

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application        )**  
**of Dominion Energy Ohio, Inc. for PIR 2647 37th &        )** **Case No. 21-0874-GA-BLN**  
**Cleveland Replacement 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 4906-6.

Staff recommends the application for automatic approval September 24, 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 24, 2021, which is the recommended automatic approval date.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 21-0874-GA-BLN  
**Project Name:** PIR 2647 37th & Cleveland Replacement Project  
**Project Location:** Stark County  
**Applicant:** Dominion Energy Ohio  
**Application Filing Date:** August 24, 2021  
**Filing Type:** Expedited Letter of Notification  
**Report Date:** September 17, 2021  
**Recommended Automatic Approval Date:** September 24, 2021  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** G. Zeto, E. Morrison, T. November

### Summary of Staff Recommendations (see discussion below):

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

### Project Description

Dominion Energy Ohio (Applicant) proposes to replace and relocate approximately 5,320 feet of existing 6-inch and 8-inch diameter pipeline with 12-inch fusion bond epoxy and powercrete epoxy coated steel. Approximately 2,722 feet would be relocated from the existing easement to a new easement. The existing pipe will be abandoned in place. The new pipeline would be installed using a combination of open trench and horizontal directional drilling methods and would operate at a maximum allowable operating pressure of 160 pounds per square inch gauge.

This project would be located entirely within the Applicant's existing easements and public road right-of-way. The Applicant proposes to begin construction in Fall 2021 and place the facility in service by December 2021. The Applicant estimates the total cost of the project to be approximately \$1,240,600.

### Basis of Need

The proposed project is needed to enhance the Applicant's CH2 system for multiple reasons: reliability, safety, ease of access, future growth, and pipe size continuity.

The current section of pipe is 6-inch and 8-inch diameter 1940's vintage bare steel with no cathodic protection, though it is connected to more modern facilities on each end. The current pipe is located within a narrow easement with multiple encroachments (i.e., buildings and other obstructions) complicating access to the facility. The pipeline is also exposed in a stream crossing making it vulnerable to damage. Furthermore, the diameter of the pipeline presents a significant issue in

operating the CH2 system. A large pressure drop occurs on the system during peak day usage. This prevents future growth downstream of the project as well as potential operational issues.

Staff finds that the proposed project would mitigate these issues by installing modern pipeline materials, cathodically protecting the facility, negotiating a wider, unobstructed right-of-way, increasing the pipeline diameter to accommodate more volume for delivery, and placing the facility at a safe depth.

## **Nature of Impacts**

### *Socioeconomic Impacts*

This project would be located entirely within the Applicant's existing easements and public road right-of-way. The land use within the project vicinity is residential and commercial. Approximately 2,722 feet of replacement pipeline would be relocated from existing easements to the public road right-of-way in order to minimize the impact of construction to businesses and residents. The project may require the relocation, at the Applicant's expense, of sheds which have encroached on the existing right-of-way. No other structures would be impacted.

### *Agricultural Land*

The proposed project is not located within or adjacent to any agricultural land. Therefore, construction and operation of the gas line is not expected to impact agricultural district land or agricultural production.

### *Cultural Resources*

This project is entirely contained within existing easements and road right-of-way. The Applicant does not expect to affect any cultural resources with this project, as the project would be located underground and in previously disturbed land for prior infrastructure development. Staff concurs with this assessment.

### *Surface Waters*

Dominion Energy's consultant identified three wetlands, two Modified Category 2 wetlands (W-1 and W-2), and one Category 2 wetland (W-3) totaling 0.485 acres within the project area.<sup>1</sup> One intermittent stream (S-1) totaling 74 linear feet within the project area was also delineated. Open cut crossings would occur from pipeline installation through W-2, W-3, and S-1. In total approximately 0.406 acres of temporary wetland impacts would occur and approximately 70 linear feet of temporary stream impacts would occur from project construction.

Direct impacts would be covered under the U.S. Army Corps of Engineers Clean Water Act Section 404 Nationwide permit. A notice of Intent was filed and granted by the Ohio Environmental Protection Agency for coverage under a General Permit OHC000005 and a Stormwater Pollution Prevention Plan was provided as part of the application. The project would terminate within the Federal Emergency Management Agency 100-year floodplain of Nimishillen Creek. Floodplain permitting was obtained through the Stark County Building Inspection Department for the project.

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<sup>1</sup> Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

### *Threatened and Endangered Species*

Consultation with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service did not identify any concerns regarding impacts to listed plant or animal species due to a lack of suitable habitat within the project area. Impacts to state and federally listed mussel and fish species would not occur due to a lack of suitable habitat. Impacts to state and federally listed bat species would not occur as tree clearing is not anticipated for the project. 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.

### **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 prior to commencement of construction.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/17/2021 9:19:23 AM**

**in**

**Case No(s). 21-0874-GA-BLN**

Summary: Staff Report of Investigation electronically filed by BreAnna J. Freeman on behalf of Staff of OPSB