

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application by
Dominion East Ohio for a Certificate of Environmental
Compatibility and Public Need for the TPL 2 ILI
Barberton Project**) **Case Number**
) **14-0234-GA-BLN**
)

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.

Pursuant to 4906-5-02, et seq., Ohio Administrative Code, the time period required prior to automatic approval is being advanced for this application because Staff has completed its investigation prior to the automatic approval date.

The application will be automatically approved on **April 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 **April 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: 14-0234-GA-BLN
Project Name: TPL 2 ILI Barberton Project
Project Location: Summit County
Applicant: Dominion East Ohio
Application Filing Date: February 10, 2014
Filing Type: Letter of Notification
Inspection Date: March 25, 2014
Report Date: March 28, 2014
Automatic Approval Date: April 7, 2014
Applicant's Waiver Requests: None
Staff Assigned: E. Steele, D. Rostofer

Summary of Staff Recommendations (see discussion below):

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

Project Description

Dominion East Ohio (Applicant) proposes to replace four sections of existing 20-inch diameter natural gas pipeline with 30-inch diameter natural gas pipeline within the existing right-of-way. The new pipeline would have a wall thickness of 0.375 inch, a yield strength of 65,000 pounds per square inch, and a maximum allowable operating pressure of 300 pounds per square inch gauge. The pipeline would be cathodically protected by a rectifier and externally coated with 14-16 mils of fusion bonded epoxy and/or Powercrete.

The pipeline replacement would total approximately 15,090 feet (2.9 miles), running in a northwest to southeast direction and would be installed in the identical place as the existing pipeline that would be removed. These proposed project sections are located in the cities of Barberton and New Franklin and Coventry Township in Summit County, Ohio. Existing public roadways, private roadways, and Applicant right-of-ways would provide the required equipment access. The proposed project would also allow in-line inspection tools to access the pipeline for integrity management inspections. The total estimated cost of this project is approximately \$12,208,181.00. The Applicant held a public information meeting on this project on March 19, 2014 to present information and answer questions to interested parties.

Site Description

The existing right-of-way consists of a partially maintained mixture of residential maintained lawns, wooded property, agricultural fields, and open fields. There are approximately 16 road crossings, all of which would be directionally bored except for two roads at the request of the

jurisdictional authority, which would be open cut. Three temporary laydown areas would be used for temporary storage of pipeline and equipment. These proposed laydown areas would be located near each terminus of the project and also at a location central to the project. These easements have either already been obtained or would be obtained prior to construction. The Applicant has committed to working with landowners to preserve trees, landscaping beds and driveways, where it is practical and safety is not an issue. All driveways and roads would be repaired promptly to their pre-construction state in coordination with the jurisdictional authority.

Need

The existing line that is proposed to be replaced supplies various distribution pipeline systems that ultimately supply end use customers. This replacement is being proposed to allow the pipeline to accept an in-line inspection tool (e.g., smart pig) for continued compliance with the Applicant's Transmission Pipeline Integrity Management Plan as required by federal and state laws. In addition, the pipeline replacement would allow for a complete integrity evaluation along the pipeline between the beginning and end points of the project.

Nature of Impacts

Surface Waters

The gas transmission line would temporarily cross three primary headwater streams, totaling 774 linear feet within the Applicant's existing 60-foot wide right-of-way. The right-of-way also contains 10 wetlands, totaling 1.980 acres. No wetlands were scored as high quality (Category 3). One pond, totaling 0.011 acres, is located within the survey corridor and would not be impacted by this project. The Applicant would reduce the disturbance width from 60 to 50 feet to install the gas transmission line through streams and wetlands. Additionally, the Applicant would mitigate for Category 2 wetland impacts by purchasing 1.6 credits from the Chippewa North Wetland Mitigation Bank located within the Tuscarawas River watershed.

The Applicant has prepared a storm water pollution prevention plan (SWPPP) for this project. Based on staff's review of this plan, the Applicant has appropriately considered the location of streams, wetlands, ponds, and wooded areas. The Applicant would utilize best management practices (BMPs) to minimize impacts to surface waters. The SWPPP would be submitted to the Summit County Soil and Water Conservation District, the Summit County Engineer's Office, the City of Barberton Engineer's Office, and the City of New Franklin Zoning and Planning Department for review and approval.

The Applicant plans to submit a Notice of Intent for coverage under the Ohio EPA General Permit OHC000004 for Construction Storm Water. Additionally, the Applicant is seeking an Ohio EPA 401 Water Quality Certification and authorization under U.S. Army Corps of Engineers Nationwide Permit #12 (Utility Line Activities) for stream and wetland impact.

Threatened and Endangered Species

The Applicant requested information from the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) regarding state- and federally-listed plant and animal species. The Applicant also conducted flora and fauna field assessments along the right-of-way. Based on this information, the project lies within the range of 10 listed species. Impacts are not likely for eight of these species due to the lack of suitable habitat, type of work proposed, and mobility of the species. However, impacts to the state and federal endangered

Indiana bat (*Myotis sodalis*) and the state threatened spotted turtle (*Clemmys guttata*) may still exist as a result of this project.

As part of the Applicant's normal right-of-way maintenance, the Applicant coordinates with the USFWS and the Ohio Division of Wildlife (DOW) concerning removal of potential Indiana bat habitat trees during the seasonal tree cutting period of October 1 to March 31. The USFWS and ODNR have indicated that the Applicant should adhere to the seasonal cutting period of October 1 to March 31 for removal of suitable Indiana bat habitat trees, as part of the Applicant's normal right-of-way maintenance. Based on agency comments and a field investigation of the project center-line, Staff has confirmed that the Applicant has removed all potential Indiana bat habitat trees from the project area during its normal right-of-way maintenance. Therefore, the seasonal cutting period for removal of suitable Indiana bat habitat is not necessary, and no further reduction or avoidance measures for the Indiana bat would need to be adhered to by the Applicant for this project.

The ODNR Natural Heritage Database has multiple records for the spotted turtle within one and a half miles of the project area. Due to the proximity of these records, the proximity of wetlands to the project, and wetlands being impacted, the Applicant has committed to conducting a habitat suitability survey along the right-of-way after the spring thaw, to determine if spotted turtles are likely to be present. The survey will be done by a professional herpetologist approved by the DOW. If necessary, a presence/absence survey may be required. The results of the habitat suitability survey and any subsequent presence/absence survey will be submitted to OPSB and DOW staff for review. If this species is present, the Applicant has committed to adhere to DOW-approved avoidance and minimization measures during construction of this project.

Vegetation and Ecologically-Sensitive Areas

The existing transmission line right-of-way consists of maintained residential lawns, agricultural fields, open fields, old fields, and forested wetlands. Most all of the residential areas along the right-of-way consist of well established landscaping beds and mature oak, maple, and black walnut trees. These mature trees and landscaping beds provide shade and screening between residences. In order to lift the existing line and construct the proposed line in the same location, trees would likely need to be removed. Without removal, these trees would either obstruct construction, or their root systems would be significantly compromised, leading to the death of the trees or causing the trees to fall. The Applicant has committed to working with landowners to preserve trees and landscaping beds, where it is practical and safety is not an issue. No other vegetative communities or ecologically sensitive areas would be significantly impacted by this project.

Conclusion

This project would replace an aging transmission line with a larger transmission line and would allow in-line inspection tools to access the pipeline for Integrity Management inspections. Staff recommends automatic approval of this case on April 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. Where the pipeline route crosses existing paved, gravel or concrete driveways, the impacted driveways shall be repaired promptly to their pre-construction state, including tie in points and bore pits.
3. 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.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 14-0234-GA-BLN

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