

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of :
Columbia Gas of Ohio, :
Inc. for a Certificate :
of Environmental : Case No. 11-3534-GA-BTX
Compatibility and Public :
Need for the Ackerman :
Road Natural Gas Pipeline :
Project. :

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PROCEEDINGS

before Ms. Mandy L. Willey, Administrative Law Judge,
at the Whetstone Park of Roses Shelter House, 3901
North High Street, Columbus, Ohio, called at 6:00
p.m. on Tuesday, January 10, 2012.

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On behalf of Columbia Gas of Ohio, Inc.

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On behalf of The Ohio State University.

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On behalf of the Sierra Club.

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On behalf of American Chemical Society.

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Tuesday Evening Session,
January 10, 2012.

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ADMINISTRATIVE LAW JUDGE: The Ohio Power Siting Board has assigned for public hearing at this time and place case number 11-3534-GA-BTX which is captioned In the Matter of the Application of Columbia Gas of Ohio, Incorporated for a Certificate of Environmental Compatibility and Public Need for the Construction of the Ackerman Road Natural Gas Pipeline Project.

My name is Mandy Willey, and I am the administrative law judge assigned by the Board to preside over tonight's hearing. Also in the front of the room, or over here by the microphone is Matt Butler with the Ohio Power Siting Board Office of Public Affairs and Doreen Gentry-Davis who is with the Ohio Power Siting Board staff.

At this time I will take appearances on behalf of the parties, that would include the applicant as well as any party granted intervention in this case. We'll begin with the company.

MR. SCHRAFF: On behalf of Columbia Gas, Christopher Schraff, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio, 43215. With me

1 is Brooke Leslie, counsel for Columbia Gas, 200 Civic
2 Center Drive, Columbus, Ohio, 43215.

3 ADMINISTRATIVE LAW JUDGE: Thank you.

4 MR. PETRICOFF: On behalf of The Ohio
5 State University, M. Howard Petricoff from the law
6 firm of Vorys, Sater, Seymour & Pease, 52 East Gay
7 Street, Columbus, Ohio.

8 I would also like to indicate for the
9 record that since The Ohio State University has
10 intervened, we'll be presenting its position in the
11 evidentiary hearing. There may be others in the OSU
12 community to come and speak today and, of course,
13 they are welcome to, this is a public hearing, but
14 the position of the University will be presented at
15 the evidentiary hearing.

16 ADMINISTRATIVE LAW JUDGE: Thank you,
17 Mr. Petricoff.

18 Do we have any other intervenors present
19 this evening?

20 MR. SAHLI: Yes, my name is Richard
21 Sahli, I'm the attorney for the Sierra Club, and we
22 will be reserving our testimony for the hearing
23 before the administrative law judge next week.

24 ADMINISTRATIVE LAW JUDGE: Thank you.

25 FROM THE FLOOR: I'm not an attorney, but

1 I am with Franklin Soil and Water Conservation
2 District, I don't know if I should speak or not.

3 ADMINISTRATIVE LAW JUDGE: You can't have
4 a vote.

5 FROM THE FLOOR: Okay.

6 ADMINISTRATIVE LAW JUDGE: So you're just
7 saying that you're here.

8 FROM THE FLOOR: I'm here, yes.

9 ADMINISTRATIVE LAW JUDGE: Thank you.

10 Do we have any other intervenors?

11 MR. SILBAJORIS: Representing the Friends
12 of the Scioto River, I'm Alex Silbajoris, 4082 Ruxton
13 Lane, Columbus, Ohio, 43220.

14 ADMINISTRATIVE LAW JUDGE: Thank you.

15 The purpose of tonight's hearing is to
16 receive comments of people who are not parties to the
17 case regarding the application.

18 I'm sorry. I apologize.

19 MS. MOHN: That's okay. I'm Tina Mohn,
20 I'm with the City of Columbus, the Recreation and
21 Parks Department. I'll speak later to a matter. I
22 just wanted to represent that I was here tonight.

23 ADMINISTRATIVE LAW JUDGE: Thank you.

24 MR. WHITE: I also represent a party.

25 ADMINISTRATIVE LAW JUDGE: You also

1 present a party?

2 MR. WHITE: Yes. I apologize for my
3 tardiness. Clint White from the office of the Ohio
4 Attorney General, representing the Environmental
5 Enforcement section, and I'll wait till the end to
6 see if . . .

7 ADMINISTRATIVE LAW JUDGE: Thank you.
8 Are there any other intervenors present?
9 All right, thank you.

10 The purpose of tonight's hearing is to
11 receive comments of people who are not parties to the
12 case regarding this application. This is not a
13 question-and-answer session, but it is your
14 opportunity to let the Ohio Power Siting Board know
15 what you think about the application and the proposed
16 pipeline project.

17 There is also an evidentiary hearing and
18 that is scheduled to be held in this case on January
19 18th, and that evidentiary hearing will be held at
20 the Board's offices in Columbus.

21 I would also note that the Board Staff
22 Report of Investigation was filed on December 22nd,
23 and that report of investigation recommends that the
24 Board approve the alternate route set forth in the
25 application. However, this is a recommendation of

1 the Board staff and does not necessarily reflect what
2 the Board's final determination will be.

3 There are copies of the staff report
4 available on the front table if you would like to
5 take a copy to read.

6 Tonight's hearing is being transcribed by
7 a court reporter, as you can see, so if you do plan
8 to testify, please speak clearly so that the court
9 reporter can accurately reflect your comments on the
10 record. Also, if you've prepared a written
11 statement, it will be helpful if you would provide
12 that to the court reporter as well after you testify.

13 When you arrived, you were offered the
14 opportunity to sign up to testify by Ms. Gentry-Davis
15 and Mr. Butler. After I finish my introduction I
16 will begin calling the witnesses forward that have
17 signed the sign-in sheet and I will ask you to come
18 up to the microphone here and state your name and
19 your address. Before you do present your testimony I
20 will ask you to take an oath or an affirmation that
21 what you are saying is the truth.

22 Your testimony be considered part of the
23 official record in this case and will be reviewed by
24 the Board before they make their final decision on
25 this application.

1 Additionally, the parties to the case and
2 I will be permitted to ask you questions about your
3 statement. Those parties will be people who have
4 officially intervened in this case and have been
5 granted intervention.

6 If you do decide that you don't want to
7 testify when I call your name, you can merely pass on
8 to the next witness. Additionally, once you've
9 finished testifying or if you're just here to
10 observe, feel free to leave at any time you wish.

11 The Board does appreciate your
12 participation in tonight's hearing and we do want
13 everyone who wants to testify to have the opportunity
14 to do so, so even though there are no time limits on
15 your comments I would just ask that you consider
16 other people's time and just keep your comments to a
17 reasonable period of time.

18 All right. At this time I will begin
19 calling witnesses forward starting with the first
20 name that's on the list here, and I apologize if I
21 mispronounce your name. The first witness is David
22 R. Celebrezze.

23 Would you please state and spell your
24 name for the record.

25 MR. CELEBREZZE: Sure. David Celebrezze.

1 Last name is spelled, C-e-l-e-b-r-e-z-z-e. I'm here
2 representing Ohio Environmental Council.

3 ADMINISTRATIVE LAW JUDGE: Could you
4 raise your right hand.

5 (Witness sworn.)

6 ADMINISTRATIVE LAW JUDGE: You may
7 proceed.

8 MR. CELEBREZZE: Thank you.

9 - - -

10 DAVID A. CELEBREZZE
11 being first duly sworn, as prescribed by law,
12 testified as follows:

13 DIRECT TESTIMONY

14 MR. CELEBREZZE: As I said, my name is
15 Dave Celebrezze with Ohio Environmental Council. We
16 are a statewide organization, our mission is to
17 secure healthy land, air, and water for all of us who
18 call Ohio home. We have thousands of members
19 throughout the state of Ohio including right here in
20 central Ohio.

21 The OEC urges the Siting Board to permit
22 the alternative route proposed by Columbia Gas of
23 Ohio, "COH" for short, for this project if the choice
24 is between the preferred and alternative routes.
25 However, we believe there is a third and better

1 option that I'll talk about here in a minute.

2 But we understand the need for this
3 project in order to meet federal requirements for
4 capacity and safety. But all efforts need to be made
5 in order to protect the rivers and wetlands.
6 Wetlands provide many benefits not only to this area
7 but throughout the state. They minimize stream down
8 cutting, they store carbon, they act as natural flood
9 controls, they filter pollutants, and they protect
10 habitat for thousands of plants and animals.

11 Healthy rivers are also critical to the
12 health of our communities and ecosystems. Aside from
13 recreation and aesthetics and raising property
14 values, healthy streams are needed for drinking water
15 as well as for habitat and food source for plants and
16 animals.

17 COH's preferred and alternative route
18 proposes drilling under an urban emerald jewel, the
19 OSU wetlands. This wetland site is a certified
20 Ramsar wetland area and is a world-renowned research
21 facility. If this route is chosen and there is a
22 leak in the pipe, it could compromise many years of
23 research at OSU as well as impact the very basis of
24 the wetlands, the soils.

25 Additionally, the laydown area for the

1 preferred route impacts the riparian corridor of the
2 Olentangy River. The proposed impacts to this
3 riparian corridor and underneath the wetlands seems
4 to be at odds with hundreds, actually thousands of
5 hours as well as millions of dollars the state, the
6 federal government, and community groups have
7 invested in these resources.

8 The third and best option, as we see it,
9 encourages you all to investigate the pipeline -- the
10 existing pipeline which goes underneath Union
11 Cemetery. The laydown area could be where the old
12 Boulevard Gardens was, now a gravel lot. This would
13 be the most direct route and be the least
14 environmentally damaging route.

15 But no matter where the laydown area is,
16 there's going to be negative consequences for the
17 residents of this area; noise pollution, air
18 pollution, and light pollution are real concerns.

19 Under the alternate route the laydown
20 area will be the Clinton-Como Park. This park is
21 heavily used by the local community and includes part
22 of the Olentangy Trail. It is worth noting that in
23 this area as well state, city, and local groups have
24 spent millions of dollars and hours restoring these
25 areas.

COH and its contractors and subcontractors will be using heavy-duty diesel equipment. There are over two decades of studies revealing that exposure to diesel pollution is linked to asthma attacks, cancer, heart and lung disease, and even preventable death. Given that many people use the trail for exercise, they will be exposed to diesel's deadly stew, which includes benzene and formaldehyde as well as particulate matter.

We encourage the applicant to require all contractors and subcontractors to only use equipment that has emission control devices installed or meets U.S. EPA requirements for tier 3 and tier 4 engines.

Additionally, the applicant, COH, and its contractors should limit as practicable the amount of movement of the equipment as it will damage the fields. Lights that are also used to operate at nighttime should be not intrusive to the residents that abut the park, and noise barriers should be erected to reduce the noise pollution.

The residents in this area had to put up with another large construction project about two years ago I believe and they had -- and there were generators and equipment running all night long disrupting sleep and filling the area with harmful

1 pollutants.

2 For further details I will submit a
3 written testimony. Thank you for this opportunity to
4 comment on this project.

5 ADMINISTRATIVE LAW JUDGE: Thank you.

6 The next witness who is on the list is
7 Michael G. Peppe. Would you please state and spell
8 your name.

9 MR. PEPPE: It's Mike Peppe, P-e-p-p-e,
10 2000 West Henderson Road, Columbus, 43220.

11 ADMINISTRATIVE LAW JUDGE: Would you
12 please raise your right hand.

13 (Witness sworn.)

14 ADMINISTRATIVE LAW JUDGE: Thank you.

15 - - -

16 MICHAEL G. PEPPE

17 being first duly sworn, as prescribed by law,
18 testified as follows:

19 DIRECT TESTIMONY

20 MR. PEPPE: I probably don't fit the
21 speakers profile. I'm in the commercial real estate
22 development business. One of my nearby deals is the
23 Bethel Road Kroger and another is the Valley Dale
24 Ballroom here in Columbus.

25 Good planning is extremely important;

1 that's why I'm here. I've been around The Ohio State
2 University for a very long time. My uncle was the
3 swimming and diving coach, and the campus was my
4 playground.

5 I'm not aware of any internationally
6 recognized and internationally awarded facilities at
7 Ohio State other than this wetland research park.
8 Naturally, there has been several internationally
9 known scholars, but this facility is the only
10 internationally acclaimed facility that I know of at
11 Ohio State and that's the exact reason why I'm here.
12 And it's also the only wetland research park on a
13 college campus in the United States; the only one.

14 I want to provide you with three exhibits
15 that I will leave with you, the first one is the
16 Ramsar site award at this Olentangy River Wetland
17 Research Park, it's the only one in Ohio, or the
18 first one in Ohio; that's one.

19 ADMINISTRATIVE LAW JUDGE: Would you like
20 me to make these exhibits part of the record?

21 MR. PEPPE: Absolutely. Absolutely.

22 ADMINISTRATIVE LAW JUDGE: Okay. I'll
23 mark these Exhibits 1, 2, and 3.

24 MR. PEPPE: Please.

25 The second one states that this is the

1 first Ramsar site in Ohio and we are very, quoting
2 here, "enormously proud to be on the same list as the
3 Florida Everglades, Chesapeake Bay, Okefenokee Swamp
4 in Georgia, and Caddo Lake in Texas." That's number
5 2.

6 ADMINISTRATIVE LAW JUDGE: Okay.

7 MR. PEPPE: All this is, this is just an
8 explanation of the quality of research that goes on
9 here and to undermine this with any underground
10 piping is -- endangers the research long term and it
11 just doesn't make any sense planningwise. There's
12 the third one.

13 ADMINISTRATIVE LAW JUDGE: Thank you.

14 MR. PEPPE: As has been stated, there are
15 alternate routes for this gas line. The Ohio Power
16 Siting Board needs to step up and enforce an
17 alternative and logical route and not endanger the
18 quality and validity of teaching and research being
19 done at this facility. Thank you very much.

20 ADMINISTRATIVE LAW JUDGE: Thank you.

21 The next witness I have is John
22 Branstool. Will you please state and spell your
23 name.

24 MR. BRANSTOOL: John Branstool,
25 B-r-a-n-s-t-o-o-l.

1 ADMINISTRATIVE LAW JUDGE: Please raise
2 your right hand.

3 (Witness sworn.)

4 ADMINISTRATIVE LAW JUDGE: Thank you.

5 - - -

6 JOHN BRANSTOOL

7 being first duly sworn, as prescribed by law,
8 testified as follows:

9 DIRECT TESTIMONY

10 MR. BRANSTOOL: My name is John
11 Branstool. I'm a representative of Local 18
12 Operating Engineers. I'm here in support of the
13 project.

14 I don't mean to -- whatever way you guys
15 decide to put the route in, our members install this
16 type of pipeline work for Columbia Gas, Dominion, all
17 over the state of Ohio. They do the directional
18 drilling; it's a safe procedure. There are concerns,
19 though, I understand that.

20 Right now down there you've got JD
21 Williams, one of our contractors, they're doing a
22 bridge right over that wetlands area as well that's
23 being done safely too. Also, I believe it was last
24 year maybe, Directional Drilling drilled into the
25 Olentangy for AEP on some electrical lines coming in

1 to feed The Ohio State University.

2 I'm here to promote the jobs for our
3 members and whatever you guys decide, you know,
4 that's your business, it's your area, but we've got
5 the skilled work force to do it that's got training,
6 health care, pension, with wages that go along with
7 it. So thank you.

8 ADMINISTRATIVE LAW JUDGE: Thank you.

9 The next witness I have is Jeff Cox.

10 MR. COX: I'm going to pass to our group
11 statement by the Sierra Club.

12 ADMINISTRATIVE LAW JUDGE: Okay. The
13 next witness is Alex Silbajoris.

14 MR. SILBAJORIS: I'm not sure if I belong
15 in this part or not as an intervenor. I think I
16 belong in the public comments section, or is this the
17 same thing? I haven't been to one of these before.

18 ADMINISTRATIVE LAW JUDGE: You represent
19 an intervenor? What intervenor?

20 MR. SILBAJORIS: What defines an
21 intervenor?

22 ADMINISTRATIVE LAW JUDGE: This would be
23 a party that has filed a petition to intervene in
24 this case that has been --

25 MR. SILBAJORIS: No. In that case no, I

1 belong in the public comments.

2 ADMINISTRATIVE LAW JUDGE: Okay. Would
3 you like to make a comment?

4 FROM THE FLOOR: Yeah, you can do public
5 comments.

6 MR. SILBAJORIS: Okay.

7 ADMINISTRATIVE LAW JUDGE: If you'd
8 please state and spell your name for the record.

9 MR. SILBAJORIS: My name is Alex
10 Silbajoris, and that is S-i-l-b- -- as in boy --
11 -a-j-o-r-i-s.

12 ADMINISTRATIVE LAW JUDGE: And please
13 raise your right hand.

14 (Witness sworn.)

15 ADMINISTRATIVE LAW JUDGE: Thank you.

16 - - -

17 ALEX SILBAJORIS

18 being first duly sworn, as prescribed by law,
19 testified as follows:

20 DIRECT TESTIMONY

21 MR. SILBAJORIS: I have these comments.
22 The Friends of the Scioto River opposes the selection
23 of the preferred route for the following reasons:
24 First, the project represents an unknown degree of
25 risk. While little ground disturbance is planned for

1 the area, the potential for great disturbance exists
2 and the degree of probability is unknown. The
3 Geotechnical Consultants, Incorporated report
4 indicates inconsistent quality in the bedrock and the
5 tendency of the silty clay fill to swell.

6 It further indicates -- it further
7 disclaims that the variations in the bedrock between
8 the three sample sites may not become evident until
9 construction. There is doubt as to the depth of the
10 loose fill above the bedrock and the third-party CTL
11 Engineering report indicates a high risk of there
12 being collapse, of a bore collapse in the loose
13 material, and it states that cobbles and bedrock
14 in -- I'm sorry, boulders in the fill can hinder the
15 operation.

16 Further, the reports disagree with each
17 other whether the wetlands are Category II or
18 Category III which would require greater protection.

19 Second, the risk to the environment is
20 great. As the CTL Engineering report indicates, no
21 HDD, meaning horizontal directional drilling, no HDD
22 operator will guarantee against the release of
23 drilling fluid. The report explains that the normal
24 bentonite drilling fluid is essentially benign clay
25 mud, but it is unlikely that a bore of this length

1 and depth can be done without additives. As with
2 natural-gas fracking, these additives may be
3 proprietary and only the HDD operator will know
4 exactly what is in the mix.

5 According to the report, the natural flow
6 of groundwater through the wetland would flush any
7 released fluid into the Olentangy. This presents an
8 unknown risk of unknown chemicals released into the
9 Scioto watershed.

10 The other main risk is the equipment or
11 pipe becoming stuck. In this case the HDD operator
12 would have to dig an open trench to recover it. This
13 operation would also require an access road to the
14 excavation site. This is not the minimal surface
15 disturbance hoped for and, again, the probability of
16 this happening is not really known.

17 Next, the risk to ongoing research is
18 great. The facility is unique in Ohio and is
19 recognized internationally. In the United States it
20 ranks among other wetlands such as the Florida
21 Everglades, the Okefenokee Swamp, and Horicon Marsh.
22 Among other work they are researching the ability of
23 the wetland to filter and clean water and principles
24 of natural stream design.

25 These areas of research would be harmed

1 by the release of drilling fluid and the possible
2 open trenching to recover the equipment would stop
3 such work until remediation could be accomplished.

4 Ironically, learning how to accomplish
5 this sort of rebuilding and recondition --
6 remediation is exactly the point of much of the
7 center's work. But it is the study of carbon and
8 methane sequestration that is at greatest risk. If
9 the pipe is damaged during installation, as the
10 engineer's report indicate is a possibility, the
11 released gas would destroy the facility's ability to
12 conduct this work for an unknown period of time.

13 Finally, the risk to OSU's reputation is
14 great. The research reputation of The Ohio State
15 University stands to suffer from -- great harm even
16 if all goes well with the project. If something goes
17 badly wrong, like digging an open trench in an
18 internationally-recognized wetland, it would
19 certainly make national news and probably
20 international news. Even after remediation future
21 research funding would probably be greatly reduced.
22 Thank you. And here, for the record.

23 ADMINISTRATIVE LAW JUDGE: Thank you.

24 I just want to clarify for the record
25 before I take the next witness, since there seems to

1 be some confusion, the only parties who have
2 officially intervened in this case are Ohio State
3 University, the American Chemical Society, Franklin
4 Soil and Water Conservation, and the Sierra Club. So
5 if you are not affiliated with one of those parties,
6 you can feel free to come up and testify.

7 If you are affiliated with one of those
8 official parties, you may testify on your own behalf
9 but not on behalf of that official party. Just so
10 that's clear.

11 The next witness I have signed up to
12 testify is Matt Trokan. Can you please state and
13 spell your name for the record.

14 MR. TROKAN: Yes. I'm Matt Trokan,
15 T-r-o-k-a-n, I live at 743 Terry Street.

16 ADMINISTRATIVE LAW JUDGE: Thank you.
17 Could you please raise your right hand.

18 (Witness sworn.)

19 ADMINISTRATIVE LAW JUDGE: Thank you.

20 - - -

21 MATT TROKAN

22 being first duly sworn, as prescribed by law,
23 testified as follows:

24 DIRECT TESTIMONY

25 MR. TROKAN: Once again, my name is Matt

1 Trokan. I'm a conservation manager with the Sierra
2 Club. I'm here tonight because I care about clean
3 water.

4 ADMINISTRATIVE LAW JUDGE: Mr. Trokan,
5 can I just stop you for a second. Can you just state
6 for the record that you are testifying on your own
7 behalf and not on behalf of the Sierra Club.

8 MR. TROKAN: Yes, I am testifying on my
9 own behalf.

10 ADMINISTRATIVE LAW JUDGE: Thank you.

11 MR. TROKAN: Not on behalf of the Sierra
12 Club.

13 ADMINISTRATIVE LAW JUDGE: Thank you. I
14 appreciate that.

15 MR. TROKAN: Yeah, you're welcome.

16 But, yeah, water is precious. It's
17 something that we use every day and it's something
18 that we often take for granted. You know, water,
19 it's easily contaminated and it's irreplaceable. We
20 can't manufacture new rivers, new aquifers, new
21 streams, or new wetlands.

22 In working with the Sierra Club over the
23 past couple of years I've gotten to know the
24 wetlands. We volunteer there on Saturdays to help
25 pick up garbage along the Olentangy River. We

1 monitor our water quality with kits and encourage
2 citizen scientists.

3 You know, the rivers are -- there's sewer
4 overflows throughout our rivers, there's impacts all
5 over the place, and the wetlands are truly a special
6 and unique place, so when I heard that they were
7 going to put a pipeline underneath the wetlands that
8 I've come to know, I was really appalled. It just --
9 it just didn't make much sense. How could there be
10 no environmental impact. Or why even take the risk.

11 So there's a lot of people here tonight
12 that are going to speak much more eloquently and
13 passionately than me, but I just wanted to testify
14 that I am opposed to the preferred route and I think
15 that Columbia Gas and NiSource should just use the
16 existing route. Thank you.

17 ADMINISTRATIVE LAW JUDGE: Thank you.

18 The next witness I have signed up is
19 Laura Fay. Could you please spell your name for the
20 record.

21 And just for all the speakers up here, if
22 you could try and make sure that you speak into the
23 microphone, I'd appreciate that.

24 MS. FAY: Well, my name is Laura Fay,
25 L-a-u-r-a, Fay, F- -- as in Frank -- -a-y, and I'm

1 with the Friends of the Lower Olentangy Watershed.

2 ADMINISTRATIVE LAW JUDGE: Could you
3 please raise your right hand.

4 (Witness sworn.)

5 ADMINISTRATIVE LAW JUDGE: Thank you.

6 - - -

7 LAURA FAY

8 being first duly sworn, as prescribed by law,
9 testified as follows:

10 DIRECT TESTIMONY

11 MS. FAY: I'm representing the Friends of
12 the Lower Olentangy Watershed science community and
13 I'm happy to see so many people here that are
14 concerned about the Olentangy watershed; we really
15 appreciate that. We also appreciate that Columbia
16 Gas is going to make sure that we can still have safe
17 gas lines and being proactive about that.

18 We've been working with Columbia Gas
19 since their public meeting last June and they
20 attended one of our science committee meetings and
21 started answering some of our questions then about
22 some of the alternatives, and we're still
23 investigating.

24 We just read the Ohio Power Siting Board
25 report from December 22nd and some more information

1 became available to us there that we hadn't thought
2 about. For example, if they go with the alternative
3 route, the concern that there's a frac-out there
4 because the engineering process is different, because
5 of the short laydown area, that frac-out water could
6 get into the pumps at OSU wetlands and things like
7 that.

8 So we are continuing to have discussions
9 with Columbia Gas, and we want to make sure that we
10 keep up to date on and get copies of the frac-out
11 contingency plans for whatever route is selected, the
12 restoration plans, the remediation plans. And I
13 think that's it.

14 ADMINISTRATIVE LAW JUDGE: Thank you.

15 The next witness I have is Bill Resch.
16 Would you please spell your name for the record.

17 MR. RESCH: Yes, my name is Bill Resch,
18 R-e-s-c-h.

19 ADMINISTRATIVE LAW JUDGE: Thank you.
20 Could you raise your right hand.

21 (Witness sworn.)

22 ADMINISTRATIVE LAW JUDGE: Thank you.

23 MR. RESCH: Did you want my address?

24 ADMINISTRATIVE LAW JUDGE: Yes, if you
25 could give that too, please. Thank you.

1 MR. RESCH: My address is 10055 Johnstown
2 Road, New Albany, Ohio.

3 - - -

4 BILL RESCH

5 being first duly sworn, as prescribed by law,
6 testified as follows:

7 DIRECT TESTIMONY

8 MR. RESCH: I've been associated with The
9 Ohio State University's Wetland Research Park for 20
10 years, and I've benefited greatly as an educator and
11 also as an environmental consultant of this premier
12 international, I'll call it prestigious site at the
13 Ohio State University.

14 I'm not against the pipeline. I appeal
15 and -- applaud The Ohio State University for its
16 twice denying the route through the international
17 Ramsar site twice, 2008 and now 2011. I also applaud
18 Ohio State University for hiring a third party to
19 examine it, and they also recommended the alternative
20 route. Also I applaud the Ohio Power Siting Board
21 who also recommended the alternative site.

22 I appeal to the gentleman from Columbia
23 Gas that it's inconceivable, absolutely inconceivable
24 with this premier, the only research site designated
25 as international importance is or was going to have

1 any risk to the long-term research that has been done
2 along the, what we call the bottomland forest
3 wetlands designated really as Category III; they
4 cleanse the water we drink, they help the nitrates
5 that are coming out of the farm fields that ends up
6 in the Mississippi.

7 I am not against it. I am, you know, I'm
8 for the preferred route.

9 The alternative route should be parallel
10 to the Olentangy River Road. In 2008 my recollection
11 of reading the documents is that it was considered to
12 go through the existing route of Union Cemetery.
13 It's been, obviously, public knowledge now from
14 Columbia Gas as well that they have a perpetual
15 easement, I believe it was in -- started in 1905 and
16 it will continue on.

17 And, really, I'm a graduate of Ohio
18 State, you know, with two degrees, and I love Ohio
19 State. I love its mission. I cannot think of any
20 institution that has lived up to the land grant
21 mission of teaching, research, and community
22 outreach.

23 I run a nature preserve for the Eastland
24 Career tech schools. We have benefited our students
25 who go to this site every summer. Without Dr. Mitsch

1 and his graduate students and Dr. Li Zhang and
2 others, we would be nowhere in our watershed, which
3 is the Big Walnut.

4 And, finally, I appeal to the Ohio Power
5 Siting Board to recognize the recommendation of the
6 Ohio State University's administration, the
7 third-party engineer, CTL, and the Ohio Power Siting
8 Board staff for recommending the preferred route.
9 There should be no risk, zero, to the Ohio State
10 University's Wetland Research Park.

11 Most significant and, again, the
12 phrase -- to the gentleman from Columbia Gas,
13 Columbia Gas is a co-sponsor of the 2012 EcoSummit in
14 September and October, well, it's in late-September
15 and Early-October. Now, mind you, the first trip for
16 2000 scientists from all over the world is to The
17 Ohio State University Wetland Research Park, and to
18 what a -- what an embarrassment that we can't find an
19 alternative than to go over this Ramsar site of
20 international importance. Thank you very much.

21 ADMINISTRATIVE LAW JUDGE: Thank you.

22 The next witness I have is Bill Mitsch.
23 If you would please spell your name for the record.

24 DR. MITSCH: My name is William J.
25 Mitsch, M-i-t-s-c-h.

ADMINISTRATIVE LAW JUDGE: Could you
please raise your right hand.

(Witness sworn.)

ADMINISTRATIVE LAW JUDGE: Thank you.

- - -

DR. WILLIAM J. MITSCH
being first duly sworn, as prescribed by law,
testified as follows:

DIRECT TESTIMONY

DR. MITSCH: First of all, I should say
that I am employed by The Ohio State University as
the director of the Olentangy River Wetland Research
Park, but I'm speaking on my behalf.

ADMINISTRATIVE LAW JUDGE: Thank you.

DR. MITSCH: I have a statement that I'll
hand to the clerk after I read it. The title is
"Impact of the Olentangy River Wetland Research
Park," not "Impact on the Olentangy River Research
Park."

I am presenting the accomplishments of the
Clintonville neighborhood's own research wetland, the
50-acre Wilma H. Schiermeier Olentangy River Wetland
Research Park, in support of our request to prevent a
high-pressure natural pipeline from being constructed
under the wetland site.

1 I leave it to others to point out the
2 risks and potential environmental issues and the
3 legal and moral issues. I will present why the
4 ORW -- and I will call it "ORW" henceforth -- is so
5 unique to the neighborhood, to Columbus, to Ohio, to
6 the nation, to the world, that it would be
7 shortsighted and foolish to expose it to even the
8 most remote possibility of ecological or
9 environmental damage.

10 The scientific and ecological engineering
11 contributions of the Olentangy River Wetland Research
12 Park to the protection and enhancement of the world's
13 water resources have been significant. In the course
14 of its development and operation the ORW has resulted
15 in an economic advantage to the university of
16 about -- of over \$11 million in extramural grants and
17 contracts, donations, and short-course fees. Over
18 1.8 million of that support has been in the form of
19 endowments that would allow the site to be part of
20 the university setting for a long time.

21 The ORW research has revolutionized the
22 fields of ecosystem restoration and ecological
23 engineering, particularly related to rivers and
24 streams. Research results have been published in
25 hundreds of scientific papers, abstracts, theses, and

1 dissertations. Some examples of current high-impact
2 research and their significance are listed here, and
3 I'll only give the first line for each of these.

4 Researchers at the ORW have continued to
5 carry out carbon sequestration studies in a variety
6 of climatic zones. And these -- from cores
7 representing a sediment record of at least 40 years
8 they've demonstrated the wetlands in temperate and
9 tropical areas are consistently able to accumulate
10 more soil carbon than do wetlands that were studied
11 in the northern peatlands.

12 ORW now has a research presence in the
13 Florida Everglades. There, ORW scientists are
14 assisting the South Florida Water Management District
15 in determining ways to reduce phosphorus in
16 agricultural stormwater from reaching the Florida
17 Everglades. This wetland approach has great
18 implications for protecting lakes and reservoirs in
19 Ohio from algal blooms.

20 ORW researchers are studying the ecology
21 of wetland banks created in Ohio to mitigate the loss
22 of wetlands. If these banks are deemed successful,
23 they will continue to provide opportunities for a
24 balance of economic growth while protecting nature's
25 ecological services. If the wetlands are

1 unsuccessful, ORW researchers hope to, and I quote
2 from an OSU ditty, "know the reason why."

3 ORW researchers continue to explore the
4 development of the wetlands in the midwest that would
5 reduce the export of nutrients, especially nitrogen,
6 to the Gulf of Mexico where these chemicals can cause
7 extensive pollution, referred to as a dead zone, or
8 hypoxia.

9 The ORW has contributed to the education
10 of thousands of graduate and undergraduate students
11 in formal classes, as research associates, as honors
12 undergraduate students, and undergraduate staff of
13 the ORW. We provide a convenient set of campus
14 ecosystems that has supported more than 450 course
15 listings in eight OSU colleges and many courses from
16 other Ohio institutions, clearly saving those
17 colleges and Ohio institutions significant travel
18 costs and minimizing their carbon footprint on field
19 trips.

20 Sixty-nine completed graduate students
21 and post-docs have been admitted to our prestigious
22 Wetland Hall of Fame prominently featured in the
23 Heffner Wetland lobby for their research and
24 contributions to wetland science. Eleven of those
25 Hall-of-Famers are currently professors at other

1 universities teaching wetland science and related
2 fields. And I should say every one of them is trying
3 to convince their administrators to build swamps on
4 their campus.

5 Ohio Center for Wetland River Restoration
6 at the ORW has over 80 professors and other
7 researchers from nine campuses and institutions in
8 Ohio affiliated with the ORW. We give 100 to 150
9 tours annually to visitors including school groups,
10 garden clubs, civic organizations, OSU visitors and
11 others. We are on our way to becoming the second
12 most popular public feature at OSU, second only to
13 the OSU football Buckeyes.

14 Awards are indications of the impact of
15 the ORW. For example, in 2010, the Einstein
16 Professorship presented in Beijing, China, an
17 honorary doctorate from the University of Tartu,
18 Estonia, and the Wetland Globe Award from the World
19 Wetland Network announced at the Biodiversity
20 Congress in Nagoya, Japan, illustrate not individual
21 honors but the degree to which the ORW is admired
22 around the world.

23 The biggest award of all was when the ORW
24 was designated the U.S.A.'s 24th and Ohio's 1st
25 Ramsar Wetland of International Importance in June

2008.

In recognizing this wetland site the Ramsar secretariat in Gland, Switzerland, described it as, and I'm quoting, "a unique combination of 1) a biologically diverse assemblage of different wetland and riverine habitats both representative and unique to the region; 2) a high-quality university teaching, research, and publishing related specifically to wetland ecology and management; and 3) significant wetland ecotourism and outreach for an urban community where few wetlands remain."

It is rewarding to receive such international recognition as our students, staff, and faculty continue to make significant impacts on fixing the watery planet.

We appreciate the tremendous support that the ORW has received from its students, alums, friends of The Ohio State University, the wetland scientists, and others from around the world as we attempt to preserve this unique wetland gem for future generations of Ohio students. Thank you very much.

I will give, for the record, that statement. I also have a map that's the first time we put the pipeline, the proposed pipeline on the

1 existing map of the wetland; it shows it in a little
2 bit more illustrative fashion. I have two documents
3 from the U.S. Fish and Wildlife Service related to
4 Ramsar sites, both of which indicate that the
5 Olentangy wetland is number 24 out of 30 Ramsar sites
6 in the entire United States of America. And then
7 I'll also submit the 2010 annual report that I used
8 to quote some of the things that I've just read.

9 ADMINISTRATIVE LAW JUDGE: Would you like
10 this all to be made part of the record?

11 DR. MITSCH: Yes, if I could put all this
12 together in a package.

13 ADMINISTRATIVE LAW JUDGE: Okay.

14 DR. MITSCH: Thank you.

15 ADMINISTRATIVE LAW JUDGE: Thank you.

16 The next witness I have signed up to
17 testify is Tina Mohn.

18 MS. MOHN: Tina Mohn. I'm with the city
19 of Columbus Recreation and Parks Department. My last
20 name is spelled M-o-h-n.

21 ADMINISTRATIVE LAW JUDGE: Thank you.
22 Could you raise your right hand?

23 MS. MOHN: Do you want our address?

24 ADMINISTRATIVE LAW JUDGE: Yes.

25 MS. MOHN: 1111 East Broad, Columbus,

43205.

(Witness sworn.)

ADMINISTRATIVE LAW JUDGE: Thank you.

- - -

TINA MOHN

being first duly sworn, as prescribed by law,
testified as follows:

DIRECT TESTIMONY

MS. MOHN: A few things that we wanted
to -- "we" being the city of Columbus Recreation and
Parks, just kind of want to have that on the
record -- state our concerns with the project.

With respect to the alternative route, a
lot of our concerns come from damages to trees in the
parkland. This route would directly impact Como
Park. It would impact over 60,000 square feet of the
parkland for roughly 45 days of impact and that's
just for the construction in that area alone, and
that's temporary. That will be temporary impacts.
Damages to trees in the park, the riverbanks during
construction and in the future. There's already
issues with erosion. I live in that area, so those
are definitely major concerns.

We have concerns with the width of the
easement, protecting the wetlands during the

1 construction that would be directly impacted. As
2 David stated earlier, this area also has several
3 wetland vernal pool areas that this would directly
4 impact along the riverbanks and many species that
5 live in that area, known salamander species live in
6 the area that would be directly impacted as well.

7 Also through the park would be permanent
8 markers that would be there, well, permanently.
9 Right now this area that would be impacted is what we
10 call open passive recreation in that it's a dog park
11 some days, some days it's kids throwing Frisbees,
12 other days it's just people walking their dogs or
13 just, you know, whatever it might be.

14 The staff report states on page 19 that
15 the parkland would not have permanent changes, and we
16 have concerns with that statement just because,
17 again, the markers themselves would be a permanent
18 change, a very visible permanent change.

19 And this area is high traffic, it's one
20 of the -- the Weber Street -- one of the Weber Street
21 or one of our trail access head -- head trail access
22 is at Weber Street and it's one of the more busy
23 areas to get on and off of the Olentangy Trail and
24 that area would be directly impacted.

25 Let's see. The location of the markers,

1 like I said, again, that would be impacting passive
2 play and recreation in general.

3 Impacts to the trails. Like I stated,
4 this is one of our major trail heads to get on and
5 off of the Olentangy Trail at Weber Street. It would
6 close down some of the trail and, therefore, we would
7 have to have an alternative route to get on and off
8 and the crossing of the pipeline would, even though
9 it's a directional drill, would potentially impact
10 that area as well.

11 Restoration would need to be better than
12 the no-net loss. For us that's one of our major
13 things when we work with utility companies that have
14 easements, they think that they can do a really good
15 job of restoring the area and even though we're able
16 to submit our specifications, it's never back to the
17 way that it used to be, and I think everyone knows
18 that. In our park plan it's happened time and time
19 again, we have major concerns with that, and we feel
20 like that's something that would definitely need to
21 be looked at closer and more time spent on that than
22 what we've had in the past.

23 The staging area, like I said, is about
24 60,000 square feet just for the staging area alone,
25 which would close down the park -- a portion of the

1 park for 45 days or greater.

2 Staging areas have direct impacts to the
3 soil. Again, this area has been impacted, I think
4 others have stated that the area has been used before
5 with other utility companies and even some, you know,
6 contractors that have been in and out of the park.
7 They directly impact the soils in that they never
8 rebound, and it's the impacts to the equipment -- the
9 equipment's heavy, and they try and till however many
10 inches, they try to place more soil.

11 And we've had issues within at least the
12 last three years that we didn't have grass grow in
13 this area. We've tried a bunch of different seed
14 mixes and it's just, it's a mess. So what we have
15 done is bare soil that is often inundated and then
16 other times it's, you know, like a dust bowl. So
17 that's one of our major concerns as well.

18 Flood controls. You know, this is within
19 the flood -- the floodway. The area floods often. I
20 think that anyone that is familiar with the area
21 knows that, you know, the Olentangy River does what
22 it wants to do and if there's a lot of, you know, a
23 huge rain event, it floods. It floods all the way
24 into the park. It floods the trail.

25 And, again, more impacts. When we're

1 impacting the soils, it's not able to permeate into
2 the soil and then we get standing water, the grass
3 dies, and, you know, we just have ongoing issues with
4 that.

5 If you're not familiar with the area, it
6 is in a highly used Clintonville park. We have many
7 community groups in the area that have been and
8 continue to be involved. A lot of the folks that
9 spoke today are involved with those groups.

10 We have at present an ongoing mitigation
11 site that we have for another site, we've had several
12 hundreds of trees planted in the area. Again, many
13 volunteers have spent several hours and their own,
14 you know, time and money in planting this area. It's
15 also been an area that's been chosen for 2012 to have
16 us use -- work with another group to have some
17 plantings done. We've had several acres of invasive
18 species removed in this area by, again, volunteer
19 groups.

20 I think that it's important for everyone
21 to make sure that we're getting that message that
22 it's a community park. I'm speaking on behalf of the
23 city of Columbus but also on behalf of the park users
24 and the community groups that have spent a lot of
25 time and energy on this park and making it look the

1 way that it does.

2 And another concern is, I think it was on
3 page 21, I also want to touch on the environmental
4 aspect. It states that frac-out impacts the
5 alternative route more so including two species of
6 concern and many other species that have suitable
7 habitat or in the past or currently have had a known
8 range to be in that area. So I think that that's an
9 important concept as well.

10 It's going to impact some trees, like I
11 said, it's going to impact potentially listed species
12 of concern, the Olentangy River waterway, and in the
13 park in general. Thank you.

14 ADMINISTRATIVE LAW JUDGE: Thank you.

15 The next witness I have is Emily Weber.
16 Is Emily Weber here?

17 (No response.)

18 FROM THE FLOOR: She left.

19 ADMINISTRATIVE LAW JUDGE: Okay, we'll
20 move on to the next witness. The next witness is Li
21 Zhang. Is Li Zhang present?

22 MS. ZHANG: Pass.

23 ADMINISTRATIVE LAW JUDGE: Thank you.

24 The next witness is Beau Wickizer. Sorry
25 if I mispronounced that.

1 MR. WICKIZER: That's bad.

2 Do you know if the Sierra Club as a
3 national organization is an intervenor before I speak
4 on just behalf of the central Ohio group?

5 ADMINISTRATIVE LAW JUDGE: You can speak
6 on your own behalf.

7 MR. WICKIZER: Okay. Sure.

8 ADMINISTRATIVE LAW JUDGE: Could you
9 please state and spell your name for the record.

10 MR. WICKIZER: It's Ben Wickizer, B-e-n
11 W-i-c-k-i-z-e-r.

12 ADMINISTRATIVE LAW JUDGE: Please raise
13 your right hand.

14 (Witness sworn.)

15 ADMINISTRATIVE LAW JUDGE: Thank you.

16 - - -

17 BEN WICKIZER

18 being first duly sworn, as prescribed by law,
19 testified as follows:

20 DIRECT TESTIMONY

21 MR. WICKIZER: Again, my name is Ben
22 Wickizer, and I'm a staff person for the Sierra Club
23 here in Columbus, and one of my responsibilities with
24 the club is helping to plan our regular and monthly
25 river cleanups at the Olentangy Wetlands Park, so

1 I've been lucky enough to get to spend a lot of time
2 in that location, you know, and enjoy it very much.
3 So that's part of the reason why I am here today.

4 Thank you for allowing the Sierra Club,
5 along with the general public, to comment on the
6 proposed Ackerman Road pipeline project. As I said,
7 the club organizes regular river cleanups at the
8 Olentangy River Wetlands Research Park and last year
9 we logged nearly a thousand hours in volunteer time
10 maintaining the wetlands park and the surrounding
11 areas, so we're quite tied to the area and believe
12 it's one of Columbus's rare gems.

13 Of the two pipeline routes that have been
14 identified, the preferred route and the alternative
15 route, the club believes the alternative route --

16 ADMINISTRATIVE LAW JUDGE: I'm sorry.
17 I'm going to stop you right there. It seems like you
18 are testifying a little bit on behalf of the Sierra
19 Club. If you could just make it clear that you're
20 voicing your own opinion.

21 MR. WICKIZER: Sure. Okay.

22 ADMINISTRATIVE LAW JUDGE: Thank you.

23 MR. WICKIZER: I believe that the
24 alternative route is by far the most prudent choice,
25 and while I do have lingering questions about the

1 alternative route, I think that it's clearly less of
2 an environmentally impactful option and, moreover, it
3 would put the wetlands park at substantially less
4 risk than the preferred route, in my opinion.

5 In regards to the preferred route and the
6 wetlands park I have a number of concerns. First,
7 the geotechnical data related to the underlying
8 structure of the wetlands and the surrounding area is
9 unclear. Samples used to inform the Geotechnical
10 Consultants, Incorporated report, which was solicited
11 by Columbia Gas, were derived from just three
12 subsurface cores, which is insufficient to provide a
13 clear picture of the subsurface make-up.

14 However, the rock quality designation
15 data that was derived from the cores indicates
16 weathered and fractured rock which is undesirable for
17 horizontal directional drilling operations because of
18 the difficulty in successfully boring through the
19 material and installing the pipe.

20 In many cases when pipes cannot be
21 successfully placed because of fractured or weathered
22 rock and the associated instability, an open-cut
23 trench must be dug to insert the line or retrieve
24 equipment; this was recently the case with a pipeline
25 in Westerville.

1 The CTL Engineering risk assessment
2 report, which was a third-party risk assessment that
3 was solicited by Ohio State University, also
4 recommended more geotechnical analysis be done if the
5 preferred route is chosen to determine the precise
6 impacts from the pipeline.

7 The impacts would not only relate to
8 installing the lines but also the potential for
9 alterations to the area's geomorphology which could
10 cause subsidence and/or change the subsurface
11 hydrologic uptake in the area. Secondly, the
12 potential for gas leakage, which could lead to a
13 catastrophic failure, is also a concern.

14 At outlined in the CTL assessment, it is
15 very difficult to determine the likelihood of a
16 pipeline failure; however, some risk does exist, and
17 if a failure were to occur resulting in an explosion,
18 the Ohio State wetlands would be devastated beyond
19 short- to medium-term recovery. Because of the
20 incredibly high costs, both environmental and
21 monetary, related to a catastrophic explosion below
22 the wetlands, it is not worth the risk to locate the
23 pipeline along the preferred route beneath the
24 wetlands park.

25 The Power Siting Board staff

1 investigation report fails to address the possibility
2 of an explosion. This failing, along with a number
3 of other overlooked impacts, demonstrates the staff
4 report does not adequately account for all the
5 potential environmental impacts involved in the
6 project.

7 Even in the absence of catastrophic
8 failures, pipelines commonly leak to some degree. A
9 1996 report by the U.S. Environmental Protection
10 Agency illustrates that leakages regularly occur in a
11 significant number of underground pipelines. Methane
12 leakage could damage native vegetation and negatively
13 impact the local ecology of the wetlands, as well as
14 skew data collected by Ohio State University.

15 A number of ongoing research projects at
16 the wetlands, as have been discussed earlier, involve
17 observing the wetlands effects on methane
18 sequestration and emissions, and any leakage from the
19 pipeline could potentially impact the studies which
20 are critical for researchers' understanding of the
21 function of the wetlands, especially as they relate
22 to climate modeling. These potential impacts on the
23 research at the wetlands appear to have received
24 little or no consideration up to this point.

25 Additionally, the release of drilling

1 lubricant, termed "frac-out," is a significant
2 concern with either route because of its potential to
3 impact local flora and fauna. The smothering of
4 certain aquatic species is of particular concern in a
5 frac-out scenario.

6 We believe that the possibility of a
7 frac-out or a potential contingency plan to address
8 it has not been given enough attention in the Ohio
9 Siting Board staff investigation report. For either
10 route we would like a more detailed monitoring and
11 response plan related to frac-out and a clear
12 delineation of roles and responsibilities among
13 involved parties.

14 I also have concerns with some of the
15 material in the Power Siting Board staff
16 investigation report. One of the main concerns that
17 I have is the classification of the bottomland forest
18 wetland, which could be impacted by the preferred
19 route, as a Category II wetland. I agree with CTL's
20 assessment that the wetland should be categorized as
21 a Category III wetland.

22 According to the Ohio Environmental
23 Protection Agency's Ohio Rapid Assessment Method for
24 Wetlands, Category II wetlands only support moderate
25 wildlife, or hydrologic, or recreational functions.

1 The wetland in question at Ohio State
2 provides habitat for a large number of species
3 including rare, threatened, and endangered species,
4 performs significant hydrologic functions by
5 absorbing and purifying water, and provides many
6 recreational and educational opportunities for its
7 sizeable number of Ohio State students and also
8 Columbus residents.

9 The wetlands designation as a Ramsar site
10 further supports this classification and, thus, the
11 wetlands should be considered a Category III wetland
12 and it should be more valued than is evident in the
13 staff investigation report.

14 In summary, I believe that the Power
15 Siting Board staff report is too weak in its review
16 of the ecological significance of and the probable
17 environmental impacts on the wetlands park.
18 Accordingly, the review should be reworked to provide
19 the Siting Board with the legally required factual
20 basis for rendering a decision on the minimum adverse
21 environmental impacts. If the staff report were
22 complete, the suitability of the alternative route
23 would be far more evident than what the report
24 currently suggests.

25 Thank you again for allowing me to

1 provide comments on this project. Like many Columbus
2 residents, I have an affinity with the wetlands park
3 and the utmost concern for its well-being. I trust
4 that the Power Siting Board will advise Columbia Gas
5 to choose the least environmentally impactful route,
6 which is the alternative route, and ensure that in
7 moving forward Columbia Gas and its partners proceed
8 with supreme care and concern for the environmental
9 well-being of the area surrounding the alternative
10 route. Thank you.

11 ADMINISTRATIVE LAW JUDGE: The next
12 witness I have is Kurt Keljo. If you could please
13 spell your name for the record.

14 MR. KELJO: Sure. My name is Kurt Keljo,
15 K-u-r-t K-e-l-j-o. I live at 1306 North Jackson
16 Avenue, Reynoldsburg, Ohio.

17 ADMINISTRATIVE LAW JUDGE: Thank you.
18 Could you raise your right hand.

19 (Witness sworn.)

20 ADMINISTRATIVE LAW JUDGE: Thank you.

21 - - -

22 KURT KELJO

23 being first duly sworn, as prescribed by law,
24 testified as follows:

25 DIRECT TESTIMONY

1 MR. KELJO: I was a graduate student at
2 the Olentangy River wetlands, and it was my home away
3 from home for the better part of two years, and so
4 I'm well aware of its value as both an educational
5 and scientific resource. In addition, I'm very much
6 aware of its value as a natural resource, and what
7 I'm speaking to today is my concern about our ability
8 to protect our natural resources.

9 This site has a conservation easement on
10 it to protect natural resources, it also identifies a
11 Ramsar site which speaks of both its scientific value
12 but also its value as a natural resource.

13 I puzzled over how we could best protect
14 the site, what would it take to truly protect the
15 site, and it crossed my mind that the best way to
16 protect it would be to put an office park on it.
17 That if we built something on it, then we would be
18 able to protect it, which is obviously absurd in the
19 sense that we would have to destroy it to protect it.

20 If we are not able to protect this little
21 piece of land that has all of these mechanisms in
22 place to try to protect it, what natural site can we
23 protect? It's my deep hope that we will be able to
24 find a way to site this pipeline in a way that does
25 not go under the wetlands, does not threaten them,

1 and we can find an alternative. Thank you.

2 ADMINISTRATIVE LAW JUDGE: Thank you.

3 The next witness I have is Julie Smiley.

4 Would you please spell your name for the record.

5 MS. SMILEY: J-u-l-i-e S-m-i-l-e-y.

6 ADMINISTRATIVE LAW JUDGE: Thank you.

7 Could you give your address.

8 MS. SMILEY: 233 West Como, Columbus,

9 Ohio, 43202.

10 ADMINISTRATIVE LAW JUDGE: Thank you.

11 And please raise your right hand.

12 (Witness sworn.)

13 ADMINISTRATIVE LAW JUDGE: Thank you.

14 - - -

15 JULIE SMILEY

16 being first duly sworn, as prescribed by law,

17 testified as follows:

18 DIRECT TESTIMONY

19 MS. SMILEY: First of all, I wasn't
20 planning on speaking here tonight so if my message is
21 a little garbled or disorganized, please forgive me.

22 I'm here tonight to talk about the
23 alternate route. This is the route that goes through
24 the park. And I want to bring some awareness about
25 this particular area. It is a floodplain, there are

1 wetlands on this particular site, and community
2 groups for years have been getting together to clean
3 this place up. It used to be an illegal dump site
4 and neighbors got together, it took us years, massive
5 piles we pulled out of this particular wetlands, and
6 had the stuff hauled away.

7 We are removing invasive species,
8 replanting hundreds of trees in this particular area,
9 we're trying to reestablish vernal pools, we put in
10 butterfly gardens. In 2005 we logged 517 hours;
11 these are just regular residents coming out because
12 they believe that restoring this floodplain, these
13 wetlands, are important. In 2011 we logged 693 total
14 volunteer hours.

15 I'm not here tonight to suggest which
16 route is better because I believe that all wetlands
17 are important and they all deserve equal protection,
18 especially in our urban areas.

19 I do want to bring some awareness to the
20 Ohio Power Siting Board's report that by choosing the
21 alternate route, going through the park, that more
22 residents will be impacted, that more threatened
23 wildlife will be impacted, that there's an increased
24 risk of frac-out, that, believe it or not, the
25 wetlands and the park are a higher quality wetlands,

1 according to the report, are higher quality wetlands
2 than where the pipeline would run through OSU and
3 that OSU can still be impacted if there's a frac-out.

4 So while OSU, the people up here speaking
5 for the preferred route, you can win this battle, but
6 you can still lose the war. So, again, I'm not
7 suggesting either route because I believe that all
8 wetlands need to be protected, but I do think that we
9 need to look more into the existing route and explore
10 that further and to make sure that there isn't --
11 that all possible -- excuse me, that all
12 possibilities there have been exhausted. Thank you.

13 ADMINISTRATIVE LAW JUDGE: Thank you.

14 The next witness I have is Michael
15 McNutt. Will you please state and spell your name
16 for the record.

17 MR. McNUTT: Sure. First name too?
18 Michael, M-i-c-h-a-e-l, McNutt, M-c-N-u-t-t.

19 ADMINISTRATIVE LAW JUDGE: And could you
20 please give your address.

21 MR. McNUTT: 2591 North Fourth Street,
22 Columbus, Ohio, 43202.

23 ADMINISTRATIVE LAW JUDGE: And could you
24 please raise your right hand.

25 (Witness sworn.)

1 ADMINISTRATIVE LAW JUDGE: Thank you.

2 - - -

3 MICHAEL McNUTT

4 being first duly sworn, as prescribed by law,
5 testified as follows:

6 DIRECT TESTIMONY

7 MR. McNUTT: Well, thanks for having me.
8 How's everybody doing? Pretty good? All right.

9 So I don't know everything that's been
10 talked about tonight. I thought perhaps -- I just
11 walked in the door, so I apologize if I'm late, I
12 just came from a meeting, but nonetheless I thought
13 it was important to at least come and offer some
14 testimony about maybe my experiences with the
15 wetlands.

16 Myself and my wife, who is attending with
17 me, some of the things that -- we've had some great
18 experiences down there and, of course, the need to
19 completely disapprove or disallow any type of
20 disruption to the wetlands whatsoever, which means
21 there's not to have any pipeline go through the park.

22 I think, obviously, I know that there's
23 probably been some wonderful expert testimony here
24 about the nature of the park, the significance it is
25 not just to research but just to having people come

1 to recreate there, to bird watch, to just look and
2 enjoy, maybe some people come there to kind of just
3 like, you know, take a deep breath and just enjoy
4 this gem that we have that sits there in the middle
5 of the city.

6 My background is in environmental science
7 and communication and so I did extensive work at the
8 wetlands in my day in school and I can assure you
9 that it is probably one of the most interesting
10 places that I've had the luxury of being able to
11 work. I can't say enough about the work that goes on
12 there and the research that goes on there and the
13 value that that information has to the wetland
14 community, to the science community, and, as a bigger
15 picture, to the global climate change community.

16 I think that the -- I think that allowing
17 or even considering allowing a pipeline, regardless
18 of whether it's suggested that the pipeline is going
19 to be inputted safely, effectively, that it's never
20 going to have any concerns or issues with leaks of
21 gas and things like that to go through this important
22 park is just completely ludicrous to even fathom to
23 allow that to occur.

24 The international students that come to
25 Columbus, Ohio, to work at that research institution,

1 that park, and to take that information back to their
2 countries and maybe to be able to do things in
3 countries that would assist the people in their areas
4 and their environment and all those kinds of things
5 could be maybe even destroyed by allowing something
6 like this to happen.

7 And I think the last person who was up
8 here was suggesting that there shouldn't be any
9 wetlands that are disturbed, and I think that we have
10 seen time and time again where great companies,
11 agencies, can come in because they have a lot of
12 muscle, they have the money, they maybe have the
13 political clout or the willpower or the people that
14 can assist them in getting things done. This is one
15 of those times where we don't have to do that because
16 there is other ways and avenues to do that.

17 If I'm going to turn on my stove and get
18 gas, I don't care where it comes from, I just don't
19 want it to come through a wetland. So the person
20 getting the product isn't -- they may or may not know
21 that it goes through there. If they did, though, I'm
22 pretty sure that they wouldn't want that pipeline to
23 go through there. They're just like, let me turn on
24 the stove. I don't think people want that to occur.

25 So I think with that, I mean, I did not

1 prepare any specific remarks but I at least wanted to
 2 come and just share the fact that not only is it
 3 important, but also, as I alluded to you, my wife and
 4 I used to live very close to the park and we would
 5 often, very often, just take a walk on the Olentangy
 6 bike trail, we would go, we would enjoy the park,
 7 we'd walk around, we'd see some great birds, and I
 8 think that us allowing for something like this to
 9 occur would just be a huge disadvantage to Columbus,
 10 to the area, so let's just not allow that to happen.

11 So no destroying the wetlands, no pipe
 12 going underneath it, let's just move on to something
 13 else. So thank you.

14 ADMINISTRATIVE LAW JUDGE: Thank you.

15 That takes care of witnesses that have
 16 signed up to testify. Is there anyone in the
 17 audience now who would like to testify?

18 MS. GENTRY-DAVIS: There's one more.

19 ADMINISTRATIVE LAW JUDGE: We have one
 20 last witness signed up to testify. Eriyah Flynn. If
 21 you can please state and spell your name for the
 22 record.

23 MS. FLYNN: I can. Eriyah Flynn,
 24 E-r-i-y-a-h F-l-y-n-n, address is 3544 Fishinger Mill
 25 Drive, Hilliard, Ohio.

1 ADMINISTRATIVE LAW JUDGE: Thank you.

2 Could you please raise your right hand.

3 (Witness sworn.)

4 ADMINISTRATIVE LAW JUDGE: Thank you.

5 - - -

6 ERIYAH FLYNN

7 being first duly sworn, as prescribed by law,

8 testified as follows:

9 DIRECT TESTIMONY

10 MS. FLYNN: I was inspired, I didn't come
11 here with any kind of statement prepared so I just
12 wanted to say that I think it's really impressive the
13 showing of people who showed up here tonight to say
14 something on behalf of protecting areas that we
15 believe to be protected, and they're supposed to be
16 sanctuaries for a reason.

17 So I just wanted to I guess reiterate
18 that I believe we have alternatives that we aren't
19 addressing, and I recognize that it's two bad
20 possibilities that we have to choose between and I
21 guess I just wanted to state that I don't know how we
22 came to be here at this juncture where we don't have
23 a choice except to take two bad options. I think
24 that there's something conceptually wrong with that,
25 a great injustice, and I feel that, you know, we have

1 better options for Ohio for energy, even for gas we
2 consume every day.

3 I know that there's a significant number
4 of landfills that are built in the nation every year
5 and we could be using waste-to-energy. I actually
6 work in renewable energy. I served on the
7 Alternative Energy Task Force for the governor back
8 in -- the state attorney general's office in 2008
9 under Nancy Rogers and so I know that we have a lot
10 of alternatives that we're not exploring that could
11 be better serving Ohioans economically for jobs, they
12 would never encroach on protected areas that we would
13 like to see protected and maintained.

14 So, you know, I'm just here to say, you
15 know, to the gas companies, please, stop trying to
16 force something that society and nature require or,
17 you know, desperately are clinging to hold onto, the
18 last things that we have that are still sacred, and
19 really look at waste energy, look at renewable energy
20 options that can capture, I mean, I'm sure you've
21 heard of plasma arc digesters and other
22 waste-to-energy technology that can bring gas on our
23 consumption. You know, we've got Univenture right up
24 the road with the algae possibilities for any kind of
25 fuel we need. So, you know, please just stop

1 attacking what's sacred and destroying potentially
2 what -- we have better options. We have better
3 options. Thank you.

4 ADMINISTRATIVE LAW JUDGE: Thank you.

5 That does conclude the witnesses we had
6 signed up to testify. Is there anyone in the
7 audience now -- I apologize for the sound here. Is
8 there anyone in the audience now that would like to
9 offer any comments? If there is, if you could just
10 come forward.

11 Could you please state and spell your
12 name for the record.

13 MR. WALETZKO: My name is Evan Waletzko,
14 E-v-a-n, last name is W-a-l-e-t-z-k-o. I am
15 affiliated with The Ohio State University

16 ADMINISTRATIVE LAW JUDGE: I'm sorry.
17 Could you please give your address.

18 MR. WALETZKO: 429 East Tompkins,
19 Columbus, Ohio, 43202.

20 ADMINISTRATIVE LAW JUDGE: And could you
21 raise your right hand.

22 (Witness sworn.)

23 ADMINISTRATIVE LAW JUDGE: Thank you.

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EVAN WALETZKO

being first duly sworn, as prescribed by law,
testified as follows:

DIRECT TESTIMONY

MR. WALETZKO: All right. I am
affiliated with The Ohio State University but these
are my personal opinions.

ADMINISTRATIVE LAW JUDGE: Thank you.

MR. WALETZKO: I am currently a PhD
candidate and working at the Olentangy River Wetland
Research Park. I've actually had some experience
just in this that, just this whole process over the
past several months. Most of the things --
everything is pretty much stated that needed to be
stated.

Well, the last lady was just up talking
about alternatives. You know, the one thing I didn't
hear is that we're only talking about the two
alternatives out of I think possibly ten total that
were originally proposed. Yes, it's kind of a choice
between the two bad choices that we kind of have to
choose from right now.

But talking about the one that they do
want to go through, I really don't even understand
why we are here talking about it because of all of

1 the research that's going on, and to kind of harken
2 back to what Kurt said earlier, he said, if we have
3 all these tools in place to protect very important
4 natural resources but we're here trying to, as a,
5 almost a community trying to stop this from going
6 through these heavily protected sites, then how can
7 we protect anything? I think that was a very good
8 point that I kind of wanted to point out, make sure
9 everyone noticed that.

10 So in my experience, in my research, I've
11 been doing research on methane and that's, obviously,
12 the gas that will be going through, and as a
13 researcher at The Ohio State University to have a
14 pipe full of methane going underneath a research site
15 that is studying methane and how that affects the,
16 you know, the global, on a global scale is what we
17 are studying. We have -- right now we are concluding
18 an NSF research grant particularly for that and,
19 actually, I think it's still ongoing, actually; I'll
20 correct myself.

21 And to put a pipeline underneath full of
22 methane where small leaks could possibly occur, there
23 could be, you know, a crack, heaven forbid, that
24 would not only damage, you know, the environment but
25 also damage our research credibility, and if we are

1 going to have to publish that -- we are going to be
 2 publishing our research and if there is a pipeline
 3 full of methane underneath that, we will have to,
 4 obviously, divulge that in our, you know, methods and
 5 site description and, you know, other scientists
 6 across the world reading that we're doing methane
 7 research with a giant methane pipe underneath our
 8 wetland research park I think will kind of make it a
 9 moot point and affect our research credibility. And
 10 I think that's pretty much all I wanted to add
 11 tonight.

12 ADMINISTRATIVE LAW JUDGE: Thank you.

13 MR. WALETZKO: Thank you.

14 ADMINISTRATIVE LAW JUDGE: Are there any
 15 other members of the audience that would like to make
 16 comments on the record?

17 (No response.)

18 ADMINISTRATIVE LAW JUDGE: Seeing no one
 19 I'd like to thank everyone for coming here this
 20 evening. I would like to remind you that there are
 21 copies of the staff report and information on the
 22 Ohio Power Siting Board up here at the front table if
 23 you'd like to look at that or take a copy of that.

24 This will conclude this evening's public
 25 hearing and it will be submitted on the record for

1 the Board's consideration in this case, and I believe
 2 the Columbia representatives will stay around for a
 3 few minutes to answer questions if you have any.
 4 Thank you.

5 (The hearing concluded at 7:20 p.m.)

6 - - -

11
 12 CERTIFICATE

13 I do hereby certify that the foregoing is a
 14 true and correct transcript of the proceedings taken
 15 by me in this matter on Tuesday, January 10, 2012,
 16 and carefully compared with my original stenographic
 17 notes.

18
 19 _____
 20 Maria DiPaolo Jones, Registered
 21 Diplomate Reporter and CRR and
 22 Notary Public in and for the
 23 State of Ohio.

24 My commission expires June 19, 2016.

25 (MDJ-3946)

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