

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by
Dominion East Ohio Gas Company for a Certificate of
Environmental Compatibility and Public Need for the
Brunstetter Connection, Village of Lordstown, Trumbull
County, OH High Pressure Distribution Line**

) **Case Number**
) **13-0203-GA-BNR**

Members of the Board:

Todd Snitchler, Chairman, PUCO
Christiane Schmenk, Director, ODSA
Dr. Ted Wymyslo, Director, ODH
David Daniels, Director, ODA
Scott Nally, Director, Ohio EPA
Jim Zehringer, Director, ODNR
Jeffery J. Lechak, PE, Public Member

Peter Stautberg, State Representative
Sandra Williams, State Representative
Tom Sawyer, State Senator
Shannon Jones, State Senator

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with the Board's rules.

The accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

The application will be automatically approved on **February 26, 2013** unless suspended by the Board's chairperson, the Executive Director, or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

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

Any concerns you or your designee may have with this case must be presented to the Executive Director of the Power Siting Board at least four business days prior to **February 26, 2013**, which is the automatic approval date. To contact the Executive Director with concerns, reply to the email to which this document was attached, or use the ContactOPSB email address listed below.

Sincerely,



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

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 13-0203-GA-BNR
Project Name: Brunstetter Connection
Project Location: Village of Lordstown, Trumbull County
Applicant: Dominion East Ohio
Application Filing Date: January 14, 2013
Filing Type: Construction Notice
Inspection Date: January 29, 2013
Report Date: February 15, 2013
Automatic Approval Date: February 26, 2013
Applicant's Waiver Requests: none
Staff Assigned: E. Steele

Summary of Staff Recommendations (see discussion below):

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

Project Description

Dominion East Ohio Gas (Applicant) proposes to install 2500 feet of new 12 ¾-inch diameter distribution high pressure gas main with an MAOP of 270 psig. The cost estimate for this project is \$625,000. During the winter period, this line may operate with a pressure range of approximately 200 psig to 160 psig. During the summer period, this line will operate at approximately 160 psig. This line will directly support two medium pressure distribution systems (450 customers) and one intermediate pressure distribution system (60 customers). There will be no new structures added to the easements, but above ground valves will be installed at the west end of the project enabling the connection to be made to the existing 16" pipeline.

Site Description

The project site is in the Village of Lordstown, Trumbull County, OH. The pipeline segment will be installed between an existing line located 2,400 feet due west of the Highland Avenue and Brunstetter Road intersection in Trumbull County, OH and the Brunstetter station located at that same intersection. Right-of-way requirements consist of utilizing 2,400 feet of an existing Lordstown Township road right-of-way and 100 feet of new private pipeline easement(s). All easements have been obtained by the Applicant. Highland Avenue will be open cut on the eastern end of the project to allow the line to be tied into the Brunstetter station. The Applicant will maintain traffic and coordinate any issues with the City of Lordstown.

Need

The objective of this project is to support the Niles distribution area which includes the Village of Lordstown and portions of the City of Warren. Without this supply, there would be only one other supply source to this area and system pressures would be below acceptable pressures at temperatures below 20 degrees Fahrenheit. This is required to maintain system reliability and acceptable pressures to the Niles distribution area.

Nature of Impacts

Surface Waters

The gas transmission line right-of-way contains two perennial streams (S-1, S-2). One stream (S-2) crosses the project area in two places. Four wetlands (W1, W2, W3, and W4), which scored in the range of category 2 using the ORAM scoring methods, are also located in the right of way. Impacts to the streams would be minimized by utilizing horizontally directional drilling (HDD) for installing the gas transmission line. Potential impacts associated with HDD would include disturbances around the bore pits and impacts from frac-outs. In order to minimize impacts during HDD, drilling equipment would need to be located away from environmentally sensitive areas and drilling activities would need to be closely monitored for signs of frac-outs. Staff would require the Applicant to submit a detailed frac-out contingency plan for Staff review and approval. The Applicant would avoid wetland W1, which is located at the far west end of the project. Wetlands W2, W3, and W4 would be temporarily impacted by open trenching activities required to install the gas line. Additionally, all trees within the right of way would be cleared, including trees found in wetlands W2, W3, and W4. The Applicant would use timber matting to avoid or minimize impacts to these wetlands.

OPSB Staff has reviewed the Applicant's preliminary construction access plan, which will be incorporated into the final SWPPP. Based on OPSB staff's review of this information, the Applicant has appropriately considered location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the ODNR, Division of Wildlife, and explains how impacts to all sensitive resources would be avoided or minimized during construction, operation, and maintenance. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. Appropriate BMPs would be outlined in the Stormwater Pollution Prevention Plan (SWPPP) and a copy would be provided to staff.

The Applicant received covered under Ohio EPA General Permit OHC000003 for storm water associated with construction activities on January 2, 2013.

Threatened and Endangered Species

The federal and state listed species and/or their suitable habitat that may be found in the project area include the following species: the state and federal endangered Indiana bat (*Myotis sodalis*); the state endangered black bear (*Ursus americanus*); the federal and state endangered clubshell (*Pleurobema clava*) and the snuffbox (*Epioblasma triquetra*) mussel species; the state endangered mountain brook lamprey (*Ichthyomyzon greeleyi*); and the state endangered and federal candidate Eastern massasauga rattlesnake (*Sistrurus catenatus*). These species are not expected to be negatively impacted by the proposed project, except for the Indiana bat and Eastern massasauga.

In order to reduce or avoid impacts to the Indiana bat, Staff would require that the Applicant to adhere to seasonal tree cutting dates of September 30 through April 1 for the clearing of trees that exhibit suitable Indiana bat summer habitat. Additionally, suitable habitat for the Eastern massasauga rattlesnake is present within and adjacent to the project area. In order to avoid potential impacts to this species, Staff would require that no below ground construction activities (i.e., trenching or horizontal directional drilling) occur in or near wetlands until May 15th. However, above ground construction activities (i.e., tree clearing) can still occur as proposed by the Applicant.

Conclusion

The project would improve gas supply to the Niles distribution area which includes the Village of Lordstown and the City of Warren. This additional supply to this area will keep pressures at an acceptable level during cold weather. This will help maintain system reliability. The Applicant's continued coordination with the City of Lordstown and officials in the area will ensure that the project is constructed with minimal disturbance to area residents and businesses. Staff recommends automatic approval of this case on **February 26, 2013** provided that the following conditions are satisfied.

Conditions

- (1) The Applicant will coordinate all traffic related issues with the appropriate entities to ensure that traffic will be maintained along public roadways and private drives during construction.
- (2) The Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state laws and regulations for any activities where such permit or authorization is required. Copies of such permits and authorizations, including all supporting documentation shall be provided to Staff. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference;
- (3) The Applicant shall conduct a pre-construction conference prior to the start of any project work (including any vegetation clearing), which the Staff shall attend, to discuss how environmental concerns will be satisfactorily addressed;
- (4) The Applicant shall utilize BMPs when working in the vicinity of environmentally sensitive areas. This includes, but is not limited to, the installation of silt fencing (or similarly effective tool) prior to initiating construction near streams and wetlands. The installation shall be done in accordance with generally accepted construction methods and shall be inspected regularly;
- (5) At least thirty (30) days before the pre-construction conference, the Applicant shall submit to the Staff, for review and approval, a project construction access plan. This plan shall include all laydown areas, directional drilling bore pit locations, residential and environmentally sensitive area access points, and any locations where vegetation clearing is required. The plan shall consider the location of residential fencing, private structures, streams, wetlands, and wooded areas;

- (6) The Applicant shall adhere to seasonal cutting dates of September 30 through April 1 for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved;
- (7) The Applicant shall not conduct any below ground construction activities (i.e., trenching or horizontal directional drilling) in or near wetlands until May 15th to avoid potential impacts to the Eastern massasauga rattlesnake. However, above ground construction activities (i.e., tree clearing) can still occur as proposed by the Applicant.
- (8) That the Applicant shall avoid, where possible, any damage to field drainage systems resulting from construction of the facility in agricultural areas. Damaged systems shall be repaired to at least original conditions at Applicant's expense. Severely compacted soils shall be plowed, if necessary, to restore them to original condition;
- (9) That the Applicant shall remove all temporary gravel and other construction laydown area and access road materials shortly after completing construction activities.

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Case No(s). 13-0203-GA-BNR

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