

## CITY OF OBERLIN, OHIO

### ORDINANCE NO. 23-33 AC CMS

AN ORDINANCE AMENDING ORDINANCE NO. 22-62 CMS AUTHORIZING A TEMPORARY REDUCTION IN THE LARGE INDUSTRIAL SERVICE RATE MINIMUM BILLING DEMAND FOR BIO ENERGY (OHIO II), LLC AS AN EMERGENCY MEASURE

WHEREAS, BIO Energy (Ohio II), LLC, (“BEO”) will own, and operate a facility, (“Facility”) at 520 Hill Creek Drive, to collect, process, and treat gas emitted as a by-product of the operation of the Lorain County Landfill to produce renewable natural gas (RNG); and

WHEREAS, the RNG Facility will create environmental benefits to the City and region, which are cited in the Oberlin 2019 Climate Action Plan, and will provide increased fuel diversity and security, economic development opportunities, and local revenue; and

WHEREAS, because the RNG facility will provide significant public benefit to the City of Oberlin and the surrounding environment, Council desires to lessen the financial burden on BOE during the temporary period during which it will come to full operation.

WHEREAS, by Ordinance No. 22-62 AC CM, upon the request of BEO, this Council authorized a temporary reduction in the Large Industrial Service Rate minimum billing demand for BEO to be effective from November of 2022 through January of 2023; and

WHEREAS, As the OMLPS Hill Creek switchyard and the RNG facility substation serving the RNG facility came online on or about the beginning of March 2023, the commissioning of the switchyard, substation and the RNG Facility to full operation is expected to take approximately three months thereafter; and

WHEREAS, during the commissioning process, the electrical demand for the RNG facility will be significantly less than what will be required for the full operation of the Facility; and

WHEREAS, due to the temporarily reduced power requirements, BEO has requested that the minimum billing demand be reduced to 1000 kW for the adjusted period of March through May of 2023

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, State of Ohio:

SECTION 1. That the minimum billing demand to BOE be reduced to 1000 kW for the period March of 2023 through May of 2023.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such

formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to facilitate the creation of economic and environmental benefits to the City of Oberlin and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: April 17, 2023  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
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BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 04/18/2023

EFFECTIVE DATE: 04/17/2023