

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application** )  
**by AMP Transmission, LLC for the Amherst 2<sup>nd</sup> Source** ) **Case No. 22-0956-EL-BLN**  
**Reinforcement 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. 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 January 23, 2023, 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 objections you or your designee may have with this case to my office at least four business days prior to January 23, 2023, which is the recommended automatic approval date.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 22-0956-EL-BLN  
**Project Name:** Amherst 2<sup>nd</sup> Source Reinforcement Project  
**Project Location:** Lorain County  
**Applicant:** AMP Transmission, LLC  
**Application Filing Date:** November 22, 2022  
**Filing Type:** Letter of Notification  
**Inspection Date:** December 21, 2022  
**Report Date:** January 13, 2023  
**Recommended Automatic Approval Date:** January 23, 2023  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** J. O'Dell, J. Cross, A. Conway, and A. Renick

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

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

### Project Description and Need

AMP Transmission, LLC (Applicant or AMPT) proposes to tap American Transmission Systems, Inc.'s (ATSI's) existing Beaver-Black River 138 kilovolt (kV) line and construct a new 138 kV double-circuit line segment. The new line would be approximately 0.4 miles in length, supported on steel monopole structures that are mounted onto concrete foundations. The project would create a Beaver-Woodings 138 kV line and a Black River-Woodings 138 kV line.

AMPT also proposes to expand the existing Amherst #2 69/12 kV substation to accommodate a new 138 kV switchyard. The Applicant intends to install one 138/69 kV transformer, and three 138 kV circuit breakers (arranged in a ring bus configuration). The expanded substation (1.29 acres in total) would be renamed the Woodings Substation.

The project would enhance efficiency, reliability, and operational flexibility by providing an additional 138 kV source to the City of Amherst. Amherst's six thousand customers (utilizing approximately 28 megawatts of load) and the Nordson industrial facility are currently supplied by a single radial tap from ATSI's Henrietta-Johnson 69 kV transmission line. Any interruption or fault of the transmission line between Nordson and the ATSI Amherst tap would result in loss of service for the entire city of Amherst and the Nordson industrial facility. The project would allow for sectionalizing during future maintenance and outages, enabling Amherst and the Nordson facility to remain in-service.

This project's need and solution were presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the 'Subregional RTEP Committee – Western' on November 19, 2021, and February 18, 2022.<sup>1,2</sup> Transmission owners plan supplemental projects in accordance with PJM's Open Access Transmission Tariff, Attachment M-3 process. The project was issued supplemental PJM upgrade ID s2671, whereby the project status can be tracked on PJM's website.<sup>3</sup> The project was included in the Applicant's 2022 Long Term Forecast Report (LTFR) to the Public Utilities Commission of Ohio as baseline project b3153. Baseline project b3153 was subsequently canceled and changed to a supplemental project after the 2022 LTFR was filed.<sup>4</sup>

### *Schedule and Cost*

The Applicant expects construction of the project to begin in March of 2023, with an in-service date planned for December of 2023. The capital costs of the project is approximately \$14,000,000.<sup>5</sup>

### **Nature of Impacts**

#### *Land Use*

The project is in the City of Amherst, Lorain County, Ohio. The surrounding land use consists of industrial, commercial, railroad and low density suburban residential uses. Agricultural land is not present.

#### *Cultural Resources*

The Applicant conducted a cultural resource survey to ascertain potential impacts to historic properties and archaeological sites. The survey determined that adverse impacts to historic properties and archaeological sites are not expected. Staff has examined and concurs with the survey results.

#### *Prior Land Use, Historical Fruit Orchard*

The Applicant performed a phase 1 environmental site assessment (ESA) of the project area to identify potential environmental hazards and liability.<sup>6</sup> The Applicant found that the eastern

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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.

2. PJM Interconnection, "Subregional RTEP Committee - Western," November 19, 2021, AMPT Supplemental Projects, Need No. (AMPT-2021-005), <https://pjm.com/committees-and-groups/committees/srtepw> (Accessed December 16, 2022).

PJM Interconnection, "Subregional RTEP Committee - Western," February 18, 2022, AMPT Supplemental Projects, Need No. (AMPT-2021-005), <https://pjm.com/committees-and-groups/committees/srtepw> (Accessed December 16, 2022)

3. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed December 16, 2022).

4. AMP Transmission, LLC, "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Case No. 22-0362-EL-FOR, April 12, 2022.

5. Applicant indicates that, \$14,000,000, would be included in the Applicant's formula rate (Attachment H-32A to the PJM Open Access Transmission Tariff) and would be assessed on all transmission customers within the ATSI Transmission zone.

6. Environmental Site Assessments are performed prior to purchase or development of a property to identify environmental conditions of the site. These site assessments occur in progressive three phases. The first phase is typically research to identify environmental concerns. The second phase conducted to respond to issues identified in the phase 1 report and often includes limited soil and water sampling. The third phase implements a plan to remediate environmental concerns.

portion of the project area was historically used as a fruit orchard up until the 1980s. It was common practice in that era to use heavy metal containing pesticides at fruit orchards. If those pesticides were used in the former orchard, elevated concentrations of metals could be present in soils and require off-site disposal or construction worker health and safety limits. Because of that historical activity, the Applicant proceeded to phase 2 of the ESA, during which the Applicant collected and analyzed soil samples to determine if elevated metals concentrations were present within the area of the former orchard.

The Applicant concluded that elevated concentrations of metals were not identified in any soil samples. The soil sample results from the ESA were below standards outlined in Ohio EPA's Voluntary Action Program for "Construction Activities" and "Commercial or Industrial Land Use".<sup>7</sup> Based on that assessment, special construction worker health and safety measures to prevent exposure to metals are not necessary. Additionally, the ESA also concluded that the concentrations of metals were low enough that the soil would not be classified as hazardous waste if construction requirements necessitated off-site soil disposal. Staff recommends adherence to the Applicant's plan to deal with potentially contaminated, discolored, or stained soils if discovered during construction activities.

## **Ecological Impacts**

### *Surface Waters*<sup>8</sup>

The Applicant's consultant conducted a stream and wetland delineation of the project area on May 11, 2021. The consultant identified two Category 1 wetlands and one Modified Category 2 wetland totaling 0.27 acres.<sup>9</sup> The consultant also identified one intermittent stream. The Applicant is currently proposing up to 0.055 acres of temporary impacts across both wetlands by use of timber matting. The Applicant would obtain coverage under the U.S. Army Corps of Engineers Nationwide Permit 57 for these surface water impacts.

The Applicant would file a Notice of Intent with the Ohio EPA for authorization of construction storm water discharge under NPDES General Permit for Discharges of Storm Water Associated with Construction Activity OHC000005. The Applicant would implement and maintain best

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7. Ohio EPA Voluntary Action Program regulations Ohio Adm.Code 3745-300-08

8. 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; and samples 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://www.epa.ohio.gov/About#127147228-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 the state's water resources." (ODNR, Division of Water Resources, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

9. 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.

management practices as outlined in the project-specific SWPPP to minimize erosion and sediment to project surface waters during storm events. This project does not overlap with any FEMA 100-year floodplains.

### *Threatened and Endangered Species*<sup>10</sup>

The Applicant received an environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on June 10, 2021, and July 23, 2021, respectively. This project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), state endangered and federally threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). The Applicant is currently proposing to cut between 2.43 and 4.32 acres of trees, depending on route selection. The ODNR and USFWS recommend only cutting trees greater than three inches diameter at breast height between October 1 and March 31 to prevent potential impacts to roosting bat species. The Applicant has committed to this seasonal tree clearing restriction. No winter hibernacula were identified within or near the project area.

This project is within range of the round-leaved dogwood (*Cornus rugosa*), a state listed species of concern, and the rock harlequin (*Capnoides sempervirens*), a state listed endangered species. The ODNR recommended that a pre-construction survey for these species be performed to ensure that they will not be impacted. Neither of these species were identified during the pre-construction survey. Additionally, the pre-construction survey concluded that due to the extent and severity of land disturbance and abundance of invasive plant species, there is a low potential for these listed species to be present. The ODNR concurred with these findings. Thus, impacts to these species are not anticipated. This project is within range of several other listed species. Due to lack of suitable habitat, impacts to these species are not anticipated.

### **Conclusion**

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 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 January 23,

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10. 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/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>). In addition to endangered species, those species classified as "threatened" are considered during OPSB project planning and approval because these species are those "whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in it becoming endangered." Id.

2023, provided that the following conditions are satisfied. 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, state, or local 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 adhere to steps outlined in its data request response filed on December 8, 2022, that the Applicant would take if contaminated, stained, or discolored soils are encountered during the construction of the project.
- (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.
- (5) 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 at breast height, unless coordination efforts with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allow a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**1/13/2023 3:00:55 PM**

**in**

**Case No(s). 22-0956-EL-BLN**

Summary: Staff Report of Investigation electronically filed by Mr. James S. O'Dell  
on behalf of Staff of OPSB