

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
 The Dominion Resource Services Company,)
 dba Dominion East Ohio Gas Company, for a) Case No. 08-289-GA-BTX
 Certificate of Environmental Compatibility)
 and Public Need for the Franklin 20-inch)
 Pipeline Project.)

OPINION, ORDER AND CERTIFICATE

The Ohio Power Siting Board, coming now to consider the above-entitled matter, having appointed an administrative law judge to conduct the hearings, having reviewed the exhibits introduced into evidence in this matter, and being otherwise fully advised, hereby issues its Opinion, Order and Certificate in this case as required by Section 4906.10, Revised Code.

APPEARANCES:

Bricker & Eckler LLP, by Sally W. Bloomfield and Maria Armstrong, 100 South Third Street, Columbus, Ohio 43215-4291 on of behalf The Dominion Resources Service Company, d.b.a. Dominion East Ohio Gas Company.

Richard Cordray, Ohio Attorney General, by Duane W. Luckey, Section Chief, and Werner L. Margard, III, Assistant Attorney General, 180 East Broad Street, Columbus, Ohio 43215, on behalf of the staff of the Ohio Power Siting Board.

Buckingham, Doolittle & Burroughs, LLP, by John L. Reyes, David Woodburn and Mathew R. Duncan, 3800 Embassy Parkway, Suite 300, Akron, Ohio 44333-8332.

Steve Robison, 11333 Frazee Road, Doylestown, Ohio 44230.

OPINION:I. Summary of the Proceedings:

All proceedings before the Board are conducted according to the provisions of Chapter 4906, Revised Code, and Chapter 4906, Ohio Administrative Code (O.A.C.).

On September 26, 2008, The Dominion Resource Services Company, d.b.a. Dominion East Ohio Gas Company, (Dominion) filed an application for a certificate of environmental compatibility and public need to construct an 8.4 mile 20-inch diameter

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high pressure pipeline through Wayne and Summit Counties, Ohio. Prior to filing the application, Dominion consulted with the Board Staff (Staff) and representatives of the Board, including the Ohio Environmental Protection Agency (Ohio EPA) regarding application procedures, and Dominion held an on-site meeting with Staff regarding the proposed project and the surrounding area. On May 13, 2008, Dominion held a public informational meeting in Clinton, Ohio.

On May 30, 2008, Dominion filed a motion for a waiver of several of the Board's rules, including requests to waive the one-year filing time requirement and the limitation of the alternate route to no more than 20 percent in common with the preferred route. On August 6, 2008, the administrative law judge granted the motion for waivers.

By letter dated November 26, 2008, the Board notified Dominion that its application had been certified as complete and directed Dominion to serve appropriate government officials and public agencies with copies of the complete, certified application. On November 24, 2008, and November 26, 2008, in accordance with the requirements of Rule 4906-5-07, O.A.C., Dominion filed proofs of service of the accepted and complete application. By entry dated December 23, 2008, the administrative law judge set the dates for the local public hearing and adjudicatory hearing in this case.

On January 6, 2009, Dominion filed a request for a waiver of Rule 4906-5-08(B)(3), O.A.C.,¹ which requires that an applicant send a letter within 30 days of the public hearing to each property owner within the proposed routes of a proposed pipeline facility. The public hearing in this proceeding was scheduled for February 2, 2009, and Dominion mailed the required letters on January 6, 2009. No other party opposed Dominion's request for a waiver of Rule 4906-5-08(B)(3), O.A.C., and the administrative law judge granted the motion by entry dated February 5, 2009.

On January 15, 2009, Staff filed its Staff Report of Investigation in this proceeding (Staff Ex. 1).

On January 27, 2009, Mr. Steve Robison filed a motion to intervene in this proceeding. Moreover, Metro Parks, Serving Summit County (Metro Parks) also filed a motion to intervene in this proceeding on January 27, 2009. No other party opposed the motions to intervene, and the administrative law judge granted the motions on February 5, 2009.

The local public hearing in this proceeding was held on February 2, 2009, in Clinton, Ohio, at which 13 witnesses testified regarding the project. Most of the testimony centered on concerns that Dominion was continuing to expand the easements held by Dominion on the property affected by the project.

¹ Since that date, this rule has been amended. The referenced provision is now codified at Rule 4906-5-08(C)(3), O.A.C.

The adjudicatory hearing was held on February 9, 2009, at 10:00 a.m. at the offices of the Public Utilities Commission of Ohio. One witness testified at the hearing, and Dominion and Staff submitted a stipulation (Joint Ex. 1) resolving all outstanding issues in this case. The stipulation was not opposed by the intervenors.

II. Certificate Criteria:

Pursuant to Section 4906.10(A), Revised Code, the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas or natural gas transmission line;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems; and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734, and 6111, Revised Code, and all rules and standards adopted under those chapters and under Sections 1501.33, 1501.34, and 4561.32, Revised Code;
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) The impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929, Revised Code, that is located within the site and alternate site of the proposed major facility; and
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the Board, considering

available technology and the nature and economics of the various alternatives.

III. Summary of the Evidence:

Dominion proposes to construct the Franklin 20-inch Pipeline Project, a natural gas pipeline and associated facilities, in northeast Wayne County and southwest Summit County. The purpose of the facility is to enhance the Dominion's ability to store gas during the summer months and to move gas from storage to distribution markets in the winter months. The pipeline is also intended to increase gas storage capacity by 10 billion cubic feet while minimizing migration loss in storage (Staff Ex. 1 at 3).

In the stipulation, the parties recommend that the Board approve Dominion's proposed preferred route (Joint Ex. 1 at 2). Further, the parties recommend that any certificate issued by the Board for the proposed facility include the conditions specified in the stipulation (Joint Ex. 1 at 2-7). The preferred route, as presented by Dominion in the application, is approximately 8.4 miles in length. The preferred route originates at Dominion's existing Chippewa Compressor Station, located near Galehouse and Rogues Hollow Roads, in Chippewa Township, Wayne County, Ohio. From the Chippewa Compressor Station, the preferred route goes approximately 900 feet in an east-southeast direction, then goes east for another 1,300 feet, crossing Hametown Road. The route then curves about 500 feet to the southeast, and then heads east for 1,200 feet to the west side of Frazee Road. The route goes north for about 1,300 feet, then crosses Frazee Road and follows the south side of William Drive for about 1,000 feet before heading east-northeast through residential properties for about 1,800 feet to the east side of SR-21 (Staff Ex. 1 at 3).

The preferred route follows SR-21 southward for about 1,300 feet and then goes east for about 1,800 feet, to the east side of Clinton Road. The route follows Clinton Road to the southeast for about 1,700 feet, and then goes east for about 3,600 feet to Cleveland-Massillon Road. From there, the route continues eastward for about 2,400 feet, across wetlands and an historic canal towpath park to the Tuscarawas River. From the river, the route continues east for approximately 6,200 feet, and then heads southeast for about 2,100 feet, to a location south of W. Nimisila Road. From there, the route goes east for about 4,500 feet to the Franklin Compressor Station (Staff Ex. 1 at 3-4).

From the Franklin Compressor Station, the route continues east for about 2,900 feet and then goes northeast for about 1,100 feet, to the east side of Manchester Road. The route continues eastward for 2,900 feet, angles southeast for about 700 feet, and then continues generally eastward through residential areas for about 4,700 feet to Main Street. From Main Street, the route continues east, just south of Meek Drive, for about 700 feet, to the eastern terminus, Shoop Station (Staff Ex 1. at 4).

The alternate route, as presented in the application, is approximately 8.9 miles in length. It shares in-common alignment segments with the preferred route for a total of about 3.9 miles, or roughly 46% of the preferred route's length. The alternate route originates at the Applicant's Chippewa Compressor Station, as does the preferred route, but goes south from the station for about 600 feet, and then goes generally eastward for about 2,800 feet, where it joins the preferred route. At the west side of Frazee Road, the alternate route diverts from the preferred route by continuing eastward for about 400 feet (crossing Frazee Road), and then goes north for about 850 feet before angling northeastward to William Drive, where it re-joins the preferred route (Staff Ex 1. at 4).

On the east side of SR-21, the alternate route again diverts from the preferred route by following Clinton Road southeast for about 2,300 feet, where it crosses the preferred route. After crossing the preferred route, the alternate route continues southeast, on the southern side of Clinton Road, for about 1,550 feet. The alternate route crosses Clinton Road, going southeast for about 1,100 feet, and then goes generally eastward, following a treeline for about 1,600 feet. The route then goes northeast for about 1,200 feet, to a location about 200 feet west of Cleveland-Massillon Road, where it re-joins the preferred route (Staff Ex 1. at 4).

The alternate route again diverts from the preferred route on the west side of Kepler Road, going south for approximately 1,300 feet, to the south side of Nimisila Road. The alternate route then follows Nimisila Road eastward for about 1,900 feet, where it re-joins the preferred route. The routes stay in common through the Franklin Station, to the west side of SR-93. On the west side of SR-93, the alternate route goes southward for about 400 feet, the crosses SR-93 and continues eastward along the south side of Yager Road for about 8,600 feet before crossing to the east side of Main Street. On the east side of Main Street, the alternate route goes north for about 1,050 feet to a location south of Meek Drive, where it re-joins the preferred route and continues to the eastern terminus, Shoop Station (Staff Ex 1. at 4).

A. Basis of Need (Section 4906.10(A)(1), Revised Code).

In the Staff Report, Staff notes that the purpose of the proposed facility is to increase the effectiveness and efficiency of Dominion's storage facilities and reduce the operating costs to customers by reducing migration losses (Staff Ex. 1 at 12).

Staff notes that, according to Dominion, the need for a new pipeline is based upon a need for a new outlet/inlet for storage gas from its Stark-Summit storage facility. The existing storage infrastructure has become inadequate in its ability to move gas, which causes a build up in pressure on the system that results in migration losses. The decline in the storage system performance had two primary causes. The first was the downrating of the SOC 20-inch pipeline due to corrosion that led to the pipeline's inability to handle

pressure. DEO downrated the pipeline to 149 psig from its normal operating pressure of 700-800 psig (*id.*).

The second factor was the decline in the heating load in the Akron area. The decline in heating load was a result of the decline in customer usage. The decline in usage per customer can be seen in Figure 5. Although the number of customers increased over time, the usage per customer decreased, resulting in a decrease in total usage. The normalized throughput declined approximately 22.5 million cubic feet (Mcf) from 1990 to 2007 (*id.*).

Finally, the deliverability of gas became more difficult. With the loss of the SOC 20-inch pipeline and a declining Akron service area, there was no outlet for the gas in storage. There was more gas being injected into storage than the amount of gas being withdrawn. As more gas built up in storage, so did the pressure. The higher pressures caused gas to migrate out of the storage field area, resulting in net losses of gas (*id.*).

Staff believes that Dominion has demonstrated the need for natural gas storage capability in its system. Staff concludes that the new facility would serve to address this needed storage capability. Therefore, Staff recommends that the Board find that the need for the project has been demonstrated (Staff Ex. 1 at 13-14).

B. Nature of Probable Environmental Impact (Sections 4906.10(A)(2), Revised Code).

Pursuant to Section 4906.10(A)(2), Revised Code, the Board must determine the nature of the probable environmental impact of the proposed facility. In the Staff Report, Staff made the following findings regarding the nature of the probable environmental impact.

- (1) The project involves the construction of an underground natural gas pipeline that would enhance Dominion's ability to store gas during the summer months and to move gas from storage to distribution markets in the winter months. The pipeline diameter would be 20 inches, with a maximum allowable operating pressure of 1,600 psig.
- (2) Dominion's preferred route is approximately 8.4 miles long, and the alternate route is approximately 8.9 miles long. The proposed pipeline would interconnect with Dominion's existing Chippewa Compressor Station at the western terminus, proceed generally eastward to Dominion's existing Franklin Compressor Station, and continue eastward to finally terminate at Dominion's existing Shoop Station.

- (3) The standard construction method would be open trenching. The open trench method consists of excavating a 4-foot wide by 6-foot deep trench for placement of the gas pipeline. After placement of the pipeline, the trench would be backfilled. Disturbed terrain would be graded to its pre-existing contours and restored. A permanent right of way of 40 to 60 feet generally would be necessary, although the width would be reduced to 30 feet in certain sensitive areas.
- (4) Dominion intends to minimize impacts at several locations through the use of horizontal directional drill (HDD) technology. These include a 1,400 foot length just east of Franklin Station, a 900 foot length across and south of Nimisila Road, a 3,300 foot length across an historic canal area and the Tuscarawas River, and a 1,400 foot length northwest of Hametown Road.
- (5) Thirty-eight residences are located within 100 feet of the preferred route and 64 residences are located within 100 feet of the alternate route. Along the preferred route, 584 residences are located within 1,000 feet, while 539 residences are located within 1,000 feet of the alternate route.
- (6) There are four residences located within 60 feet of the preferred route's centerline. However, construction of either route would not require the acquisition or removal of any residential dwellings.
- (7) Impacts to recreational land use are similar for both routes. The Summit County Metro Parks Towpath Trail (once part of Ohio's canal transportation system) will be traversed by both routes. However, Dominion will utilize HDD methods to avoid any potential impacts to the park. One recreational land use, a golf course, is located within 1,000 feet of both routes.
- (8) No institutional or industrial land uses are located within 1,000 feet of either route.
- (9) Commercial land uses are confined to small scatterings along nearby roads. There are no concentrations of commercial land use along either route.
- (10) From a construction standpoint, the preferred route would be easier to install and maintain than the alternate route. The

preferred route is exclusively confined to existing pipeline easements previously secured by Dominion. The existing pipeline easements provide greater ease of access. The construction of the alternate route presents greater overall construction impacts, due to the necessity to acquire new easements.

- (11) Both routes have a similar number of road crossings. However, the alternate route would also require a significantly higher usage of public road right of way, approximately 38 percent. The preferred route shares only 5 percent of public road right of way.
- (12) Predominant aesthetic impacts for either route are anticipated to be temporary in nature, mostly due to construction-related impacts. Permanent aesthetic impacts would be confined to pipeline markers, a few above-ground valves and access roads.
- (13) Noise sensitive areas along either route would primarily include existing residences. There would be a temporary, minor increase in noise during construction of the project. Institutional land uses are not expected to experience any noise-related impacts. Construction activities are expected to be limited to daylight hours.
- (14) Construction of the alternate route would require nine stream crossings, while construction of the preferred route would require twelve stream crossings.

Five preferred-route stream crossings, including three headwater streams and two intermittent tributaries of the Tuscarawas River, would be constructed by open trench methods. Environmental impacts associated with open trench construction include the loss of riparian habitat, stream-bed and bank disturbance, erosion, and downstream sedimentation.

Seven of the preferred-route stream crossings would utilize HDD methods. Potential impacts associated with HDD include disturbances around the bore pits and frac-outs.

Most of the alternate-route stream crossings occur in common locations with the preferred route, so the impacts should be similar, though slightly less for the alternate route due to the need for three fewer crossings.

- (15) Dominion identified 18 wetlands, totaling 4.3 acres, that would be crossed by the preferred route, while an estimated 3.3 acres of wetlands would be crossed by the alternate route. For the preferred route, nine wetlands would be crossed by open trenching and the other nine would be crossed by HDD. As a result of using HDD crossing methods, only 0.4 acres of wetland is expected to be impacted by construction on the preferred route. As with the stream crossings, the alternate route wetland crossings should be very similar to, though less than, those for the preferred route.

Impacts associated with open trenching wetlands include loss of habitat, soil compaction, hydrology alteration, and sedimentation. Potential impacts associated with boring include disturbances around the bore pits and potential frac-outs.

There are no lakes, ponds or reservoirs within 100 feet of either route. Therefore, no impacts are expected. There are three ponds and five water reservoirs located between 100 and 1,000 feet of either route. However, no impacts are expected to these bodies of water, due to their distance from the alignments.

- (16) Approximately 3.9 acres of woodlot would be cleared for the installation of the pipeline along the preferred route. Approximately 4.8 acres of woodlot would be cleared for the installation of the pipeline along the alternate route.

Impacts of tree clearing near streams may include an increase in water temperature and a decrease in dissolved oxygen. Other impacts may include loss of food and habitat for wildlife, increased potential for erosion and sedimentation, and aesthetic impacts.

- (17) Plant and animal species, including protected, threatened, or endangered species, that are expected to occur within the vicinity of the preferred and alternate routes include the following:
- (a) Plants: The federally threatened northern monkshood (*Aconitum noveboracense*) is known to exist in Wayne County. However, no potentially suitable habitat for the northern monkshood was found in the project area.

Potentially suitable habitat for the federally threatened eastern prairie fringed orchid (*Platanthera leucophaea*) was found within the project area. However, during pedestrian field surveys, no orchids were found.

- (b) Birds: The Ohio Department of Natural Resources - Department of Natural Areas and Preserves (ODNR-DNAP) identified the range of the state-threatened bald eagle (*Haliaeetus leucocephalus*) within the area of the proposed project, and there is an eagle nest approximately one mile from the project area. However, due to the distance from the proposed project, impacts to the bald eagle are not expected.

The Virginia rail (*Rallus limicola*) and the sora (*Porzana Carolina*), Ohio Status of Special Concern species, were formerly known to inhabit the project area. However, due to the nature of the project, the current status of these species, and the proposed use of HDD in the one area identified as having potentially suitable habitat for the species, construction of the project is not expected to negatively impact these wetland birds.

The project is also within range of the state-endangered American bittern (*Botaurus lentiginosus*), the trumpeter swan (*Olor buccinators*), the sandhill crane (*Grus Canadensis*) and the golden-winged warbler (*Vermivora chrysoptera*). Habitat assessments found no suitable habitat for the American bittern, trumpeter swan or sandhill crane. A small amount of suitable habitat was found for the golden-winged warbler, but no individuals were found during field surveys.

Many common bird species are also expected to inhabit the area. With the exception of hatchlings, individual birds could move to nearby adjacent areas. Although nearby habitat is available, some mortality and displacement of birds would likely occur as a result of habitat loss.

- (c) Reptiles and amphibians: The eastern massasauga (*Sistrurus catenatus catenatus*), a state-candidate species, is known to occur in Wayne County. However, no suitable habitat was found in the project area.

The state-endangered, eastern hellbender (*Cryptobranchus alleganiensis*) is known to occur in the Tuscarawas River drainage. However, the segment of the Tuscarawas River that is crossed by the project is not suitable habitat for the hellbender.

Common reptile and amphibian species that are also expected to inhabit the area. While reptile and amphibian species would likely move away from the area during construction activities and return when construction is complete, there could be some mortality and displacement of reptiles and amphibians from construction equipment.

- (d) Mammals: Both project routes are within the historic range of the federally endangered Indiana bat (*Myotis sodalis*). Dominion identified areas that present suitable habitat for the species. Specifically, thirteen potential maternity roost trees were found along the preferred route. Through the use of HDD and project route adjustments, five of the thirteen trees will be avoided. Emergence surveys approved by the United States Fish and Wildlife Service (USFWS) were conducted during the appropriate timeframe for the remaining eight trees. No bats were observed using the trees during the emergence survey, following which the eight trees were removed from within the existing gas line right of way to ensure that there would be no chance of them being occupied by Indiana bats during future pipeline maintenance and construction work.

The project area lies within the range of two state-endangered mammals, the bobcat (*Lynx rufus*) and the black bear (*Ursus americanus*). However, even if present, the mobility of these animals would likely prevent them from being impacted by the project.

Other mammal species are expected to occur in the project area. However, these species are highly mobile and could leave the construction area and return when construction is complete. Some species would be impacted by the loss of habitat, while others, such as the cottontail and the white-tailed deer, may benefit from the wider edge habitats created by clearing.

- (e) Insects: The project area lies within the range of three state-endangered dragonflies: the elfin skimmer (*Nannothemis bella*), the racket-tailed emerald (*Dorocordulia Liberia*), and the chalk-fronted corporal (*Ladona julia*). Like the bobcat and the black bear, even if present, the mobility of the adult insects would likely prevent them from being impacted by the project. Any insects in the larval stages would not have the same mobility potential and therefore, if present, could be impacted by construction activities.
 - (f) Aquatic species: No state-listed aquatic species are expected to occur in the project area. Some common species that are likely to inhabit the streams are various minnows and crayfish. Also, the possibility of mussels within the area of the project can not be eliminated. Therefore, if Dominion encounters mussels during construction of the project, work must stop until a mussel survey is performed.
- (18) Several locations along the preferred route, and one or two along the alternate route, have steep slopes that could be destabilized as a result of pipeline installation work, leading to potential long-term erosion and sediment run-off problems, or even slope failure. Areas of concern include the long slope on the east side of the Tuscarawas River, the steep hillside between Clinton Road and Cleve Road, and the steep slope just east of Hametown Road.
 - (19) Dominion estimates payment of annual property taxes to total \$144,722. In addition, the project will increase the reliability and availability of natural gas supply throughout the area, which will support economic development in the region.
 - (20) Dominion estimates that the cost to construct the preferred route would total approximately \$18.3 million and that the cost to construct the alternate route would total approximately \$18.7 million.

(Staff Ex. 1 at 15-19).

Staff recommends that the Board find that the nature of the probable environmental impact has been determined for the proposed facility and, therefore, that the application complies with the requirements specified in Section 4906.10(A)(2), Revised Code.

C. Minimum Adverse Environmental Impact (Sections 4906.10(A)(3), Revised Code).

Pursuant to ORC Section 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations. Environmental impacts include ecological and social impacts. Staff evaluates the ecological impacts of the project by assessing the potential effects on plants and wildlife, wetlands, streams, soils, and other ecological features. Social impacts are measured by the project's potential effects on existing land use, cultural and archaeological resources, ambient noise levels, aesthetics, economics, and other social concerns (Staff Ex. 1 at 20).

Staff notes that the purpose of the route selection process was to identify suitable routes that minimize the overall environmental impact while maintaining technical and economic feasibility. In order to begin the process of identifying the optimal route for the project, Dominion conducted an initial route screening, which was completed in April 2008. Dominion identified the end points and mid-point for the proposed pipeline, which were then used to delineate the project's study area. Potential routes within the study area were drawn to avoid areas of high potential impact, minimize pipeline length, and incorporate existing Dominion-owned right of way to the extent possible (*id.*).

In Staff's opinion, Dominion's route selection process led to the selection of appropriate preferred and alternate routes. Staff evaluated all the materials presented in the application and concurs with Dominion that the alignment of the preferred route within existing infrastructure corridors makes it the superior route (Staff Ex. 1 at 21). Although both routes are viable, Staff concluded that the preferred route is superior. From a socioeconomic perspective, the preferred route will cost less to construct and the alternate route would result in higher land use conflicts. The alternate route would require the utilization of a much higher amount of public road right of way. The alternate route would likely result in significantly more temporary impacts to private residences during construction and restoration. The higher utilization of public road right of way by the alternate route will present increased temporary traffic flow disruptions (Staff Ex. 1 at 25).

In the Staff Report, the Staff also reviewed the ecological impacts of the project by assessing the potential effects on streams, wetlands, tree clearing, wildlife, soils and other ecological features (Staff Ex. 1 at 20, 21-23). Staff also investigated the social impacts of the

proposed project as measured by the project's potential effects on existing land use, cultural and archaeological resources, ambient noise levels, aesthetics, economics, and other social concerns (Staff Ex. 1 at 20, 23-25). Staff notes that ecological and cultural impacts will be lessened by the employment of HDD methods at stream, riparian, wetland and historical locations. In Staff's experience, use of HDD will allow Dominion to minimize impacts to sensitive resources by effectively avoiding those resources. The strict adherence to best management practices (BMP) is expected to further minimize impact to ecological resources (Staff Ex. 1 at 25).

Therefore, Staff recommends that the Board find that the proposed facility represents the minimum adverse environmental impact and complies with the requirements specified in Section 4906.10(A)(3), Revised Code.

D. Electric Grid (Section 4906.10(A)(4), Revised Code).

Pursuant to Section 4906.10(A)(4), Revised Code, the Board must determine if the facility is consistent with regional plans for the expansion of the electric power grid. Although the proposed project is not an electric transmission line, Dominion proposes to construct the pipeline crossing a FirstEnergy easement containing two 138kV transmission lines. As the crossing will be perpendicular to the two circuits, the interaction with the magnetic fields generated by transmission lines will be small (Staff Ex. 1 at 26).

Accordingly, Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facility will serve the interests of electric system economy and reliability.

E. Air, Water and Solid Waste (Section 4906.10(A)(5), Revised Code).

Staff notes that air quality permits are not required for construction of the proposed facility but that fugitive dust rules adopted pursuant to the requirements of Chapter 3704, Revised Code, may be applicable to the proposed facility and that Dominion has indicated that fugitive dust would be controlled, when necessary, through the use of water spray or other BMP, as appropriate (Staff Ex. 1 at 27).

Further, Staff states that, although construction of the facility would require the use of approximately 655,000 gallons of water to conduct pressure tests on the pipeline, operation of the facility would not involve the use of significant amounts of water; therefore, requirements under Sections 1501.33 and 1501.34, Revised Code, are not applicable to this project. According to the Staff Report, Dominion intends to develop a storm water pollution prevention plan (SWPPP) and make use of BMPs for control of erosion and sedimentation during construction of the facility; and, in association with the

SWPPP, Dominion intends to file a Notice of Intent with the Ohio EPA regarding construction activity conducted under a general Stormwater Management Permit. Further, Staff recommends that any certificate require Dominion to obtain all applicable permits and authorizations, prior to construction in wetlands and surface water bodies, from the appropriate federal and state entities (*id.*).

Staff believes that Dominion's solid waste program would comply with the Ohio EPA regulations and with Chapter 3734, Revised Code. Staff notes that the application indicates that some volume of solid waste would be generated from construction activities. Pursuant to the Dominion environmental construction standards, construction debris must be disposed of in an approved landfill or other appropriate location, in compliance with federal, state and local regulations. Where trees would be cleared, the timber would be windrowed at the edge of the right of way unless the adjacent property owner requests that the timber be cut into appropriate lengths for use. Other vegetative material, such as woody debris, would be mulched, buried on site, or removed from the site (*id.*).

Finally, pursuant to Section 4561.32, Revised Code, Staff coordinated with the Ohio Office of Aviation during review of this application in order to evaluate potential impacts the facility might have on these or other local airports. No such concerns have been identified (*id.*).

Consequently, Staff recommends that the Board find that the proposed facilities will comply with the requirements specified in Section 4906.10(A)(5), Revised Code.

F. Public Interest, Convenience and Necessity (Section 4906.10(A)(6), Revised Code).

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

In the Staff Report, Staff states that, to support its application pending before the Board, Dominion has submitted detailed information on relevant items of public interest, convenience and necessity, such as noise, aesthetics, environmental concerns, social and economic impacts, long term gas supply, and health and safety considerations. Staff has reviewed this information and believes that the information is sufficient to support fulfillment of the statutory criteria (Staff Ex. 1 at 28).

Staff notes that the proposed facility would serve the public interest, convenience, and necessity by providing Dominion with the ability to use more efficiently its storage resources in providing reliable service to existing customers and providing the capability of serving new customers in its service area. Staff believes that Dominion has shown a need for additional capacity, effectiveness and efficiency in its natural gas storage facilities.

The new natural gas pipeline proposed by Dominion would address these storage facility needs (*id.*).

According to the Staff Report, Dominion has stated that it will construct and operate the proposed natural gas pipeline in compliance with the requirements in Title 49 C.F.R. Parts 191 and 192, the Federal Minimum Pipeline Safety Standards, Part 199 and Part 40, the Drug and Alcohol Testing Regulations and Procedures, and the Ohio Administrative Code chapter 4901:1-16, Gas Pipeline Safety. Staff notes that it will also be necessary for Dominion to comply with Section 4905.90 through 4905.95, Revised Code, as well as safety standards set by the Occupational Safety and Health Administration, the Public Utilities Commission of Ohio (PUCO), and all state and federal pipeline safety regulations. Adherence to these standards for the natural gas pipeline and associated equipment will promote safe and reliable operation of the natural gas pipeline, thus minimizing the possibility of failure in the gas supply system (*id.*).

The Staff Report notes that, based on abandoned underground mine maps available from the Ohio Department of Natural Resources, the proposed pipeline will be placed over or near some abandoned underground coal mine areas. Dominion has informed Staff that borings taken in the vicinity of the expected mine areas did not show any evidence of abandoned mines in the area. Further, existing pipelines in the mine areas, as well as housing developments in the areas, have experienced no subsidence related events that can sometimes be associated with abandoned underground mines. Based on this information, Staff believes that the potential for impacts associated with abandoned underground mines is minimal (*id.*).

Thus, Staff recommends that the Board find that the proposed facility would serve the public interest, convenience and necessity (Staff Ex. 1 at 29).

G. Agricultural Districts (Section 4906.10(A)(7), Revised Code).

Pursuant to Section 4906.10(A)(7), Revised Code, the Board must determine the facility's impact on the viability as agricultural land of any land in an existing agricultural district within the site and alternative site of the proposed utility facility. The agricultural district program was established under Chapter 929, Revised Code.

Classification as Agricultural District land is achieved through an application and approval process that is administered through local county auditor offices. Staff notes that, based upon information obtained from the Summit and Wayne County Auditors, Dominion has stated that there is one Agricultural District parcel crossed by the preferred route, totaling approximately 3.9 acres of area within the 60-foot right of way (this parcel is divided by W. Nimisila Road). Two Agricultural District parcels are crossed by the

alternate route totaling approximately 2.8 acres of area within the 60-foot right of way. Staff analysis indicates that approximately 3,000 linear feet of Agricultural District land is crossed by the preferred route and approximately 2,500 linear feet of Agricultural District land is crossed by the alternate route (Staff Ex. 1 at 30).

In performing an assessment of the proposed project on agricultural land, Staff also evaluated potential impacts on agricultural production. In the Staff Report, Staff states that Dominion has indicated that the preferred route crosses approximately 7,200 linear feet of active agricultural land, and the alternate route crosses approximately 3,900 linear feet of active agricultural land. Construction-related events, such as vehicle traffic and materials storage, could lead to temporary reductions in farm productivity stemming from soil compaction and broken drainage tiles. However, Dominion has indicated that it will take precautionary steps in order to address such potential impacts to farmland, including: installing the pipeline well below the plow line; restoring damaged drainage tiles to their original condition in the vicinity of trench excavation; minimizing soil compaction during and after construction; and segregating and restoring excavated topsoil upon backfilling (*id.*).

Further, Dominion has represented to Staff that landowners or tenant farmers will be reimbursed for the value of any crops damaged during construction and that no permanent or temporary access roads will be necessary for installation or maintenance of the pipeline (*id.*).

Staff concludes that there will be no significant long term impacts from the construction or maintenance of this proposed gas pipeline on Agricultural Districts or farmlands. Therefore, Staff recommends that the Board find that the impact of the proposed natural gas pipeline project on the viability of existing farmlands and Agricultural Districts has been determined and that the impact will be minimal (*id.*).

H. Water Conservation Practice (Section 4906.10(8), Revised Code).

In the Staff Report Staff determined that water conservation practice, as specified under Section 4906.10(A)(8), Revised Code, is not directly applicable to this project.

Staff notes that, although water conservation practice, as specified under Section 4906.10(A)(8), Revised Code, is not directly applicable to this project, the pipeline will be hydrostatically tested for leaks using approximately 655,000 gallons of water before being placed into service. The source of the water for testing has not been determined. According to Staff, Dominion has indicated that test water will be disposed through a filtration system into a vegetated upland area, in order to avoid impacts to local streams. Staff recommends that the Board find that Section 4906.10(A)(8), Revised Code, is not applicable to this project (Staff Ex. 1 at 31).

IV. The Staff Report's and the Stipulation's Recommended Conditions:

As part of the Staff Report, Staff recommended that any certificate issued by the Board for the construction of the proposed gas pipeline include 33 specific conditions (Staff Ex. 1 at 32-36). The parties to the Stipulation agree and recommend that the Board issue a certificate for the preferred route subject to 33 conditions substantially similar to those set forth in the Staff Report (Joint Ex. 1 at 2-7). As set forth in the stipulation, Dominion and the Staff agree:

- (1) That the facility shall be installed on Dominion's preferred route as presented in the Application filed on September 26, 2008, and as in Dominion's responses to Staff's data requests.
- (2) That Dominion shall utilize the equipment and construction practices as described in its Application, as modified in supplemental filings, replies to data requests, and recommendations that Staff has included in the Staff Report of Investigation.
- (3) That Dominion shall utilize the mitigative measures described in the Application and supplemental filings, and as recommended in the Staff Report of Investigation, unless modified by conditions of the certificate or applicable federal and state permits.
- (4) That Dominion shall obtain all necessary state and federal permits for any activities where such permit or authorization is required. A copy of each permit or authorization, including all supporting documentation, shall be provided to Staff within seven days of issuance or receipt by Dominion.
- (5) That Dominion shall conduct a preconstruction conference prior to the start of any project work, which Staff shall attend, to discuss how environmental concerns, and other construction related concerns, will be satisfactorily addressed. At the time of the preconstruction conference, Dominion shall have marked the route's centerline and proposed right of way clearing limits in all environmentally sensitive areas.
- (6) That, at least 30 days before the preconstruction conference, Dominion shall submit to Staff for its review and approval, one set of detailed drawings for the certificated Facility, including all laydown areas and access points, so that Staff can determine

that the final project design is in compliance with the terms of the certificate. The access plan shall consider the location of streams, wetlands, wooded areas, and threatened and endangered species.

- (7) That, at least 30 days before the preconstruction conference, Dominion shall submit to Staff, a hydrostatic testing plan that shall include the water source used in testing and the location and method for managing water discharge.
- (8) That, at least 30 days prior to the preconstruction conference, Dominion shall submit its final frac-out contingency plan to Staff for its review and approval. The frac-out plan should address contingency planning, including methods, equipment, procedures, and contact persons, for ecological and cultural areas or sites crossed by horizontal direction drilling.
- (9) That Dominion shall avoid, where possible, any damage to field drainage systems resulting from construction and operation of the facility in agricultural areas. Damaged systems shall be repaired to at least original conditions at Dominion's expense. Severely compacted soils shall be plowed in croplands or tilled areas, if necessary, to restore them to original condition.
- (10) That Dominion will ensure that excavated top soils in agricultural parcels will be segregated and restored upon backfilling.
- (11) That Dominion shall dispose of all contaminated soil and all construction debris in approved landfills in accordance with Ohio EPA regulations. Dominion shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land, except that the property owner may request that gravel or drilling mud be left on the property or spread on the agricultural land in question.
- (12) That Dominion shall coordinate all construction activities with FirstEnergy, when crossing the electric transmission corridor. A safety inspector shall be on site during the construction of the pipeline when construction equipment is present in the vicinity of the live transmission facilities.

- (13) That Dominion shall contact the Gas Pipeline Safety Section of the PUCO to arrange for safety inspections to ensure compliance with Title 49 C.F.R. Part 191 and Part 192, the Federal Minimum Pipeline Safety Standards, and Part 199 and Part 40, the Drug and Alcohol Regulations.
- (14) That Dominion shall properly install and maintain erosion and sedimentation control measures at the project site in accordance with the following requirements.
 - (a) During construction of the facility, seed all disturbed soil, except within cultivated agricultural fields, within seven days of final grading with a seed mixture acceptable to the appropriate County Cooperative Extension Service. Denuded areas, including spoils piles, shall be seeded and stabilized within seven days, if they will be undisturbed for more than 21 days. Reseeding shall be done within seven days of emergence of seedlings as necessary until sufficient vegetation in all areas has been established.
 - (b) Inspect and repair all such erosion control measures on a regular basis and after each rainfall event of one-half inch or greater in a 24-hour period, and maintain erosion control measures until permanent vegetative cover has been established on disturbed areas.
 - (c) Obtain NPDES permits for storm water discharges during construction of the facility. A copy of each permit or authorization, including terms and conditions, shall be provided to Staff within seven days of receipt. At least seven days prior to construction, the construction SWPPP shall be submitted to Staff for review and acceptance.
- (15) That Dominion shall remove all temporary gravel and other construction laydown area and access road materials within 10 days of completing construction activities.
- (16) That Dominion shall prepare a detailed tree-clearing plan describing how trees and shrubs along the proposed alignment will be protected from damage during construction, and, where clearing cannot be avoided, how such clearing work will be done so as to minimize removal of woody vegetation and

mitigate for trees that are to be removed. Priority should be given to protecting mature trees throughout the corridor, and all woody vegetation in wetlands and riparian areas, using alignment shifts, reduced width rights-of-way, and any other practical methods. This tree-clearing plan, which should also address the following items shall be submitted to Staff for their review and approval prior to initiation of construction.

- (a) Dominion shall limit tree clearing to the months of October through March. If tree clearing must be conducted outside of this period, Dominion shall, prior to tree clearing, conduct Indiana bat surveys in areas identified as suitable habitat in coordination with Staff.
 - (b) Dominion shall flag wetland boundaries and prohibit vehicle access to wetlands, unless otherwise preapproved by Staff. Any vegetation clearing within wetlands shall be conducted solely by hand and shall retain as many plant species as possible, particularly woody ones, unless otherwise directed by Staff.
 - (c) Dominion shall prohibit the use of herbicides near streams and wetlands during initial construction and future right of way maintenance. Prior to construction, Dominion shall submit a plan describing the planned herbicide use for review and approval by Staff.
 - (d) Dominion shall retain all tree snags within the right of way that do not interfere with the construction of the pipeline.
- (17) That Dominion shall permanently avoid clearing in all wetlands and riparian areas pertaining to this project where the pipeline will be installed using HDD methods, and shall permanently limit clearing in all wetlands and riparian areas, specifically, within 50 feet of any streams, pertaining to this project, where the pipeline will be installed using open-cut methods. Vegetation clearing in these latter areas shall be selective hand clearing where feasible, leaving as many woody plant species undisturbed as possible, unless otherwise directed by Staff, with all stumps located outside the trenching area to be left in place if practical.

- (18) That, prior to the commencement of construction, Dominion shall develop and submit to Staff for its review and approval, an effective long-term plan to be adopted for use by Dominion for delineating all wetlands and riparian areas within the project right of way, so that they can be readily identified (e.g., permanent signage in English and Spanish delineating "no clearing" areas and notations on future maintenance plans) and protected from clearing (including use of herbicides) during all future right of way maintenance. Dominion shall maintain existing access to above ground facilities.
- (19) That Dominion shall have an environmental specialist on-site during clearing and all other construction activities within environmentally-sensitive areas, including streams, wetlands, and wooded areas within Dominion's rights-of-way.
- (20) That, prior to construction, Dominion shall prepare for Staff, for its review and approval, a contingency plan for identifying and protecting any of the threatened or endangered species cited as potentially being present in the project area, including, but not limited to, the Indiana bat, bald eagle, eastern massasauga, eastern hellbender, golden-winged warbler, and eastern prairie fringed orchid. As part of this contingency plan, Dominion shall immediately contact Staff, ODNR, and USFWS (for federally-listed species) if threatened or endangered species are encountered during construction activities. Activities that could adversely impact the identified species will be halted until an appropriate course of action has been agreed upon by Dominion and Staff.
- (21) If Dominion encounters mussels during construction of the project, work must stop until a mussel survey is completed and provided to Staff for review and approval.
- (22) That at least 30 days prior to the pre-construction conference, Dominion shall submit to Staff for their review and approval a detailed construction and restoration plan for all stream and wetland crossings and for all steep-slope areas. The plan shall include sufficiently detailed information to address the following:
 - (a) Construction methods to be used at each location, including site-specific access and equipment crossing

proposals. Construction methods and equipment movement during both dry and wet conditions should be included.

- (b) Storm water erosion control practices to be used during construction work in and around each location.
 - (c) Any and all stream and slope stabilization measures, and wetland, stream, riparian area, and steep-slope restoration practices to be used.
 - (d) Dominion shall use all necessary means to ensure that no trees, limbs, branches, or other clearing residue is placed or disposed of in any stream, wetland, or other water body.
 - (e) Dominion shall use all necessary means to ensure that no fill, topsoil, stone, or other construction-related material is placed or disposed of in any stream, wetland, or other water body, except for the short-term placement of stone, culvert pipe, timber mats, or other temporary stream crossing materials, as pre-approved by Staff.
 - (f) To the extent practicable, crossings of ephemeral streams should occur during no-flow periods.
- (23) That Dominion shall assure compliance with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (24) That Dominion will coordinate with the appropriate authority regarding any vehicular lane closures due to construction.
- (25) That a public information program be instituted that informs affected property owners by letter of the nature of the project, specific contact information of Dominion's personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities. A copy of Dominion's landscaping policy shall be included with the property owner letter. Notification to property owners by letter shall be given at least 30 days, but not more than 60 days, prior to work on the affected property.

- (26) That existing septic systems impacted by construction, operation or maintenance of the pipeline be repaired or replaced by Dominion to at least original condition.
- (27) That Dominion, with consultation and approval from Staff, shall identify unique landscape issues and their appropriate treatment.
- (28) That, if design criteria change and avoidance is not possible for cultural resource Site 1, a Phase II Cultural Resource Survey detailing recovery of archaeological elements is recommended for this site. The Phase II Survey will be submitted to the State Historic Preservation Office and Staff for review and acceptance. Dominion will then need to consult with Staff to determine the appropriate course of action at Site 1.
- (29) That archaeological sites identified in Dominion's Phase I Cultural Resources Survey within 100 feet of the approved centerline not be disturbed by vehicular traffic or spoil piles. These sites should be flagged or fenced for visibility prior to construction.
- (30) That Dominion shall locate all horizontal directional drilling equipment and access points outside of the Clinton Ohio & Erie Canal Historic District boundaries.
- (31) That Dominion will continue to coordinate the findings and recommendations of the Phase I Cultural Resources Survey with the State Historic Preservation Office and Staff as needed.
- (32) That Dominion shall provide to Staff the following information as it becomes known:
 - (a) The date on which construction will begin.
 - (b) The date on which construction was completed.
 - (c) The date on which the facility began commercial operation.
- (33) That the certificate shall become invalid if Dominion has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.

FINDINGS OF FACT:

- (1) Dominion is a subsidiary of The Dominion Resource, Inc., and owns and operated natural gas distribution facilities in Ohio.
- (2) The proposed project is a "major utility facility," as defined in Section 4906.01(B)(2) of the Ohio Revised Code.
- (3) On May 13, 2008, a public informational meeting regarding the proposed project was held in Clinton, Ohio.
- (4) On June 10, 2008, Dominion filed with the Board notice of publication of the newspaper notices regarding the public informational meeting.
- (5) On September 26, 2008, Dominion filed the application for the proposed facility with the Board.
- (6) On November 26, 2008, the Board notified Dominion that its Application was complete.
- (7) On November 24 and 26, 2008, Dominion filed proof of service of the Application with local officials and libraries in accordance with Rule 4906-5-07, O.A.C.
- (8) By entry dated December 23, 2008, the administrative law judge scheduled the local public hearing regarding the certified applications for February 2, 2009.
- (9) On February 2, 2009, Dominion filed proofs of publication in the local newspapers of the initial public notices required by Rules 4906-5-08(B) and 4906-5-09, O.A.C.
- (10) On January 15, 2009, Staff issued and filed its "Staff Report of Investigation" for the proposed project, recommending that a Certificate of Environmental Compatibility and Public Need be issued for the project, as described in the application and subject to conditions enumerated within the Staff Report.
- (11) The local public hearing was held on February 2, 2009, in Clinton, Ohio.

- (12) The adjudicatory hearing was held on February 9, 2009, at the offices of the Public Utilities Commission of Ohio.
- (13) Adequate data on the proposed project has been provided to the Board and Staff to determine the basis of the need for the proposed facility, as required by Section 4906.10(A)(1), Revised Code.
- (14) Adequate data on the proposed project has been provided to the Board and Staff to determine the nature of the probable environmental impact of the proposed facility, as required by Section 4906.10(A)(2), Revised Code.
- (15) Adequate data on the proposed project has been provided to the Board and Staff to determine that the facility represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3), Revised Code.
- (16) Adequate data on the proposed project has been provided to the Board and its Staff to determine that the proposed facility is sited to be consistent with plans for expansion of the regional power grid, as required by Section 4906.10(A)(4), Revised Code.
- (17) Adequate data on the proposed project has been provided to the Board and its Staff to determine that the proposed facility will comply with Chapters 3704, 3734, and 6111 of the Revised Code, Sections 1501.33, 1501.34, and 4561.32, Revised Code, and all regulations adopted thereunder, all as required by Section 4906.10(A)(5), Revised Code.
- (18) Adequate data on the proposed project has been provided to the Board and its Staff to determine that the proposed facility will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6), Revised Code.
- (19) Adequate data on the proposed project has been provided to the Board and its Staff to determine the proposed facility's impact on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the

Revised Code, as required by Section 4906.10(A)(7), Revised Code.

- (20) Adequate data on the proposed project has been provided to the Board and its Staff to determine that Section 4906.10(A)(8), Revised Code, is not applicable to this project.
- (21) The information, data, and evidence in the record of this proceeding provide substantial and adequate evidence and information to enable the Board to make an informed decision on the Application for the proposed project.

CONCLUSIONS OF LAW:

- (1) Dominion is a "person" under Section 4906.10(A), Revised Code.
- (2) The proposed project is a "major utility facility" as defined by Section 4906.01(A)(2), Revised Code.
- (3) Dominion's application complies with the requirements of Chapter 4906-15, O.A.C.
- (4) The record establishes the basis of the need for the proposed facility, as required by Section 4906.10(A)(1), Revised Code.
- (5) The record establishes the nature of the probable environmental impact from construction, operation, and maintenance of the proposed facility, as required by Section 4906.10(A)(2), Revised Code.
- (6) The record establishes that the proposed project represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3), Revised Code.
- (7) The record establishes that the proposed facility is sited to be consistent with plans for expansion of the regional power grid, as required by Section 4906.10(A)(4), Revised Code.

- (8) The record establishes that the proposed project, if conditioned in the certificate as recommended by the parties, will comply with Chapters 3704, 3734, and 6111 of the Revised Code, and all rules and regulations adopted under those chapters, and under Sections 1501.33, 1501.34, and 4561.32, Revised Code, all as required by Section 4906.10(A)(5), Revised Code.
- (9) The record establishes that the proposed project will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6), Revised Code.
- (10) The record establishes that the impact of the proposed project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code has been determined, as required by Section 4906.10(A)(7), Revised Code.
- (11) The record of this proceeding establishes that Section 4906.10(A)(8), Revised Code, is not applicable to this project.

ORDER:

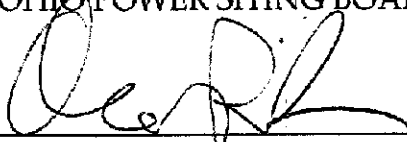
It is, therefore,

ORDERED, That a certificate be issued to The Dominion Resource Services Company, d.b.a. Dominion East Ohio Gas Company, for the construction, operation, and maintenance of the project. It is, further,

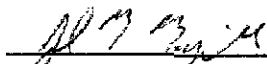
ORDERED, That the certificate contain the 33 conditions set forth in Section IV of this Opinion, Order, and Certificate. It is, further,

ORDERED, That a copy of this Opinion, Order, and Certificate be served upon each party of record and any other interested persons.

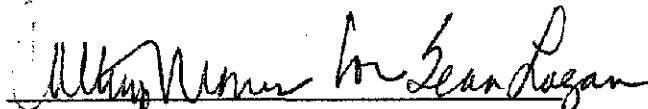
THE OHIO POWER SITING BOARD



Alan R. Schriber, Chairman of the
Public Utilities Commission of Ohio



Mark Barbash, Board Member and
Interim Director of the Ohio Department
of Development

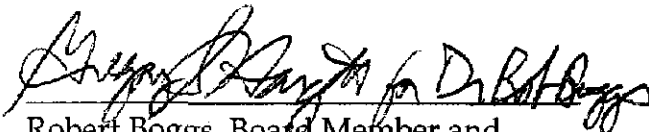


Sean Logan, Board Member
and Director of the Ohio Department
of Natural Resources



Alvin Jackson M.D., Board Member
and Director of the Ohio Department
of Health

Christopher Korleski, Board Member and
Director of the Ohio
Environmental Protection Agency



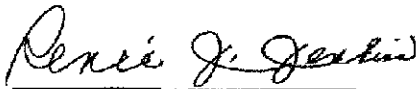
Robert Boggs, Board Member and
Director of the Ohio Department
of Agriculture

Lorry Yale Wagner, Board Member and
Public Member

GAP/ct

Entered in the Journal

MAR 23 2008



Renee J. Jenkins
Secretary