

Re-Elect **MAYOR** **NEUGEBAUER**

GET THE REAL FACTS:

WAS THERE ANY WAY TO AVOID THIS FINAL DECISION?

No. No other legal strategies showed any likelihood of success. No federally approved pipeline project had ever, in the entire history of FERC, been stopped after receiving state (EPA) permits.

By the time we received advice to seek a settlement, Nexus had receive all the federal (FERC) and state (EPA) approvals and permits needed to construct the pipeline on their preferred alignment.

WHY DIDN'T THE CITY REQUEST A REHEARING OF THE FERC APPROVAL (CERTIFICATE)?

We knew that every rehearing request in the history of FERC had been tolled.

On July 25, 2018, FERC did rule on the requests for a re-hearing, but simply denied the requests.

In the end, we were correct, no other legal strategies could have, or would have, delayed or stopped the project once it received its federal and state approvals.

WHAT STEPS DID YOU TAKE BEFORE THE NEGOTIATION?

Shortly before FERC granted the certificate to Nexus, the City of Green's legal counsel, environmental consultants, law director and mayor traveled to Columbus to meet with Craig Butler, then director of the Ohio EPA.

We asked the Ohio EPA to refuse granting the 401 permit, or at least delaying the approval for 12 months to stop the project. The Ohio EPA granted the permit just 26 days after FERC approval.

Within 7 days of the Ohio EPA approval, the City of Green sued the Ohio EPA for not following their own requirements in approving the Nexus 401 Permit.

In November, a Federal Appeals court ruled that Nexus could not proceed with construction of the pipeline in the City of Green, but they were allowed to start construction on the pipeline in Lake Township to the east and New Franklin to our west.

We also appealed the Federal Court's decision to grant our easements to Nexus. However, in case after case, the courts never wavered in their decision to grant Nexus the easements they needed to construct the pipeline.

WHY DID THE CITY SUE THE OHIO EPA?

We know that in the history of FERC, only one project had ever been stopped. It was stopped because the State of New York refused to grant the 401 wetland permit that is required before construction of the pipeline could begin.

Our legal team reviewed all the environmental documentation and petitioned the State of Ohio to withhold or delay the 401 permit based on 25 deficiencies or inconsistencies that we found in the Nexus environmental documentation.

We sued the State of Ohio EPA because the Nexus environmental documentation did not meet our state requirements.

However, Nexus was able to complete the environmental documentation after the federal courts granted them access to city property.

HOW MUCH DID NEXUS OFFER THE CITY OF GREEN FOR THE EASEMENTS ON CITY PROPERTY?

In December of 2016, the city was offered \$177,500 for approximately two acres of easements in Ariss Park and for several road crossings.

For over a year, that offer was never discussed. Our position was that if a proposal did not include the relocation of the pipeline outside the City of Green, there was no point in having a discussion.

On January 16, just 15 days before the settlement was reached, Nexus offered \$1.5 million for the easements, with no other considerations.

WHAT DID YOU HOPE WOULD HAPPEN?

Our hope was that we would be able to delay the project long enough to force Nexus to re-route the pipeline out of our city or getting FERC to force Nexus to re-route the pipeline by demonstrating that our alternate route had less impacts, to both people and the environment.

However, once the federal government (FERC) rejected our alternate alignment proposal and approved the project alignment that Nexus wanted, the Ohio Environmental Protection Agency (EPA) gave the permits for construction, and the federal courts granted Nexus access to our easements. No realistic options, legal or otherwise, remained to stop construction.

The pipeline was effectively rubber-stamped at the state and federal level.

WHAT HAPPENED TO THE REMAINING PROPERTY OWNERS WHO REFUSED TO SETTLE?

In each and every case, the federal courts have rejected legal arguments to delay or stop construction of the pipeline.

Nexus was granted access to every easement they needed to construct the pipeline.

At some point, the courts will conduct hearings to determine the value of each of the easements, but long after the pipeline has been completed and put into service.

WHAT IMPORTANT ITEMS WERE THE CITY ABLE TO NEGOTIATE THROUGH A SETTLEMENT?

Nexus agreed to our Road Use Maintenance Agreement (RUMA), posting a \$5.0 million bond to repair roads that may be impacted by construction activities.

They also agreed to construct the pipeline deeper under our roads to minimize the risk of damage in the future.

Nexus agreed to abandon their construction yard on Greensburg Road.

Nexus agreed to allow environmental and pipeline construction inspectors to review the construction site, construction activities, and to review compliance with pipeline construction requirements.

Nexus agreed to meet with the city weekly through the construction process to address all aspects of the project. This included discussing resident concerns and issues raised by our inspectors. They also provided weekly schedules of work activities so the city could communicate any impacts to our residents.

Nexus obtained their easements from the city, but provided a \$25 million insurance policy on all city property if a pipeline accident would ever occur.

Nexus gave the City of Green 20 acres of land adjacent to Boettler and Southgate parks that we requested to allow the city to build walking and bicycle trails from residential neighborhoods on Thursby Road and Koons Road into the two parks.

Nexus gave the City of Green \$7.5 million without stipulations

WHAT WILL THE \$7.5 MILLION BE USED FOR?

The city has spent portions of the settlement fund on reviewing construction of the pipeline, having pipeline safety meetings, and providing safety training and equipment for our firefighters.

Some funds were spent to rebuild a baseball field at the former Kleckner School site.

The city just recently allocated \$3.0 million from the settlement fund to build our new Fire Station #3.

We continue to have discussions in the community to determine how best to allocate the remaining \$4.2 million, but preliminary discussions have focused on using \$3.0 million to bring emergency services to the southwest corner of the city.

HOW DID YOU DECIDE WHAT THE \$7.5 MILLION WOULD BE USED FOR?

Green City Council restricted the use of the Pipeline Settlement Fund to provide safety for our community, although no specific uses were established by the legislation.

Our city administration has requested the use of the settlement funds for several purposes, including pipeline construction monitoring, safety training and equipment, rebuilding a baseball field, and building Fire Station #3.

City Council has approved each of these requests through individual pieces of legislation.

We will continue to assess the community safety needs and listen to our residents to determine the best use for the remaining \$4.2 million in the settlement fund.