

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application by
American Transmission Systems, Incorporated for a
Certificate of Environmental Compatibility and Public
Need for the Lowellville-Sammis 138 kV Transmission
Line Tap To Pennant Midstream Project**

) **Case Number**
) **14-0036-EL-BLN**
)

Members of the Board:

Todd Snitchler, Chairman, PUCO
David Goodman, Director, ODSA
Dr. Ted Wymyslo, Director, ODH
David Daniels, Director, ODA
Craig Butler, Director, Ohio EPA
Jim Zehringer, Director, ODNR
Jeffery J. Lechak, PE, Public Member

Peter Stautberg, State Representative
Sandra Williams, State Representative
Michael Skindell, State Senator
Bill Seitz, State Senator

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with the Board's rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application will be automatically approved on February 8, 2014, unless suspended by the Board's chairperson, the Executive Director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

The staff report includes recommended conditions of the certificate. Prior to the automatic approval date, the applicant must file a supplement to its application that adopts these conditions. Absent such supplement, Staff will recommend that the case be suspended.

Any concerns you or your designee may have with this case must be presented to the Executive Director of the Power Siting Board at least four business days prior to February 8, 2014, which is the automatic approval date. To contact the Executive Director with concerns, reply to the email to which this document was attached, or use the ContactOPSB email address listed below.

Sincerely,



Kim Wissman
Executive Director
Ohio Power Siting Board
(614) 466-6692
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 14-0036-EL-BLN

Project Name: Lowellville-Sammis 138 kV Transmission Line
Tap to Pennant Midstream Project

Project Location: Mahoning County, Ohio

Applicant: American Transmission Systems, Incorporated (ATSI) &
Ohio Edison Company (Ohio Edison), First Energy
Companies

Application Filing Date: January 10, 2014

Filing Type: **(Expedited)** Letter of Notification

Inspection Date: January 23, 2014

Report Date: January 30, 2014

Automatic Approval Date: February 8, 2014

Applicant's Waiver Requests: none

Staff Assigned: D. Rostofer & C. Burri

Summary of Staff Recommendations (see discussion below):

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

Project Description

ATSI and Ohio Edison, First Energy companies, are proposing to install an approximately 18,500 foot (3.5 miles) long, 138 kilovolts (kV) radial transmission line tap from the existing Lowellville-Sammis 138 kV Transmission Line to a new customer (Pennant Midstream) owned substation. As part of this project, three new structures will be installed in the existing Lowell-Sammis 138 kV Transmission Line corridor to form a tap structure. Two new switch structures will also be installed at this same location. Approximately 93 new pole structures will be installed for the transmission line tap, including one switch structure. Segments of the transmission line tap will be built over electric distribution lines. The transmission line tap will involve installing approximately 3.5 miles of 336.4 kcmil¹ 26/7 stranded aluminum conductor, steel reinforced (ACSR) conductor. The new transmission line switches and Lowellville-Sammis 138 kV Transmission Line tap structure will be owned and operated by ATSI. Ohio Edison will own and operate the approximately 3.5 miles of transmission line and associated transmission pole structures. The cost of the overall project is estimated at \$4.8 million. Construction is expected to commence on February 15, 2014, and be placed in-service by November 2014.

¹ Kcmil – is equal to one thousand circular mils. A circular mil is a unit of area of cross section of wire, equal to the area of a circle whose diameter is one thousandth of an inch. 1 circular mil is equal to 0.785×10^{-6} square inch or 0.2×10^{-9} square meter.

Site Description

New transmission line right-of-way will be required for this project. The Applicant has been or will be acquiring right-of-way from private property owners and the Carbon Limestone Landfill LLC. New pole structures will be situated on the edge of cultivated fields and along local roadways. Land use in proximity to the project consists of agricultural, rural residential and forested lands. This project is located in Springfield Township, Mahoning County, Ohio.

Need

Pennant Midstream is building a new cryogenic gas processing facility in New Middletown, Ohio. They have forecasted an electrical peak demand of 21 mega volt ampere (MVA) initially and 42 MVA within five years. The local existing distribution and the existing 69 kV sub-transmission line in this area cannot support this new load. Therefore, a new transmission voltage delivery point is needed. The existing Lowellville-Sammis 138 kV Transmission Line is the closest transmission line to the Pennant Midstream facility that is capable of supplying the customer's initial and future energy demands, and is proposed to be extended as a transmission line tap to supply the Pennant Midstream facility.

Nature of Impacts

Social

The Applicant has proposed to construct a new transmission line tap in new right-of-way. Potential impacts are expected to be largely confined to pole structure placement, line stringing, tree cutting, and construction access. The Applicant does not expect that any residences will need to be removed or moved as a result of this project. Vegetation will need to be trimmed and/or cleared in order to install the transmission line tap.

The Applicant had a Phase I survey performed for the route in the autumn of 2013 and early 2014. The archaeological field reconnaissance of the project examined a 39.03 acres direct area of potential effect (APE) through the visual inspection of all project land requirements, supplemented by 143 shovel tests. No archaeological resources were identified as a result of the field reconnaissance and the review of the Ohio Archaeological Inventory (OAI), Ohio Historic Inventory (OHI), cemeteries inventory, and the National Register of Historic Places (NRHP) indicated that no previously-recorded sites occur within 4,000 feet of the direct APE. Based on the results of the Phase I survey, no further archaeological survey work appears to be warranted for the direct APE of the project.

Four agricultural district land parcels are crossed by the project, for a total of approximately 0.99 miles. The Applicant has committed to mitigate for damages to current crops, underground drainage systems, or from compaction of soil and resulting reduction of productivity, and from the creation of areas of weeds, as part of negotiated settlement between the Applicant and private property owners.

Surface Waters

The electric transmission line tap right-of-way contains one warmwater habitat stream and four primary headwater streams, totaling 432 linear feet. No pole structures are located within the 100-year flood zones of these streams. The right-of-way also contains 16 wetlands, totaling 1.67 acres. One wetland was scored as a high quality wetland (Category 3). This wetland is dominated

by open water. The Applicant does not anticipate any impacts to this wetland. All wetlands would be clearly staked prior to the commencement of any clearing in order to minimize incidental vehicle impacts. Stream and wetland impacts would be avoided by accessing pole locations from either side of the streams and/or wetlands, where practicable. Where avoidance is not possible, wetlands and streams would be matted with timber matting to prevent surface water impacts. One pond totaling approximately 0.11 acres is located within the right-of-way. This pond was documented as a man-made water resource and is likely a result of the active quarry activities in the area. The project will not traverse any conservation, scenic rivers, or recreation lands.

The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. The proposed BMPs would be outlined in the Stormwater Pollution Prevention Plan and a copy would be provided to the Board's Staff. The Applicant has provided a construction access plan for Staff's review. The access plan shows sediment and erosion controls to indicate how impacts to surface water resources would be avoided or minimized during construction, operation, and maintenance.

The Applicant anticipates submitting a Notice of Intent (NOI) for coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. The Applicant anticipates coverage under the U.S. Army Corps of Engineers 404 Nationwide Permit 12 for the proposed water resource impacts.

Threatened and Endangered Species

The federal and state listed species and/or suitable habitat that may be found in the project area include the following species: the state and federal endangered Indiana bat (*Myotis sodalis*); the Eastern massasauga rattlesnake (*Sistrurus catenatus*), a federal candidate and state endangered snake; the state endangered black bear (*Ursus americanus*); and the state endangered Northern harrier (*Circus cyaneus*). Based on species mobility and the type of construction activities proposed, these species and/or their suitable habitat would not be impacted by this project except for the Indiana bat and Northern harrier.

In order to reduce potential impacts to the Indiana bat, the Applicant has committed to adherence to seasonal clearing dates of October 1 through March 31 for the clearing of trees that exhibit suitable Indiana bat habitat.

The proposed project is within the range of the Northern harrier. ODNR and Staff recommend that if large marsh or grassland habitat is to be impacted, construction should not occur between May 15 and August 15 to avoid impacts to Northern harriers during their nesting period. If during construction there is a need for the Applicant to access areas of suitable habitat, then further coordination with ODNR and Staff would be necessary.

Conclusion

Access along the proposed right-of-way is readily available for construction. Impacts to sensitive resources would primarily be avoided by strict adherence to a construction access plan. During its investigation, Staff has reviewed the Applicant's preliminary construction access plan and has determined that the Applicant has considered the location of residences and sensitive ecological

resources. Vegetative clearing will be required to construct, operate, and maintain this facility. The construction of this project should pose only minimal negative social and ecological impacts.

Staff Recommended Conditions

1. That prior to construction, the Applicant shall obtain all applicable permits and authorizations as required by federal and state entities for any activities where such permit or authorization is required;
2. That the Applicant shall utilize Best Management Practices when working in the vicinity of environmentally sensitive areas. This includes, but is not limited to, the installation of silt fencing (or similarly effective tool) prior to initiating construction near streams and wetlands. The installation shall be done in accordance with generally accepted construction methods and shall be inspected regularly;
3. The Applicant shall institute a public information program that informs affected property owners of the nature of the project, specific contact information for Applicant personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities. Notification to property owners shall be given at least 30 days prior to work on the affected property;
4. The Applicant will coordinate all traffic related issues with the appropriate entities to ensure that traffic will be maintained along public roadways and private drives during construction;
5. The Applicant shall avoid impacts to Northern harrier nesting habitat (large marsh or grasslands) during their nesting period of May 15 to August 15 during the construction of this project.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 14-0036-EL-BLN

Summary: Report of investigation electronically filed by Mr. Adam S Bargar on behalf of Staff of OPSB