

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
Ohio Power Company, Inc. for the Canton Central) Case No. 22-0563-EL-BNR
Station Expansion and Line Adjustment Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	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 on October 4, 2022 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 October 4, 2022 which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case No.: 22-0563-EL-BNR
Project Name: Canton Central Station Expansion and Line Adjustment
Project Location: Stark County
Applicant: Ohio Power Company, Inc.
Application Filing Date: July 5, 2022
Filing Type: Construction Notice
Inspection Date: August 10, 2022
Report Date: September 27, 2022
Recommended Automatic Approval Date: October 4, 2022
Applicant's Waiver Requests: None
Staff Assigned: J. Patmon, M. Bellamy, T. Crawford

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

Ohio Power Company, Inc. (Applicant) proposes to expand the existing five-acre Canton Central Station by less than 0.01 acre for construction of a new perimeter fence and inner fence system. The project would also replace one wood structure on the Canton Central-Bluebell 138 kilovolt (kV) transmission line with a steel monopole, and one wood structure on the Canton Central-Cloverdale 138 kV line with a steel monopole. One new steel monopole would also be added to the Canton Central-Wagenhals 138 kV line. The project would also replace two lattice towers outside the north boundary of the station with steel monopoles along the Canton Central-Timken 138 kV transmission line and adjust the locations to provide better entry of the line into the Canton Central Station.

The Applicant claims the project is needed to allow it to add equipment and infrastructure to the Canton Central Station and bring the station up to current company and industry resiliency, operational performance, safety, and reliability standards.

Upgrades to the transmission system are part of the PJM Interconnection, LLC (PJM) Regional Transmission Planning Process (RTEP).¹ The Applicant claims the project would not be included in the PJM RTEP, as the project would not produce any change in the topology or modeling of the station. The Applicant also states that PJM has been notified of the project and has been

1. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

consulted regarding it, but the project will not be receiving a supplemental project ID or baseline project ID number.

The various aspects of the project were included in the Applicant's 2022 Long-term Forecast Report, PUCO Form FE-T8, Summary of Existing Substations on Transmission Lines, page 73, which may be accessed through the Public Utilities Commission of Ohio Docketing Information System website and entering 22-0501 in the 'Case Lookup.'² The Applicant proposes to begin construction in October 2022 with an in-service date of September 2023. The estimated capital cost for the project is \$10,000,000.³

Nature of Impacts

Land Use

This project would be in Canton Township, Stark County. The primary land use in the project area is developed high intensity industrial, deciduous forest, and wetlands. The project would not be sited on any Agricultural District Land parcels. Twelve residences are located within 1,000 feet of the project. No schools, parks, churches, cemeteries, or nature preserves occur within 1,000 feet of the project.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant identified no previously or newly identified archaeological sites within the project area. Thirty-one historic resources were identified within the area of potential effect, including five Ohio Historic Inventory resources, but the consultant recommended that the 31 resources are not eligible for listing in the National Register of Historic Places. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

Surface Waters⁴

The Applicant's consultant conducted a wetland and stream delineation of the project area in August 2021. Two category 2 wetland complexes and one category 1 wetland were identified,

2. <https://dis.puc.state.oh.us/> (Accessed July 6, 2022).

3. Applicant indicates that the projected costs, composed of applicable tangible and capital costs, were obtained using a Class 4 estimate. The costs will be recovered in the Applicant's FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-14), and would be assessed on all users of the AEP Zone.

4. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, About Us: Surface Water, <https://epa.ohio.gov/divisions-and-offices/surface-water/surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, Obtain a Permit, <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to

totaling 29.2820 acres.⁵ A proposed 2.0761 acres of wetlands would be impacted by temporary matting for construction access on the north and south sides of the substation. A proposed 0.0651 acre of wetlands would be permanently impacted by the construction of the new steel pole structures north and south of the substation and the widening of the pad on the north portion of the substation. Four existing transmission structures would be removed, and wetlands would be restored at those locations. Due to these wetland impacts, the Applicant plans to submit a Section 404 Individual Permit application to the U.S. Army Corps of Engineers Huntington District and an Ohio Environmental Protection Agency (Ohio EPA) Section 401 Water Quality Certification application.

Three perennial streams were identified, totaling 2,758 linear feet. No impacts are anticipated to these streams as no in-water work is proposed.

The Applicant would file a Notice of Intent with the Ohio EPA for authorization for discharges of stormwater associated with construction activity under National Pollutant Discharge Elimination System General Permit OHC000005.

The Applicant would also submit a Storm Water Pollution Prevention Plan (SWPPP) for approval to Stark County. The Applicant would implement and maintain best management practices as outlined in the project specific SWPPP to minimize erosion and sediment to protect surface waters during storm events.

The existing and proposed structures on the south portion of the project area are within a Federal Emergency Management Agency (FEMA) 100-year floodplain. The Applicant plans to obtain a floodplain permit from Stark County for the construction of these structures.

Threatened and Endangered Species⁶

The Applicant submitted coordination letters with both the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS). The responses indicated that the project area is within range of the Indiana bat (*Myotis sodalist*) and the northern long-eared bat (*Myotis septentrionalis*). To minimize potential impacts to these bat species, trees are recommended to be conserved wherever possible and necessary tree clearing is recommended to occur between October 1 and March 31. The Applicant has committed to this seasonal restriction for the proposed

the state's water resources.” (ODNR, Division of Water Resources, <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

5. 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.

6. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99; 1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: “In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533 of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals.” One of the missions of the ODNR is to “conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans.” In carrying out this mission, the ODNR considers the “status of native wildlife species [to be] very important” and therefore lists wildlife species needing protection. (ODNR, State Listed Species, <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

0.3 acre of tree clearing. During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The Applicant conducted a desktop habitat assessment to determine if potential hibernacula are present within the project area. No potential hibernacula were found within the project area.

The project is also in range of the state endangered long-solid (*Fusconaia maculata*), Iowa darter (*Etheostoma exile*), and northern harrier (*Circus hudsonis*), and the state threatened spotted turtle (*Clemmys guttata*). Due to no proposed in-water work and lack of suitable habitat, no impacts are anticipated to these species.

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 application on October 4, 2022 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. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- (3) 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.
- (4) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allow a different course of action.
- (5) Staff recommends the Applicant install highly visible fencing between the project's area of disturbance and adjacent wetlands prior to construction in order to prevent construction vehicles from inadvertently entering the wetland area.
- (6) Prior to commencement of construction within floodplain areas, the Applicant shall obtain any floodplain permits required for construction of this project. The Applicant shall provide a copy of such permits and supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, 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**

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Case No(s). 22-0563-EL-BNR

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