

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Expedited Construction Notice)
Application for Duke Energy Ohio for the Line A000B) **18-0498-GA-BNR**
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 Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code 4906-6.

Staff recommends the application for automatic approval on May 8, 2018, 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 May 8, 2018, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom
Chief of Siting, Efficiency and Renewables Division
Rates and Analysis Department
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
(614) 466-7707
ContactOPSB@puc.state.oh.us

OPSB STAFF REPORT OF INVESTIGATION

Case No.: 18-0498-GA-BNR
Project Name: Line A000B Replacement Project
Project Location: Butler County
Applicant: Duke Energy Ohio
Application Filing Date: April 16, 2018
Filing Type: Expedited Construction Notice
Inspection Date: April 30, 2018
Report Date: May 1, 2018
Recommended Automatic Approval Date: May 8, 2018
Applicant's Waiver Requests: none
Staff Assigned: A. Holderbaum, E. Morrison

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 0.37 mile of existing 18-inch diameter pipeline with 20-inch pipeline. The replacement pipeline would have a maximum allowable operating pressure of 150 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 65,000 PSIG.

The Applicant would utilize open cut trench construction methods to install the new pipeline. The existing pipeline would be abandoned in place as the new pipeline replaces it. The new pipeline will be offset 5 feet from the existing pipeline to be abandoned. Two construction laydown areas would be utilized for the project. The laydown areas would be located at the north and south ends of the project. The laydown area at the northern end would be adjacent to the Applicant's existing gas pipeline monitoring station. The laydown area at the southern end is owned by Butler County and would be within an existing paved commuter parking lot. The Applicant states they have an agreement with the County to utilize the parking lot during construction. The Applicant proposes to begin construction in June 2018 and place the line in-service by September 2018. The Applicant estimates the total cost of the project at \$2.2 million.

Site Description

The section of pipeline to be replaced begins at Yankee Road across from Stumpf Lane in Liberty Township and then runs approximately 0.37 mile north to the Applicant's existing gas pipeline

monitoring station just east of the Yankee Road and Wilhelmina Drive intersection. The surrounding land use is a mix of wood lots, paved parking lot, and residential properties. The entire length of the replacement pipeline would be located within existing easements owned by the Applicant. The existing easements run between the backyards of the homes located along Yankee Road and Essex Mill Terrace. Construction would occur within a 50-foot wide easement. An existing easement from one adjacent property owner for an access road on the northern end of the project has been obtained.

Basis of Need

The Applicant identified 1,940 feet of 18-inch pipeline to be replaced by 1,989 feet of 20-inch coated steel pipeline for three reasons: First, the transportation capacity of the system is bottlenecked by the aforementioned 18-inch section of pipe, and is operating near capacity. The proposed project would eliminate the bottleneck, subsequently allowing increased, more reliable transportation of product. Second, eliminating the 18-inch section of pipe would improve the diameter continuity in the system. This would increase the Applicant's ability to conduct in-line inspections. In-line inspections are an additional tool an operator may use in its integrity management evaluations. Third, 18-inch pipe is not a common diameter used in the Applicant's systems. Repair and replacements materials are more readily accessible for 20-inch diameter pipe.

Nature of Impacts

Socioeconomic Impacts

The replacement pipeline would not intersect any roads. The project would impact residential properties as the right-of-way is located between the backyards of several residential properties located between Yankee Road and Essex Mill Terrace. The Applicant stated to Staff in a data request received on April 30, 2018, that they are working with the affected residential property owners in order to relocate encroachments outside of the right-of-way. The Applicant will relocate sheds outside of the easement area, or will compensate the affected property owner for the replacement value of the shed. The Applicant will compensate affected property owners for any trees that need to be removed from the easement area. Gardening beds will be allowed to be relocated in the easement area after the project is completed. Fences will be repaired, and gates will be installed for future access to the easement area.

The Applicant stated that it will submit construction plans, including a Stormwater Pollution Prevention Plan, to Butler County for the appropriate erosion and sediment control permit. Due to the close proximity to residential properties, Staff recommends limiting construction to daylight hours and for the Applicant to contact property owners and Staff three days prior to any construction during weekend hours in order to minimize noise impacts to the surrounding neighborhood. The Applicant sent notification about the project to area public officials and affected property owners.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects for the project. The review did not identify any previously recorded archaeological sites or historic structures adjacent to the project area. The Applicant concluded that Phase I investigatory work is not necessary, because the project is located within already disturbed contexts and would not impact any significant cultural resources. The Applicant submitted the results of the literature

review to the Ohio Historic Preservation Office (OHPO) on July March 16, 2018. The OHPO responded on April 3, 2018 and concurred with the Applicant's conclusion.

Surface Waters

The project area contains one Category 2 wetland and one Category 1 wetland. The Category 1 wetland would be temporarily impacted as construction equipment would cross through the wetland via timber matting during construction. The Category 2 wetland would be avoided during construction by limiting the project workspace adjacent to the wetland.

No streams or ponds are located within the project area. No impacts to these resources would occur.

The Applicant stated that it will submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit. The Applicant requested a Preliminary Jurisdictional Determination from the U.S. Army Corps of Engineers (USACE) to cover the proposed wetland impacts. The Applicant stated that it will obtain and comply with the USACE requirements.

Threatened and Endangered Species

The project area is within the range of the state and federal 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, the U.S. 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 Applicant states 0.13 acre of tree clearing will be necessary in order to build an access road on the northern end of the project. However, no trees greater than or equal to three inches in diameter will need to be removed. One suitable habitat tree exists within the right of way, however the Applicant states they will not need to remove the tree during construction.

The project is within the range of the federal and state endangered rayed bean (*Villosa fabalis*), the state endangered cave salamander (*Eurycea lucifuga*), the state endangered upland sandpiper (*Bartramia longicauda*), the state threatened fawnsfoot (*Truncilla donaciformis*), the state threatened Kirtland's snake (*Clonophis kirtlandii*), and the state threatened Sloan's crayfish (*Orconectes sloanii*). Due to the location of the project, the type of work proposed, the type of habitat present at the project site and within the vicinity of the project area, and no in-water work proposed in perennial streams, no impacts to these species are anticipated.

The project is within the range of the federally endangered running buffalo clover (*Trifolium stoloniferum*). The Applicant conducted a presence/absence survey for this species. No individuals or populations of this species were observed during the survey. No impacts to this 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 May 8, 2018, 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) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving and hoe ram operations, rock drilling, and blasting operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. The Applicant will notify property owners or affected tenants, within the meaning of Ohio Adm.Code 4906-3-03(B)(2), of upcoming construction activities.
- (3) Damaged lawns shall be restored to original conditions upon completion of construction, and monitored and restored, to the original preconstruction condition, for two years after the line has been placed in service.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/1/2018 3:27:52 PM

in

Case No(s). 18-0498-GA-BNR

Summary: Staff Report of Investigation electronically filed by Adam Bargar on behalf of Staff of OPSB