

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Columbia Gas of Ohio, Inc. for the Marysville) **Case No. 19-2148-GA-BNR**
Connector Pipeline Project)

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 Ohio Power Siting Board (Board) rules. As an accelerated project and in accordance with Ohio Adm.Code 4906-6-10, this project initially was subject to a March 20, 2020 automatic approval date.

However, on March 17, 2020, an administrative law judge (ALJ) tolled the time period for automatic approval of this project and other accelerated projects during the state of emergency declared in Executive Order 2020-01D. (See case number 20-601-GE-UNC, the "Tolling Directive.") On May 20, 2020, the administrative law judge modified the Tolling Directive, finding that the tolling provisions should be terminated effective June 1, 2020, thereby subjecting this matter to an automatic approval date of June 3, 2020, unless suspended. The Board staff (Staff) filed a letter dated June 1, 2020, recommending a suspension of the automatic approval process in this case. However, the Board's offices were closed from June 1, 2020 through June 5, 2020, and therefore filing deadlines occurring while the offices were closed were extended in accordance with R.C. 1.14. Thereafter, on June 8, 2020, the ALJ granted staff's recommendation to suspend the automatic approval process.

In the intervening time, Staff has reviewed additional information and, as detailed within the Staff Report of Investigation, recommends the application for approval.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 19-2148-GA-BLN
Project Name: Marysville Connector Pipeline Project
Project Location: Union County
Applicant: Columbia Gas of Ohio, Inc.
Application Filing Date: December 20, 2019
Filing Type: Letter of Notification
Inspection Dates: January 15, 2020 and February 14, 2020
Report Date: July 9, 2020
Applicant's Waiver Requests: None
Staff Assigned: G. Zeto, J. Pawley, A. Conway, M. Butler

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) proposes to construct a 4.78-mile long 12-inch diameter natural gas pipeline in Union County. The proposed pipeline would have a maximum allowable operating pressure of 190 pounds per square inch gauge. The right-of-way would begin approximately four miles southwest of Marysville and end approximately seven miles northwest of the Columbus I-270 outer belt. The line would run generally parallel to U.S. Route 33, crossing through Jerome and Millcreek townships, and is located predominantly within agricultural fields.

The pipeline would be installed using a combination of open cut and horizontal directional drilling (HDD). HDD would be used for a span of 581 feet to cross under U.S. Route 33. Construction of the line would generally occur within a 75-foot easement, which includes 25 feet of temporary and 50 feet of permanent easement. The Applicant proposes to begin construction in late 2021 and place the line in service by late 2022. The Applicant estimates the total cost of the project at \$28 million.

Basis of Need

The Applicant claims that the project would (1) provide natural gas service to new industry, (2) provide natural gas service to residential development near the project alignment, and (3) provide existing customers on the north and west sides of Marysville with an increased capacity for natural gas service.¹

1. The Applicant states that currently in order to accommodate a new industrial customer, Columbia Gas would need to connect the Marysville Connector to Columbia Gas's Columbus Northern Loop system. This would

On July 8, 2020, the Union County Community Improvement Corporation (CIC)² filed a letter³ in this case, indicating that it commissioned a natural gas capacity study from which it determined that the area around the Marysville Connector project is currently affected by natural gas supply constraints, and has had lost business development opportunities because of it. The CIC letter outlines a significant number of existing and planned residential, commercial, and industrial development projects along the 33 Smart Corridor (from Dublin to the Transportation Research Center), greater Marysville, the Jerome/Dublin area (south of US Route 42), and west of Marysville (near the Honda – Transportation Research Center area), many of which will require natural gas.

Staff finds that there is an additional demand for natural gas in the Marysville area and that construction of the Marysville Connector, particularly when connected with Columbia's Northern Columbus Loop system, would provide an additional supply of gas and benefit to the Marysville area. Staff finds that the Applicant has demonstrated the basis of the need for the gas pipeline.

Public Interaction

The Applicant caused public notice of the application to be published in the Marysville Journal Tribune on December 23, 2019. The Applicant sent a copy of the application to officials representing the City of Marysville, the Village of Plain City, Union County, and Jerome and Millcreek townships, as well as public libraries in Marysville and Plain City. A copy of the application is also available at <https://www.columbiagasohio.com/our-company/about-us/regulatory-information>.

In December 2019, the Applicant mailed letters to affected and adjacent landowners advising them about the pipeline proposal and how to engage in the Ohio Power Siting Board (OPSB or Board) process. If the project is approved by the Board, the Applicant plans to create and maintain a website with information about the project, make updates to social media during construction, and send postcards to affected residents.

The administrative law judge (ALJ) granted intervention in this case to the Ohio Gas Access Partnership (OGAP); the Logan, Madison, and Union county commissioners; and the Jerome and Millcreek township trustees. The ALJ denied the untimely filed petitions to intervene filed by the Delaware County Commissioners and Suburban Natural Gas Company. The Board received comments regarding the proposed pipeline from the OGAP, the Arno Renner Trust, the Building Industry Association of Central Ohio, the Union County Community Improvement Corporation and the Union County Chamber of Commerce, Union County - Marysville Economic Development, Memorial Health, the Logan County Chamber of Commerce, the Uptown Marysville Business Association, UCO Industries, Sumitomo Electric Wiring Systems, Champaign Economic Partnership, the Plain City Business Association, Midwest Express Inc.,

be accomplished via connection from the forthcoming gas pipeline project commonly known as Northern Columbus Loop – Phase VII that would be submitted to the Board for review in 2020 (see case number 20-1236-GA-BTX).

2. The Union County CIC is an economic development corporation as defined in R.C. 1724. According to its July 8, 2020 letter, the Union County CIC is the lead economic development organization for Union County. See <http://unioncounty.org/wp-content/uploads/2018/01/Union-County-CIC-Portfolio-2017.pdf>, accessed July 1, 2020.

3. The CIC filed this letter in two locations: (1) as a public comment in the docket; and (2) as an attachment to the July 8, 2020 Notice by Intervenor.

Autotool Inc., and Legacy Pipeline Services. OGAP subsequently notified the Board that it was withdrawing its comments.

Nature of Impacts

Land use

The surrounding land use is primarily agricultural with some residential and industrial land uses. No churches or schools were identified in the vicinity of the project. The nearest structure is a residence located approximately 100 feet from the centerline. Three agricultural district parcels are located within the project area. The Applicant has coordinated with the Union County Auditor and determined that the project would not affect the status of the agricultural district parcels. The project also crosses a parcel protected by an agriculture easement with the Ohio Department of Agriculture (ODA). The easement held by ODA states that it does not preclude installation over or under the protected property for the purpose of providing gas.⁴ Farming activities would be able to resume within the pipeline easement following completion of construction.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resources and architectural investigation for the pipeline route. The investigation resulted in the identification of previously unrecorded archaeological sites, none of which were recommended as eligible for listing on the National Register of Historic Places (NRHP). Two structures in the project area were determined to be potentially eligible for the NRHP by the consultant. The consultant further determined that due to the nature and location of the pipeline, the project would not have an adverse effect on historic or NRHP potentially eligible properties. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this extension project would not affect historic properties, and that no additional cultural resources studies or OHPO coordination is needed unless the scope of the project changes, or additional archaeological remains are discovered during construction. Staff concurs with this assessment.

Surface Waters

The proposed centerline would cross four streams including one perennial stream, two intermittent streams, and one ephemeral stream. Impacts to the perennial stream would be avoided through the use of HDD. Impacts would occur within the ephemeral and intermittent streams as the Applicant proposes to install the pipeline using open cut methods in these areas. The proposed centerline would cross one Category 2 wetland. Impacts to streams and wetlands would be considered temporary and would be covered under the Army Corps of Engineers Nationwide 12 permit.

Because the Applicant proposes to use HDD to install the line, the Applicant has developed a frac-out plan, which Staff has reviewed. The plan outlines monitoring, containment measures, cleanup, and follow-up in the event of an inadvertent return. Erosion control measures including silt fencing would be used where appropriate to minimize runoff impacts to stream channels. The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit.

4. Union County Recorder, *Deed of Agricultural Easement Donation*, OR 509, PG 369 (2003).

The proposed pipeline route does not impact any mapped floodplain areas.

Threatened and Endangered Species

Some tree clearing would be required for this project. The project area 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 would be impacted by the project. In order to avoid impacts to the Indiana bat and northern long-eared bat, the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service recommend seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter. The Applicant has committed to following these seasonal tree clearing guidelines. The proposed project is expected not to impact any bat hibernacula.

Impacts to other state and federally listed species are not anticipated, due to no proposed in-water work in perennial stream and a lack of suitable habitats.

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 approval of this application subject to the following conditions. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Conditions:

- 1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- 2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket within seven days of issuance or receipt by the Applicant.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 19-2148-GA-BLN

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