

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Expedited Letter of Notification Application by Columbia Gas of Ohio for a Certificate of Environmental Compatibility and Public Need for the Maumee River Crossing Project)	Case Number 14-0228-GA-BLN
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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 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 **March 7, 2014**, 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 **March 7, 2014**, 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: 14-0228-GA-BLN
Project Name: Maumee River Crossing
Project Location: Maumee and Perrysburg, Ohio
Applicant: Columbia Gas of Ohio
Application Filing Date: February 6, 2014
Filing Type: Expedited Letter of Notification
Inspection Date: February 20, 2014
Report Date: February 27, 2014
Automatic Approval Date: March 7, 2014
Applicant's Waiver Requests: none
Staff Assigned: E. Steele, D. Rostofer, J. O'Dell

Summary of Staff Recommendations (see discussion below):

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

Project Description

Columbia Gas of Ohio (Applicant) is proposing to replace approximately 5,100 feet of 12-inch diameter bare steel high pressure gas pipeline with 20-inch diameter coated steel high pressure gas pipeline crossing the Maumee River between the City of Maumee and the City of Perrysburg. From the tie-in location near the southern end of Mohawk Drive in Maumee, the route parallels a sewer easement through Side Cut Metro Park for approximately 700 feet to the Horizontal Directional Drill (HDD) entry point. HDD methodology will be utilized for approximately 2,000 feet from the north side of the Maumee River to the south side. The HDD crossing will also include the Maumee Side-Cut Canal and wetland complexes on each side of the river. From the HDD exit point, the proposed pipeline will extend approximately 1,000 feet generally south to State Route 65. The pipeline will be constructed within the State Route 65 right-of-way for the final 1,400 feet to the tie-in location near Fort Meigs Road. The pipeline will have a Maximum Allowable Operating Pressure (MAOP) of 145 pounds per square inch gauge (psig) with a design pressure of 720 psig. The 20-inch pipe will be coated steel, Grade X-65 with a wall thickness of 0.375 inches. The estimated cost of the proposed project is \$7,000,000.

Site Description

The project site is in cities of Perrysburg and Maumee in Lucas and Wood counties. The current land use along the proposed route is primarily comprised for public use. The proposed route does not cross any residential properties. The proposed route utilizes properties owned by the Metropolitan Park District (Side Cut Metro Park) and the City of Perrysburg, as well as State Route 65 right-of-way. The proposed route avoids all but one residential property and increases

distance between the proposed pipeline and Fort Meigs. The proposed HDD crossing of the Maumee River avoids surface impacts to the river, associated wetland complexes and the riparian corridor. The City of Perrysburg also desires to develop their property with a park. The proposed access road necessary for constructing the project will help to facility the City of Perrysburg's plan.

Need

This project would replace an aging, bare-steel main which is corroded and has required the Applicant to repair multiple leaks. The Applicant considers this replacement necessary to continue providing safe and reliable service to customers in the Toledo area.

Nature of Impacts

Surface Waters

The gas transmission line would cross the Maumee State Scenic River, and two primary headwater streams, totaling 2,053 linear feet. The right-of-way also contains three wetlands, totaling 19.09 acres. Two wetlands were scored as high quality (Category 3). One pond, totaling 0.46 acres, is located within the survey corridor and would not be impacted by this project. Stream and wetland impacts would be avoided by using HDD to install the gas transmission line. The HDD boring pits would be placed in the 100-year floodplain of the Maumee River. The project will not traverse any conservation or recreation lands.

Because the Applicant is proposing to use HDD to install the line, a frac-out plan has been developed for this project and reviewed by Staff. Staff believes the plan appropriately addresses inadvertent returns into surface waters, response and notification procedures, and cleanup. Additionally, the Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. Appropriate BMPs would be outlined in a storm water pollution protection plan (SWPPP), and a copy of this plan would be provided to Staff prior to commencement of construction.

The Applicant anticipates submitting applications for the following surface water permits:

- Ohio EPA General National Pollutant Discharge Elimination System (NPDES)
- U.S. Army Corps of Engineers, Section 10 Permit
- City of Perrysburg and City of Maumee Floodplain Construction Permits

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*), Kirtland's warbler (*Dendroica kirtlandii*), piping plover (*Charadrius melodus*), Karner blue butterfly (*Lycaeides melissa samuelis*), and rayed bean mussel (*Villosa fabalis*); the federal and state threatened Eastern prairie fringed orchid (*Platanthera leucophaea*); the state endangered blue-spotted salamander (*Ambystoma laterale*), American bittern (*Botaurus lentiginosus*), black tern (*Chlidonias niger*), common tern (*Sterna hirundo*), king rail (*Rallus elegans*), snowy egret (*Egretta thula*), lark sparrow (*Chondestes grammacus*), trumpeter swan (*Cygnus buccinators*), Persius dusky wind (*Erynnis persius*), frosted elfin (*Incisalia irus*), Canada darter (*Aeshna Canadensis*), Hine's emerald (*Somatochlora hineana*), and the purplish copper (*Lycaena helloides*); and, the Bald Eagle (*Haliaeetus leucocephalus*), a federal and state species of

concern. Based on the type of construction activities proposed, these species and/or their suitable habitat would not be impacted by this project, except for the Indiana bat.

The Applicant proposes to remove approximately 7.4 acres of suitable riparian foraging habitat, which also includes 46 potential summer roosting trees, for the Indiana bat. In order to reduce or avoid impacts to the Indiana bat, the Applicant has committed to adherence to seasonal tree cutting dates of October 1 to March 31 for the clearing of the riparian foraging habitat and potential roost trees.

On behalf of the Applicant, URS prepared a Phase I Cultural Resources Investigation for the project land requirements. Historic artifacts consistent with landfill activities were identified north of the Maumee River. URS does not believe these artifacts represent an archaeological site that is eligible for the listing on the National Register of Historic Places. No further prehistoric or historic era artifacts associated with the War of 1812 battles at nearby Fort Meigs were identified.

Comments and Intervention

One individual intervened in this case, raising concerns about an undocumented archaeological site. The Applicant met with the intervener and provided him with information about the project and solutions to his concerns. The intervener withdrew his request to intervene. Additionally, the Board received correspondence from multiple commenters regarding this project. The Applicant also met with the commenters in the case, provided them with maps of the project, and walked and flagged the route with them. The Applicant continues to work with the commenters to address their concerns.

Upon a review of the Application and supporting information, the Staff believes that the Applicant's expedited Letter of Notification application filed in this case complies with the requirements of 4906:11-01, Ohio Administrative Code as amended by the Ohio Power Siting Board in case 12-1981-GE-BRO on September 4, 2012 and December 17, 2012. Staff concludes that comments have been adequately addressed, and there is sufficient information to recommend automatic approval of this project.

Conclusion

This project would replace an aging, bare-steel main which is corroded and has required the Applicant to repair multiple leaks. The Applicant considers this replacement necessary to continue providing safe and reliable service to customers in the Toledo area. The Applicant's continued coordination with the cities of Maumee and Perrysburg, as well as area residents, will ensure that the project is constructed with minimal disturbance to residents and resources. Staff recommends automatic approval of this case on **March 7, 2014**, provided that the following conditions are satisfied.

Conditions

- (1) Prior to construction, the Applicant shall obtain all applicable permits and authorizations as required by federal and state entities for any activities where such permit or authorization is required.
- (2) During any below-grade construction activities, a qualified archaeologist shall be present to survey for encountered archeological resources that could be eligible for inclusion in the

National Register of Historic Places. If such resources are present, the Applicant shall either avoid the resource or develop a mitigation plan in consultation with the Ohio Historic Preservation Office (OHPO). Such a plan shall be submitted to Staff for review and acceptance. The archaeologist shall also record, map, and photo-document any potentially eligible subsurface structural elements that are uncovered. The Applicant shall provide a final report and analysis to Staff and the OHPO upon completion of the project. In all cases of discovery of unanticipated effects, the Applicant will contact OHPO as soon as practicable and provide sufficient information so that OHPO can make meaningful comments and recommendations.

- (3) In the event that human remains are discovered, construction activity will cease in the area of the discovery. The Applicant will contact Staff, OHPO, the county sheriff, and the county coroner within 48 hours. The Applicant will also consult with OHPO, Staff, the county sheriff and coroner to develop and carry out a treatment plan for the care and disposition of human remains. If the human remains are determined to be of Native American Indian origin, the treatment plan will also be developed in consultation with the appropriate federally recognized Native American Indian tribe(s).
- (4) The Applicant will submit an addendum to the Phase I archeological survey providing (a) additional historic context to the battle at Fort Meigs, (b) additional historical context of Spafford Cemetery at the intersection of SR 65 and Fort Meigs Road based on the non-public records and reports obtained from OHPO, and (c) the monitoring and reporting of the Applicant during its construction at the intersection of SR 65 and Fort Meigs Road.
- (5) The Applicant will apply for and pay for the installation of an Ohio historic marker sign at the intersection of SR 65 and Fort Meigs Road that explains the history of the site and the Spafford family, subject to the approval of the Ohio Historical Society. If approved, this Ohio historic marker sign is to be installed after the pipeline installation at the intersection of SR 65 and Fort Meigs Road, explanatory language to be approved by OHPO and the Ohio Historical Society.
- (6) Prior to construction, the Applicant shall coordinate with the local park administrator to develop a plan that adequately addresses restrictions on park access, construction equipment security, and operational safety.
- (7) All necessary easements will be secured prior to the commencement of construction.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 14-0228-GA-BLN

Summary: Report of investigation electronically filed by Mr. Adam S Bargar on behalf of Staff of OPSB