

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Expedited Letter of Notification)
Application of NGO Transmission, Inc. for the Line 3-F) Case No. 17-1994-GA-BLN
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 Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code 4906-6.

Staff recommends the application for automatic approval on November 2, 2017, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to November 2, 2017, which is the recommended automatic approval date.

Sincerely,

PAS

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 No.: 17-1994-GA-BLN
Project Name: Pipeline Replacement Project Line 3-F
Project Location: Licking County
Applicant: NGO Transmission, Inc.
Application Filing Date: October 4, 2017
Filing Type: Expedited Letter of Notification
Inspection Date: October 25, 2017
Report Date: October 26, 2017
Recommended Automatic Approval Date: November 2, 2017
Applicant's Waiver Requests: none
Staff Assigned: A. Holderbaum, J. Pawley

Summary of Staff Recommendations (see discussion below):

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

Project Description

NGO Transmission, Inc. (Applicant) proposes to replace and relocate approximately 1.08 miles of the existing 8-inch diameter pipeline with 1.02 miles of 10-inch pipeline. The replacement pipeline would have a maximum allowable operating pressure of 275 pounds per square inch gauge (PSIG). The pipeline would be installed with a wall thickness of 0.365 inches and would have a minimum yield strength of 52,000 PSIG. The Applicant also plans to install a new regulator station on the west side of James Parkway.

The Applicant primarily would use open cut trench construction methods, but would use directional boring methods at Ramp Creek and at the emergent wetlands within the project. The existing pipeline would be abandoned in place. The Applicant proposes to begin construction in November 2017 and place the line in service by late spring 2018. The Applicant estimates the total cost of the project at \$895,000.

Site Description

The proposed pipeline route begins at the intersection of Kaiser Drive and James Parkway, and ends approximately 1.02 miles south at the existing West Check city gate regulator station in the city of Heath. The surrounding land use is a mix of agricultural fields, maintained lawns, and commercial property. The replacement pipeline would be installed within the city of Heath road right-of-way, private easement, and a dedicated utility corridor along the west side of James Parkway. The Applicant has obtained all necessary easements except for the road right-of-way

easements needed from the city of Heath and the necessary easement from the Heath-Newark-Licking County Port Authority. All easements would be obtained prior to construction.

The project site contains an area that was formerly used as a hazardous waste and road salt storage area from 1978-1990. The area was closed off, and the groundwater and surface soils were remediated by various methods prior to the purchase of the site by the Heath-Newark-Licking Port Authority. Contamination in the area may be present still. Contamination in the area is still present, and the Applicant has informed Staff that it will ensure that its employees and its contractor abide by applicable Occupational Safety and Health Administration (OSHA) regulations, and any other applicable health and safety regulations when excavating this area.

Basis of Need

The Applicant states that the current location of the pipeline to be replaced inhibits the development of the Port Authority's property and relocation of the pipeline would allow for further development of the property. The Applicant also emphasizes the importance of the pipeline to the Newark/Heath Area, stating that it serves approximately 20,000 members of the NGO Cooperative. The Applicant further states that this section of the pipeline has been identified for replacement due to the age and condition of the pipe, and replacing the line would improve safety and reliability to the Applicant's system.

Nature of Impacts

Socioeconomic Impacts

The new pipeline would begin at a point south of the intersection of Kaiser Drive and James Parkway and head north along the west side of James Parkway approximately 3,300 feet to the location of a new regulator station on the west side of James Parkway and on property owned by the Port Authority. The pipeline would then head 1,100 feet north from the new regulator station along the west side of James Parkway, under Ramp Creek, and to the north side of Irving Wick Drive. The pipeline would then be installed along the north side of Irving Wick Drive heading west approximately 1,000 feet in public and private right-of-way to the Applicant's existing regulator station (West Check city gate) approximately 250 feet south of Heath Road.

The Applicant would obtain a right-of-way permit from the City of Heath for locations within the Irving Wick Road and James Parkway road rights-of-way, and within the dedicated utility corridor along the west side of James Parkway. No road closures or new access roads will be necessary for the project.

The Applicant sent notification about the project to area municipal and county public officials. No homes were identified within the project corridor. No impacts to homes are anticipated for this project due to the entirety of the project falling within the vicinity of the Heath-Newark-Licking County Port Authority Industrial Park. The Applicant did not provide Staff with locations of potential laydown areas. Staff recommends the Applicant submit these plans prior to construction.

Agricultural Land

No agricultural district land exists within the project area. Agricultural land does fall within the study corridor of the southern portion of the project, however the project would not extend into the agricultural field and would only impact the area adjacent to the agricultural field in that area.

Construction of the natural gas pipeline would not present long-term impacts to agricultural production.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects for the project. The Applicant submitted the results of the literature review to the Ohio Historic Preservation Office (OHPO) on July 31, 2017. On August 21, 2017, the OHPO responded to the Applicant and concurred with their findings. OHPO did recommend that archaeological monitoring be conducted on the northern portion of the project located just north of Ramp Creek and recommended any findings be submitted to the OHPO and Staff.

Surface Waters

The project area contains 1 perennial stream (Ramp Creek), and 4 small ditches. The Applicant plans to bore underneath Ramp Creek and Ditch J-4 in order to avoid impacts to these resources. The remaining two streams would not be crossed by the pipeline or crossed by equipment during construction. The project area contains two Category 1 wetlands totaling 0.18 acre. The Applicant has committed to boring underneath both wetlands in order to avoid impacts to these resources.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit if impacts greater than one acre of land would be disturbed. The project does cross through a FEMA 100-year floodplain.

Threatened and Endangered Species

State and federally-listed species and/or suitable habitat that may be found in the project area include the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). The Applicant states that no tree clearing of trees greater than three inches in diameter would be necessary for the project, and thus no impacts to these species will occur.

The project lies within the range of the state threatened lake chubsucker (*Erimyzon sucetta*) and the fawnsfoot (*Truncilla donaciformis*). The Applicant plans to directional bore under Ramp Creek and would therefore avoid impacts to these species.

The project lies within the range of the state endangered black bear (*Ursus americanus*) and the state endangered and federal species of concern eastern massasauga rattlesnake (*Sistrurus catenatus*). Due to the location of the project, the type of habitat present at the project site, the type of work proposed, and the mobility of the species, no impacts to these species are anticipated.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on November 2, 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 provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.
- 3) In order to ensure minimal impacts to historical resources, the Applicant shall conduct archaeological monitoring in the project area just north of Ramp Creek as the Ohio Historic Preservation Office (OHPO) recommended in their response letter dated August 21, 2017. The Applicant shall submit the results of the archaeological monitoring to Staff and the OHPO once completed.
- 4) 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.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-1994-GA-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on behalf of Staff of OPSB