

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Expedited Construction Notice)
Application of Harrison Power, LLC for the Harrison) **Case No. 21-0867-GA-BNR**
Pipeline Second Amendment Project)

Members of the Board:

Chair, 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 September 14, 2021, 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 September 14, 2021, which is the recommended automatic approval date.

Please present any concerns you or your designee may have with this case to my office.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case No.: 21-0867-GA-BNR
Project Name: Harrison Pipeline Second Amendment Project
Project Location: Harrison County
Applicant: Harrison Power, LLC
Application Filing Date: August 23, 2021
Filing Type: Expedited Construction Notice
Inspection Date: September 7, 2021
Report Date: September 7, 2021
Recommended Automatic Approval Date: September 14, 2021
Applicant's Waiver Requests: none
Staff Assigned: A. Holderbaum

Summary of Staff Recommendations (see discussion below):

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

Application Review

Project Description

Harrison Power, LLC (Applicant) proposes to construct approximately 0.95 miles of 16-inch diameter fusion bonded epoxy coated steel pipeline in order to provide natural gas service to the proposed Harrison Power Plant in Harrison County. The pipeline would have a maximum allowable operating pressure of 1,440 pounds per square inch gauge (PSIG). This project modifies a prior application for a 12-inch diameter pipeline that was approved by the Ohio Power Siting Board (OPSB) on April 20, 2018 in Case No. 18-0073-GA-BLN and replaces the previously approved 16-inch diameter pipeline project that amended the original case in Case No. 19-0852-GA-BLN, which was approved by the OPSB on May 20, 2019.

This project further refines the engineering and pipeline routing that was proposed in the first Amendment (Case No. 19-0852-GA-BLN). The Applicant would primarily utilize open cut trench construction methods, but will utilize conventional or directional boring methods at road crossings and in environmentally-sensitive areas. The Applicant proposes to begin construction in the fourth quarter of 2021 and complete construction by the third quarter of 2022. The Applicant estimates the total cost of the currently proposed project at approximately \$8 to \$10 million.

Site Description

The proposed pipeline would begin at the proposed Harrison Power Plant located just east of Industrial Park Road in the Village of Cadiz Industrial Park, Harrison County. The proposed

pipeline would extend west approximately 0.95 miles to the south side of the MarkWest Cadiz Plant where it would connect to the MarkWest Cadiz Plant and Ohio River System gathering system within the Energy Transfer Partners interconnection yard. The surrounding land use along the pipeline route is a mix of rural and industrial property. The proposed pipeline would cross three residential properties. The Applicant states they have either acquired easements on these properties or is in the process of acquiring the easements. All easements would be acquired prior to construction.

Basis of Need

The purpose of the pipeline is to supply gas to the Harrison Power Plant, which received its OPSB certificate on June 21, 2018 in Case No. 17-1189-EL-BGN. In this Application, Harrison Power, LLC proposes to maintain the diameter of the previously approved pipeline at 16 inches, but proposes minor routing modifications of the pipeline.

The proposed pipeline would be a 16-inch steel pipeline with a designed maximum allowable working pressure of 1,440 pounds per square inch. The Applicant stated that the estimated capital cost of the project is in the range of \$8 to \$10 million, which is the same cost range of the 12-inch diameter pipeline approved in Case No. 18-0073-GA-BLN on April 20, 2018.

Staff believes that the Applicant has shown the need for a pipeline to serve the Harrison Power Plant. However, the Applicant has not necessarily established that there will be demand greater than the fuel requirements of the proposed Harrison Power Plant. The primary negative consequence of installing a pipeline of greater capacity than necessary would be that additional cost would be associated with the additional size increment. Such cost ramifications ultimately could have impacts on gas customer rates. Nothing in this report should be construed as Staff's approval of cost recovery in any future rate proceedings.

Nature of Impacts

Socioeconomic Impacts

The proposed pipeline would cross Industrial Park Road. The Applicant proposes to bore underneath the road. The Applicant stated that it will submit construction plans to the Village of Cadiz for the appropriate road crossing permit.

The Applicant sent notification about the project to area public officials and affected property owners. Existing public roadways, private roadways, and the proposed right-of-way would provide the required equipment access during construction. The Applicant stated that it will ensure that all property owners and tenants have access to their residences and/or property during construction.

Cultural Resources

The Applicant completed a cultural resources literature review for the area of potential effects for the project. No previously recorded cultural resources were identified adjacent to or within the project area.

Surface Waters

The project area contains one Category 2 wetland, one Category 1 wetland, and one ephemeral stream. The Category 2 wetland would be avoided during construction. The Category 1 wetland

and the ephemeral stream would be crossed via traditional jack and bore. All surface water resources would be avoided. No impacts to these resources are anticipated.

The project would impact greater than one acre of land and would require an Ohio Environmental Protection Agency General Permit OHC000004. The project would not cross a 100-year floodplain and no floodplain permit would be required.

Threatened and Endangered Species

Tree clearing would be required for this project. The project area is within the range of state and federally endangered Indiana bat (*Myotis sodalis*), the federally threatened northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). 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 these listed bat species, the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are three inches or greater in diameter. The Applicant has committed to following these seasonal tree clearing guidelines. During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The proposed project is not expected to impact any bat hibernacula.

The project lies within the range of the state endangered northern harrier (*Circus hudsonis*), and the state endangered upland sandpiper (*Bartramia longicauda*). Potential suitable habitat for these species may exist within the project area. Staff recommends that construction be avoided in these species' potential habitat during the species' nesting periods of May 15 through August 1 for the northern harrier, and April 15 through July 31 for the upland sandpiper, unless coordination with the ODNR allows a different course of action.

Recommended Findings

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 on September 14, 2021 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) 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, to Staff within seven days of issuance or receipt by the Applicant.
- (2) The Applicant shall maintain traffic along Industrial Park Road and shall maintain access for adjacent land uses during construction.
- (3) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service allows a different course of action.

- (4) Construction in northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of May 15 through August 1, unless coordination with the ODNR allows a different course of action. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (5) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.

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Case No(s). 21-0867-GA-BNR

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