

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Generation Pipeline, LLC for a Certificate of)
Environmental Compatibility and Public Need for the) **Case No. 18-1601-GA-BLN**
Ironville Lateral Pipeline Project)

Members of the Board:

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|---|-------------------------------|
| Chairman, Public Utilities Commission | Ohio House of Representatives |
| Director, Development Services Agency | Ohio Senate |
| Director, Department of Health | |
| Director, Department of Agriculture | |
| Director, Environmental Protection Agency | |
| Director, Department of Natural Resources | |
| Public Member | |

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm.Code) 4906-6.

Staff recommends the application for automatic approval December 13, 2018, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to December 13, 2018, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom
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OPSB STAFF REPORT OF INVESTIGATION

Case Number: 18-1601-GA-BLN
Project Name: Ironville Lateral Pipeline
Project Location: Lucas County
Applicant: Generation Pipeline, LLC
Application Filing Date: November 14, 2018
Filing Type: Letter of Notification
Inspection Date: November 29, 2018
Report Date: December 6, 2018
Recommended Automatic Approval Date: December 13, 2018
Applicant's Waiver Requests: none
Staff Assigned: G. Zeto and E. Morrison

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description

Generation Pipeline, LLC (Applicant) proposes to construct a 1.54-mile long 16-inch diameter natural gas transmission line in Lucas County. Generation Pipeline has secured a transportation service agreement with an end-use customer, IronUnits LLC. The proposed pipeline would tap into the existing 24-inch Oregon Lateral pipeline south of Corduroy Road and extend northwest where it would end at the proposed IronUnits LLC facility. The pipeline would be installed using a combination of open cut and horizontal directional drilling. Construction would be expected to begin in June 2019, however, the Applicant may choose to begin construction earlier in a phased approach to facilitate scheduling of horizontal directional drilling (HDD) and the construction of the IronUnits LLC facility.

Basis of Need

Currently, the targeted development area does not have adequate natural gas infrastructure to serve the needs of the planned IronUnits hot briquette iron manufacturing facility. The planned 16-inch diameter pipeline would be able to deliver 140,000 million British Thermal Units per day at pressures ranging up to 937 pounds per square inch gauge. The Applicant states that the natural gas needs of the IronUnits manufacturing facility would account for approximately half of the proposed pipeline's capacity, leaving additional capacity to serve other customers. Staff believes the Applicant has shown the need for additional natural gas supply in the area.

Nature of Impacts

Land Use

The project area is located in Lucas County, within the cities of Toledo and Oregon. Land use associated with the project consists primarily of commercial, industrial, railroad, and residential properties. The nearest residence is approximately 150 feet from the proposed pipeline. The project would also cross under property associated with the City of Toledo's Collins Park Water Treatment Plant. This property would be crossed using HDD. No institutional or other sensitive land uses would be impacted. The project would not impact any agricultural district lands.

The Applicant conducted a cultural resource survey to ascertain potential impacts to historical properties and archaeological sites. The survey results showed that adverse impacts to historical properties and archaeological sites are not expected. The survey results were provided to Ohio Historic Preservation Office (OHPO). On June 20, 2018 OHPO provided a letter concurring that impacts to cultural resources would not be likely to occur as a result of the project.

Surface Waters

The project area would cross one perennial stream, Otter Creek. The Applicant has proposed to HDD under this stream. No in-water work is planned, and no permanent impacts are anticipated.

The proposed disturbance area contains six category 1 wetlands. The project would temporarily impact a total of 0.94 acres of wetlands. Wetland impacts would be covered by the US Army Corps of Engineers Nationwide 12 permit and an individual Section 401 Clean Water Act Permit from the Ohio Environmental Protection Agency.

Specifics about how surface waters would be further protected from indirect construction stormwater impacts using erosion and sedimentation controls would be outlined in the Applicant's Stormwater Pollution Prevention Plan. Because the project would use HDD, Staff recommends that, prior to construction, the Applicant provide a frac-out contingency plan detailing monitoring, containment measures, cleanup, and restoration in the event of an inadvertent return. The project would not impact any 100-year floodplains.

Threatened and Endangered Species

Some tree clearing would be necessary within the proposed project area. The project is within the range of state and federal endangered Indiana bat (*Myotis sodalis*) and the state and federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species may be impacted by the project. In order to avoid impacts to the Indiana bat and northern long-eared bat, Staff recommends the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service allows a different course of action.

The ODNR has records of the state threatened Blanding's Turtle within Otter Creek, which would be crossed by the project. An ODNR approved herpetologist has conducted a habitat suitability survey for this project, and determined that the project as proposed is not likely to impact the Blanding's turtle, due to the use of HDD under Otter Creek and the adjacent delineated wetland. However, there is a recommendation in the herpetologist's report that if the Blanding's turtle is encountered during construction, a work stoppage be issued until an appropriate course of action

has been agreed upon by the Applicant, the ODNR, and Staff. Staff concurs with this recommendation.

Due to no proposed in-water work and a lack of suitable habitats, impacts to other state and federal listed species are not anticipated.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this case on December 13, 2018, provided that the following conditions are satisfied.

Conditions:

- (1) Prior to construction in areas that require permits, the Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state entities. Copies of such permits and authorizations, including all supporting documentation, shall be provided to Staff to ensure compliance with this condition.
- (2) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches and greater in diameter to avoid impacts to Indiana bats and northern long-eared bats, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action.
- (3) Prior to construction, the Applicant shall provide a frac-out contingency plan detailing monitoring, containment measures, cleanup, and restoration.
- (4) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 18-1601-GA-BLN

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