given the thickness of glacial overburden material, sinkhole formation is unlikely. No oil and gas wells were identified within one mile of the project area, and no mining operations were identified within one-half mile.

The Applicant provided Staff with a geotechnical investigation report and has requested confidential treatment.

With consideration given to the fact that the project area has been developed as an industrial site, indications are that the site has been stripped of organic materials and the soil subgrade has been stabilized. Staff does not anticipate site soil conditions to require any significant remedial measures prior to construction of the proposed facility. In addition, it does not appear shallow groundwater would present any significant engineering considerations.

Based on the Applicant's geotechnical analyses and ODNR's review, the project area appears suitable for development of the proposed project. Staff recommends the Applicant consult a corrosion expert during the final design phase to account for any project infrastructure that may be exposed to soil. Implementation of Staff's recommended conditions would further confirm this.

Public Interaction

The Applicant notified affected property owners and residents regarding the proposed project, provided public notice in The Columbus Dispatch, and delivered copies of the application to local officials and the local library. The Applicant maintains a public website with information about the

12 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." <https://ohiodnr.gov/discover-and-learn/safety-conservation/geologic-hazards/geologic-hazards>

13. 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.

project at <https://aeptransmission.com/ohio/filings.php>. Individuals who have questions or concerns about the project can contact the Applicant at (614) 259-8201 or outreach@AEPOhioTransmission.com.

On August 26, 2025, the city of Hilliard filed a public comment letter expressing general concerns with (1) potential noise from the fuel cells and (2) impacts to city rights-of-way from the potential of a new gas pipeline to serve the facility. The letter can be viewed in the online case record. In response to the jurisdictional noise concerns, Staff held calls with the Applicant. In conjunction with those calls, the Applicant hired Westwood Acoustics to perform a supplemental sound study to confirm that noise from the fuel cells will not meaningfully impact the local community. Staff has reviewed the sound studies and has recommended conditions limiting the timing of construction activities and establishing a maximum operational noise limit.¹⁵

The 8-inch diameter gas pipeline would not be jurisdictional to the OPSB and would be the subject of separate future filings with other governmental bodies.

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 standards from Underwriters Laboratories (UL), Institute of Electrical and Electronics Engineers, National Fire Protection Association (NFPA), American National Standards Institute (ANSI), Canadian Standard Association (CSA), and applicable codes and standards. Specifically, the Applicant indicates it would adhere to, but not limited to, NFPA 853 (2025), ANSI/CSA FC-1 (2014), UL 1741, IEEE and IEEE 1547. These standards establish safety procedures and criteria relevant for stationary fuel cell power systems.

The Applicant stated that it intends to restrict public access to the power generation facility by using an exterior chain link fence with access through gates. The Applicant also intends to install bollards at various locations around the energy servers to prevent damage from errant vehicles or construction machinery. Additionally, the data center campus will have a perimeter fence and security guard shack. Further, the Applicant has set back its generation equipment 920 feet from the nearest residence.

Staff notes that the fuel cell systems would be contained within enclosed units and use a non-combustion electrochemical process to produce electricity. Nevertheless, the Applicant has incorporated several fire protection and safety measures into the current design: notably, compliance with NFPA 853, a preliminary fire prevention and emergency plan document, bollards around the energy servers, emergency power off button, natural gas shutoff valves, electrical disconnect, various sensors that return the energy servers to safe mode, and a remote monitoring and control center. The Applicant has also committed that a fire protection engineer would review the fire protection design of the facility when complete. Staff recommends that the Applicant provide the documentation of the fire protection engineering review and indicate compliance with the current Ohio Fire Code and other relevant standards at least 30 days prior to the preconstruction conference for the energy servers. Staff further recommends that prior to construction of the fuel

15. The Applicant has promised to docket the supplemental sound study around 9/15/2025 and then provide a copy to the city of Hilliard.

cell system, the Applicant provide the fire and emergency responders with periodic training and any needed specialty firefighting equipment to enable them to respond to emergency situations at the facility.

Decommissioning

The customer's agreement with the Applicant has contemplated equipment removal at the end of the agreement or useful life of the equipment. Staff recommends that if the equipment is removed, that the Applicant file a decommissioning report on the docket detailing disposing of equipment and substantially restoring the site to its preconstruction condition.

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.

Operational noise impacts for a fuel cell system electric generation facility would be relatively minor. Modeling shows that the fuel cells would produce 70 dBA at a distance of 6 feet and only approximately 33 dBA or lower at the project boundary. Operational noise sources would include fans or blowers for air supply and cooling.

The Applicant conducted an ambient noise level study in order to understand the existing noise levels near the proposed facility. Noise impacts to non-participating receptors were modeled using the proposed energy servers. The model showed that operational noise impacts would be significantly less than ambient noise levels. Nevertheless, Staff is recommending a condition that would limit project noise impacts at non-participating receptors to ambient noise levels plus 5 dBA.

Electric Grid Interconnection

The proposed facility would not be interconnected or designed to back feed 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.

PJM Interconnection

The Applicant is not required to initiate a new service request for generation interconnection with PJM Interconnection, LLC (PJM). The proposed facility is behind-the-meter and not subject to the regulations of PJM. The Applicant would be required to initiate a new service request for

generation interconnection with PJM or the current regional transmission organization should they later decide to export power to the bulk power system.¹⁶

Environmental Permitting

*Air*¹⁷

The proposed project site is within Franklin County which is designated as “in attainment” or “unclassifiable” for all regulated air pollutants. Due to this designation, the facility would fall under the federal New Source Review (NSR) Prevention of Significant Deterioration (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 minor source under the Ohio EPA Title V Operating Permit program. An Ohio EPA permit-to-install and operate (PTIO) application is required for all air contaminant sources that are not subject to Title V. The Applicant submitted its PTIO application on July 31, 2025. The PTIO 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. Regulated pollutants that would be emitted by the facility include particulate matter (PM), particulate matter less than 10 microns in size (PM10), particulate matter less than 2.5 microns in size (PM2.5), nitrogen oxides (NOX), sulfur dioxide (SO2), carbon monoxide (CO), organic compounds (OC), volatile organic compounds (VOC), total hazardous air pollutants (HAP), and lead (Pb). Based on the Applicant’s calculated projected emissions of these pollutants, no additional emission control equipment would be required. Under Ohio Adm.Code 3745-31-05, the project would be a PTIO facility and is anticipated to receive the PTIO from the application filed on July 31, 2025 prior to starting construction. No additional air permitting is anticipated until renewal.

The Applicant would be required to adhere to limitations on visible particulate emissions and fugitive dust rules outlined in Ohio Adm.Code 3745-17. No federal air rules are expected to be applicable to the facility.

Construction impacts on air quality primarily consist of relatively minor emissions from the construction equipment and from fugitive dust emissions. The Applicant states that dust from

16. PJM Interconnection, LLC is the regional transmission organization charged with planning for upgrades and administering generation interconnection for the regional transmission system in Ohio. Generators wanting to interconnect to the bulk electric transmission system located in the PJM control area are required to submit a new service request for review of system impacts. The generation interconnection process provides for the construction of expansions and upgrades of the PJM transmission system, as needed to maintain compliance with reliability criteria with the addition of generation in its footprint.

17. 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).

construction related activities would be minimized through the use of best management practices such as watering the road as needed. The Applicant states that the site's existing state is cleared and graveled, which is expected to greatly reduce dust generation.

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. Due to the size of the project, the Applicant does not anticipate the need to submit a Notice of Intent for coverage under the Ohio National Pollutant Discharge Elimination System (NPDES) construction stormwater general permit, Ohio EPA Permit No. OHC000006. This permit is required by the Ohio EPA for facilities that expect to discharge water to a surface water of the State, including construction stormwater runoff and result in ground disturbance of one acre or more.¹⁸ The permit regulates wastewater discharges by limiting the quantities of pollutants to be discharged through BMPs such as silt fencing, and imposing monitoring requirements or conditions.¹⁹

The Applicant states that the existing customer site, which includes the project location, has construction stormwater general permit coverage and a stormwater pollution prevention plan (SWPPP). The SWPPP 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. Stormwater runoff would be accounted for in the customer's construction stormwater general permit and SWPPP. 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, and regulations.⁹

The Applicant would develop a SPCC 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 of the proposed facility would not require the use of significant amounts of water. Any water needed during construction would be trucked on-site. Operation of the facility would include some water use for energy server startup during the steam reformation process and for the water distribution module. This water is converted to steam and would not be discharged. During typical operations, the facility would not consume water. The facility would be connected to the local potable water supply but would not be connected to the sanitary sewer system. The facility would not have any wastewater processing.

The project as currently designed avoids impacts to wetlands and streams.

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.

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

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

Solid Waste

Debris generated from construction activities would primarily include items such as plastic film, wood pallets and other miscellaneous construction debris, and general refuse. Any excess wire conductors would be recycled. The Applicant anticipates approximately 440 cubic yards of waste to be generated during construction.

Debris generated by operation of the facility would primarily consist of spent desulfurization canisters. This would generate approximately 480 pounds of waste every 18 months for each energy server. The canisters would always remain completely sealed and be removed from the site immediately, with no on-site storage. They will then be delivered to an off-site recycling vendor, where the material is recycled. No hazardous waste would be generated by the fuel cells.

The Applicant would manage, store, and dispose of all waste in accordance with federal, state, and local regulations. The Applicant's solid waste disposal plans must comply with solid waste disposal requirements set forth in R.C. Chapter 3734.

Aviation ²⁰

Filing with the Federal Aviation Administration (FAA) is required for structures over 200 feet above ground level or for those located within certain imaginary surfaces or protection zones near the airport or heliport landing and takeoff areas. The Ohio State University Airport, located approximately 4.5 miles from the project area, is the nearest public airport. The tallest permanent structure proposed is a lightning protection mast, which would be approximately 16 feet tall. During construction, cranes are expected to reach a maximum height of 150 feet. Given the project's distance from the airport, and that the site is located outside the FAA's notification zone for temporary construction equipment, no notification is anticipated to be required.

In accordance with R.C. 4906.10(A)(5)²¹, Staff contacted the Ohio Department of Transportation Office of Aviation during its review of this application to coordinate on potential impacts to local airports. As of the date of this filing, no such concerns have been identified.

20. 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.

21. R.C. 4906.10(A)(5) states: "[i]n 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." R.C. 4561.341 states: "[p]ursuant to any consultation with the power siting board regarding an application for certification under section 4906.03 or 4906.10 of the Revised Code, the office of aviation of the division of multi-modal planning and programs of the department of transportation shall review the application to determine whether the facility constitutes or will constitute an obstruction to air navigation based upon the rules adopted under section 4561.32 of the Revised Code. Upon review of the application, if the office determines that the facility constitutes or will constitute an obstruction to air navigation, it shall provide, in writing, this determination and either the terms, conditions, and modifications that are necessary for the applicant to eliminate the obstruction or a statement that compliance with the obstruction standards may be waived, to the power siting board under section 4906.03 or 4906.10 of the Revised Code, as appropriate."

*Surface Waters*²²

The Applicant's consultant conducted a wetland and stream delineation survey of the overall customer property, including the project area, on October 12, 2020. One Category 2 wetland was identified within the project footprint.²³ The customer was granted an Isolated Wetland Permit and the wetland was filled in September 2023. No impacts to surface waters are anticipated from the proposed project.

Although the project area is 6.4 acres, the Applicant anticipates only disturbing less than one acre during construction. Therefore, due to the size and scope of the project, an Ohio NPDES construction stormwater general permit is not anticipated by the Applicant. However, the customer has already developed a SWPPP for the overall data center site, which outlines specifics about how surface waters would be protected from indirect construction stormwater impacts. If additional acreage above 1 acre is disturbed, the Applicant would apply for coverage under NPDES permitting.

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*²⁴

22. 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>).

23. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

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

The Applicant received an environmental review of the project area from the U.S. Fish and Wildlife Service (USFWS) on January 6, 2022 and the ODNR on January 22, 2022.

This project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), 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 USFWS recommend cutting trees greater than three inches diameter at breast height only between October 1 and March 31 to prevent potential impacts to roosting bat species. No tree clearing is proposed for the project and no hibernacula were identified within the project area. No impacts to bat species are anticipated.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the black-crowned night-heron (*Nycticorax nycticorax*), a state threatened bird. Night-herons nest in small trees, saplings, shrubs, or sometimes on the ground, near bodies of water and wetlands. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the least bittern (*Ixobrychus exilis*), a state threatened bird. This secretive marsh species prefers dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the northern harrier (*Circus hudsonis*), a state endangered bird. This species occasionally breeds in large marshes and grasslands, and hunts over grasslands. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the sandhill crane (*Grus canadensis*), a state threatened species. Sandhill cranes are primarily a wetland-dependent species, roosting in shallow, standing water or moist bottomlands and occasionally breed in large marshes and grasslands. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded

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.

grasslands, grazed and ungrazed pasture and hayfields. Due to the location, type of habitat present, and type of work proposed, impacts to this species are unlikely.

The project is also within the range of numerous aquatic species. Due to no in-water work and lack of suitable habitat, no impacts to these species are anticipated.

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 September 22, 2025, 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) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. The Applicant may conduct separate preconstruction conferences for each stage of construction. In advance of the preconstruction conference, notice of the date and location shall be provided to Staff. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of planned phases of construction and the conditions of the certificate, measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, discussion of the procedures for on-site investigations by Staff during construction, summary of additional studies and surveys not specified by conditions, and a summary of work done for previous phases of construction. With reasonable notice prior to the conference, the Applicant shall provide Staff with a summary of the status of deliverables required within the conditions, and if the conference is for a phase of construction, the Applicant shall provide Staff with a list of the conditions which would apply to that phase. Additionally, prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case docket.
- (7) Prior to commencement of construction, 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. 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.
- (8) Within 60 days of the placed in-service date of the facility, the Applicant shall submit to Staff a copy of the as-built specifications for that facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after the placed in-service date, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (9) 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.

- (10) The Applicant shall develop an emergency response or site safety plan prior to commencing construction or operation activities, and the Applicant shall provide a copy to Staff to ensure compliance with this condition.
- (11) The Applicant shall provide documentation to Staff, and file on the docket in this case, the fire protection engineering review of the facility at least 30 days prior to the preconstruction conference for the electric generation equipment. This documentation shall address at least, but is not limited to, the following: source or supply of water for perimeter protection defensive firefighting coordinated with the local fire and emergency response departments, compliance with current Ohio Fire Code, fuel cell system specific guidance of the International Fire Code 2021 (Chapter 12), the National Fire Protection Association "NFPA" 853, Underwriters Laboratory ("UL") test methods 1547, and UL 1741. The documentation shall also include a list of the firefighting and rescue equipment necessary to respond to emergencies or extinguish a fire at the facility.
- (12) Prior to placement of the fuel cell system equipment in service, 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 fuel cell system. The Applicant shall provide and document in the case docket (1) training at least once per calendar year for at least three years following placement of the facility in service 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.
- (13) 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.
- (14) The Applicant shall include consultation with a soil corrosivity expert in the development of the project's final design.
- (15) The Applicant shall operate the facility so that sound levels emitted to nonparticipating receptors are no higher than 63 dBA which is the ambient Leq sound level plus five dBA. If sound levels emitted by the facility are found to be above this limit, the Applicant shall install additional noise mitigation measures to maintain compliance with this provision.
- (16) 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 shall be limited to the hours between 9:00 a.m. and 6:00 p.m. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 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 4906-3-

03(B)(2) of upcoming construction activities including potential for nighttime construction.

- (17) 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.
- (18) At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail all affected property owners and tenants who were provided notice of the project, local officials who received a copy of the application, emergency responders that serve residents in the project area, and any other person who has requested updates regarding the project. These notices shall provide information about the project, including contact information and how to file a complaint. The start of construction notice shall include written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate, as well as a timeline for construction and restoration activities. The start of facility operations notice shall include written confirmation that the Applicant has complied with all construction-related conditions of the certificate, as well as a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket.
- (19) The facility shall be operated in such a way that the output of the facility does not exceed 72.9 megawatts.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.

- (24) 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.
- (25) Prior to construction, the Applicant shall submit to Staff, for review, a copy of any required 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.
- (26) The Applicant shall develop and implement a Spill Prevention, Control, and Countermeasure Plan or comparable plan that will address prevention of, response to, and notification to the appropriate authorities in the event of any spills.
- (27) 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.
- (28) The Applicant shall obtain its Ohio EPA air permit-to-install and operate and file on the case docket upon receipt.
- (29) Should the Applicant decommission the generating facility, it shall submit to Staff, at least 30 days before decommissioning, a decommissioning report detailing the plan for disposing of equipment and substantially restoring the site to its preconstruction condition.
- (30) The Applicant shall file an annual operational compliance report for at least three years following placement of the facility in service. 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.

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Summary: Staff Report of Investigation electronically filed by Mr. Andrew S.
Conway on behalf of Staff of the OPSB.