

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Expedited Letter of Notification** )  
**Application of Duke Energy Ohio for the D000B** ) **17-0328-GA-BLN**  
**Natural Gas Pipeline Replacement Project** )

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	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 Section 4906.03 of the Ohio Revised Code.

The application will be recommended for automatic approval on May 3, 2017, unless suspended by the Board's chairperson or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to May 3, 2017, which is the automatic approval date.

Sincerely,



Patrick Donlon  
Director, Rates and Analysis  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
(614) 644-8932

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 17-0328-GA-BLN  
**Project Name:** D000B Natural Gas Pipeline Replacement Project  
**Project Location:** Hamilton County  
**Applicant:** Duke Energy Ohio  
**Application Filing Date:** April 4, 2017  
**Filing Type:** Expedited Letter of Notification  
**Inspection Date:** April 10, 2017  
**Report Date:** April 26, 2017  
**Recommended Automatic Approval Date:** May 3, 2017  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** A. Holderbaum

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

Application: ☒ Approval ☐ Disapproval ☐ Approval with Conditions

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

### Project Description

Duke Energy Ohio (Applicant) proposes to replace approximately 3.31 miles of the existing 20-inch and 24-inch diameter pipeline with 20-inch and 24-inch pipeline. The replacement pipeline would have a maximum allowable operating pressure of 200 pounds per square inch gauge (PSIG). The pipeline would be installed with a wall thickness of 0.375 inches and would have a minimum yield strength of 60,000 PSIG.

The Applicant would primarily utilize open cut trench construction methods, but may utilize conventional or directional boring methods at road crossings and in environmentally-sensitive areas. The existing pipeline would be abandoned as the new pipeline replaces it. The Applicant proposes to begin construction on May 8, 2017 and place the line in-service by October 7, 2017. The Applicant estimates the total cost of the project at \$11 million.

### Site Description

The section of pipeline to be replaced begins at Corbin Street in Hamilton County just west of the Schmidt Sports Complex and then runs approximately 3.31 miles east. The surrounding land use is a mix of residential property, wood lots, industrial property, and recreational property. Of the proposed 3.31 miles of replacement pipeline, 2.47 miles would be placed within existing pipeline right-of-way, while the remaining would be located within existing roadway easement of new pipeline right-of-way. Construction would occur within a permanent 50-foot wide easement. An additional 10 to 25 feet of temporary work easement on each side would be utilized during

construction. The construction easement would be reduced to 50 feet at all wetland and stream crossings and through wooded areas during construction in order to minimize impacts.

### **Basis of Need**

The Applicant states the project is needed in order to take out of service the aging and obsolete pipeline to assure a safe and constant natural gas supply to customers. The Applicant states the line to be replaced is coated steel and was originally constructed in 1948.

### **Nature of Impacts**

#### *Socioeconomic Impacts*

The 20-inch diameter replacement pipeline route begins just west of the Schmidt Sports Complex at Corbin Street. The pipeline route travels east along Humbert Avenue on the south side of the sports complex, crosses several streets, and then ties in to the existing 20-inch diameter pipeline just northeast of the Turkey Ridge Recreation Area and southeast of the Riverview East Academy School. The proposed pipeline ties back into the existing 20-inch diameter pipeline on State Route 52 (Ohio River Scenic Byway) just north of the Riverview East Academy School parking lot. The proposed pipeline route then travels east along State Route 52 for approximately 1 mile until it reaches Wilmer Avenue.

At Wilmer Avenue, the proposed pipeline increases to 24-inch diameter, and the route continues along State Route 52 where it veers south on Gassaway Road and then turns east again along Anchorage Road in order to avoid impacts to several industrial/commercial properties. The proposed route continues east along State Route 52 again, veers south to avoid the Kellogg Recreation Area, stays north of the Four Seasons Marina, and concludes slightly east of the Marina and west of the Little Miami River. The Applicant proposes to utilize directional/conventional boring at each road crossing where practicable in order to minimize impacts. Where not practicable, the Applicant will utilize open-cut trenching. The Applicant will submit construction plans to Hamilton Township for the appropriate road crossing and temporary driveway construction-related permits and will coordinate temporary road closures, if required, with the Township.

The Applicant sent notification about the project to area public officials and affected property owners. The Applicant will ensure that all property owners and tenants have access to their residences and/or property during construction. Easements have been obtained from all affected property owners.

#### *Cultural Resources*

The Applicant conducted a Phase I archaeological survey for the project during June 1-3 and July 18-20, 2016. The survey identified three previously recorded archaeological sites adjacent to the project area. Two of the archaeological sites were identified as previous wooden structures that were once constructed on concrete piers and are both believed to have been destroyed by flooding in 1937. The Applicant plans to protect both sites with silt fencing and orange construction fencing beginning 50 feet west and 50 feet east of the protected sites in order to avoid impacts to the archaeological sites.

The third site, 33Ha861, was identified as the yard of an historic residence dating from the 1800s. Due to the depth of the artifacts recovered during the survey, the Applicant believes truncated

features may exist and recommends the site as potentially eligible for the National Register of Historic Places. The Applicant plans to protect the site with silt fencing and orange construction fencing beginning 50 feet west and 50 feet east of the protected site in order to avoid impacts to the archaeological site. Furthermore, the Applicant proposes to restrict impacts to the proposed pipeline corridor which will be approximately 25 feet from the edge of the site. The Applicant states no ground disturbance, spoil piles, or placement of construction equipment will occur outside of the proposed right-of-way.

The Applicant submitted the completed Ohio Historic Preservation Office (OHPO) Section 106 review form and the Phase I archaeological survey report to the OHPO for review on September 7, 2016. The OHPO stated in its concurrence letter dated October 3, 2016 that it concurred with the results of the Phase I archaeological survey and affirmed the project will not affect historic properties provided the recommended avoidance and protection measures are implemented in respect to site 33Ha861.

Due to minor adjustments made to the proposed replacement pipeline centerline after coordination with the OHPO concluded, the applicant conducted additional archaeological survey work on areas that were not previously included in the Phase I archaeological survey conducted in 2016. The Applicant states they will provide the results of the archaeological survey to the OPSB and the OHPO prior to construction.

#### *Surface Waters*

No streams or open water resources were identified within the study corridor.

The project area contains one Category 3 wetland, three Category 2 wetlands, and two Category 1 wetlands totaling 3.27 acres. One Category 2 wetland, Wetland 2, would be temporarily impacted during construction, resulting in 0.07 acre of impacts. Silt fencing, timber matting and filter socks would be used to minimize siltation and the wetland would be restored following construction. The remaining five wetlands would be avoided.

The Applicant has submitted a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit. Wetlands impacts are authorized under the U.S. Army Corps of Engineers (USACE) Nationwide Permit 12. Since impacts to waters of the U.S. are less than 0.1 acre, a Pre-Construction Notification to the USACE is not required.

The full extent of the project lies within the Federal Emergency Management Agency 100-year floodplain. The Applicant coordinated with the City of Cincinnati and Hamilton County in order to obtain the applicable floodplain and Excavation and Field Permits. Both the City and County agreed that no permits were necessary for the project as no facilities will be above ground and all spoil piles would be removed from the floodplain after construction.

#### *Threatened and Endangered Species*

The project area is within the range of the federal and state endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species may be impacted by the project. In order to avoid impacts to the Indiana bat and the northern long-eared bat, the Ohio Department of Natural Resources, United States Fish and Wildlife Service, and Staff recommend

the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter.

The project lies within the range of several federal and state listed mussel and fish species. Due to the fact that no in-water work is planned for this project, no impacts to these species are anticipated.

The project lies within the range of the state endangered American bittern (*Botaurus lentiginosus*), lark sparrow (*Chondestes grammacus*), Kramer's cave beetle (*Pseudanophthalmus krameri*), Ohio's cave beetle (*Pseudanophthalmus ohioensis*), and cave salamander (*Eurycea lucifuga*) and the state threatened Kirtland's snake (*Clonophis kirtlandii*) and Sloan's crayfish (*Orconectes sloanii*). Due to the location, the type of habitat present along the project route and within the vicinity of the project, and that there is no in-water work planned for this project, no impacts to these species are anticipated.

The project lies within the range of the federally endangered running buffalo clover (*Trifolium stoloniferum*). This plant species is found in partially shaded woodlots, mowed areas, and along streams and trails. The Applicant conducted a habitat survey for this species on May 16-19, 2016 and found 5.06 acres of suitable habitat for the species. The Applicant then conducted a presence/absence survey for this species within the areas of suitable habitat. No running buffalo clover was found during the survey, therefore the USFWS states no significant impacts to this species are anticipated.

## **Conclusion**

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 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 May 3, 2017, provided that the following conditions are satisfied.

## **Conditions**

- 1) 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, to Staff within seven days of issuance or receipt by the Applicant.
- 2) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allow a different course of action.
- 3) Prior to construction, the Applicant shall submit to Staff, for review and confirmation that it complies with this condition, a project construction plan which includes the specific locations of its laydown areas. If the specific locations chosen appear to have additional adverse impacts, the Applicant shall either propose different specific locations without such impacts, or refile its application.
- 4) The Applicant shall also continue to coordinate with the Ohio Historic Preservation Office and Staff to ensure minimal adverse impacts to cultural resources as a result of this project.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/26/2017 1:30:13 PM**

**in**

**Case No(s). 17-0328-GA-BLN**

Summary: Staff Report of Investigation electronically filed by Yvonne W Cooper on behalf of  
PUCO Staff