Environmental Action Center

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May 3, 2019

Terry J. Romine
Executive Secretary
Maryland Public Service Commission
6 St. Paul Street, 16th Floor
Baltimore Maryland 21202

Re: Public Comments of Intervening Environmental Groups in **Case No. 9482** The Matter Of The Application Of CP Crane LLC For A Certificate Of Public Convenience And Necessity Authorizing The Modification Of The Charles P. Crane Generating Station In Baltimore County, Maryland

Dear Mr. Romine:

On behalf of the Gunpowder Riverkeeper, Bluewater Baltimore, and the Essex Middle River Civic Council (collectively "Intervenors") I hereby submit this public comment letter to the Maryland Public Service Commission ("PSC") regarding PSC Case No. 9482 referenced above.

Blue Water Baltimore is non-profit organization dedicated to limiting water pollution and restoring the quality of Baltimore's rivers, streams, and the Baltimore Harbor, and represents over 800 members, many of whom live, work, and recreate in the Patapsco River watershed. The Gunpowder RIVERKEEPER® is an advocacy-based membership 501(c)(3) nonprofit organization that works with local communities for the purpose of protecting, conserving, and restoring the Gunpowder River and its watersheds. Gunpowder Riverkeeper has commented on water discharge permits at the Crane Station since 2011. The Essex-Middle River Civic Council is an umbrella organization of some 20 community associations and civic organizations that has been in existence since 1960. The Council works for the betterment of the Essex and Middle River areas and focuses on issues of area-wide and multi-community significance.

The Intervenors are concerned that the Charles P. Crane Generating Station ("Applicant") has not provided the PSC and supporting agencies (collectively the "PSC") with sufficient environmental information to review and make a measured, informed and defensible determination that the Certificate of Public Convenience and Necessity ("CPCN") Application is in the public interest. As required by Maryland State law, the applicant has not shown by clear and satisfactory evidence that granting the CPCN Application is required by or consistent with the public interest.[1] For these reasons, the public has not been provided with a legally sound opportunity to participate in this proceeding. Specific comments below highlight deficiencies in these areas that have occurred throughout the proceeding.

[1] Md. Public Utilities Code. § 3-112(a).

1. **<u>The CPCN Application Does Not Demonstrate Compliance with Applicable Environmental Restrictions:</u>**

COMAR 20.79.03.02 requires that an applicant for a CPCN demonstrate that their application complies with applicable environmental restrictions. The CPCN Application and its supporting materials (the "Application") in its current form, is merely predicated upon future compliance, and fails to meet this standard. Much of the Application is conditioned on future approvals of additional permits and licenses and does not demonstrate compliance with "applicable environmental restrictions" simply by stating that other permits will be obtained and complied with at a later date. The Applicant has not provided sufficient placeholder information, permit applications and/or plans for compliance with the other permits and approvals needed to construct and operate this project. It is therefore impossible for the PSC to make its determination that the Application demonstrates compliance with applicable environmental restrictions and is in the public interest.

2. **<u>The Application Does Not Comply With Minimum CPCN Application Filing Requirements of Maryland State Regulations:</u>**

COMAR 20.79.01.04 states that a CPCN Application shall include:

> **"**A list of each local, state, or federal government agency having authority to approve or disapprove the construction or operation of the project and containing a statement:
> **(1)** Indicating whether the necessary approval from each agency has been obtained, with a copy of each approval or disapproval attached,
> **(2)** If necessary, approval has not been obtained, the reason why, and
> **(3)** Indicating whether any waiver or variance has been granted or requested with a copy of each attached;"[2]

The Applicant submitted an Environmental Review Document ("ERD") as part of their Application. The ERD at page 1-6 Table 1.3-1 lists the permit/approvals "required for the CP Crane CT Repowering Project. This list is incomplete, to the best of Intervenors' knowledge. The following permits are also required and not listed on ERD Table 1.3-1: Individual State Discharge Permit/NPDES Permit MD0001511; General State Discharge Permit for Construction Stormwater Discharges[3]; State Permit to Operate[4]; State Part 70 (Title V Operating Permit)[5]; Baltimore County Industrial Wastewater Discharge Permit[6]; Notice of Exemption from Maryland Department of Environment ("MDE") water supply program[7]. Additionally, Table 1.3-1 and the Application do not contain a "copy of each approval" or a statement indicating why listed approvals have not been obtained. On February 19, 2019, the Intervenors requested Applicant update Table 1.3-1 to include all required permits, as well as provide statements in the ERD explaining why each approval had

[2] COMAR 20.79.01.04.E. (2019)
[3] COMAR 26.08.04.09.A.
[4] COMARE 16.11.02.14.
[5] COMAR 26.11.03.02
[6] https://www.baltimorecountymd.gov/Agencies/publicworks/faq/iwwpermitfaq.html Accessed 4/2/2019.
[7] PPRP Draft Licensing Conditions Part VI.C-1.

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not yet been obtained.[8] The Applicant did not update the ERD, instead confining their updates to a Data Request response that is not published in the public PSC docket.

The Application does not comply with COMAR 20.79.01.04 and is therefore incomplete. The PSC cannot make a determination on an incomplete application. Furthermore, the Applicant has not demonstrated by clear and satisfactory evidence that granting the CPCN will be in the public interest and the Applicant has hindered pubic participation in this proceeding by failing to provide reasonable updates to the ERD.

3. **The Record Lacks Compliance Information:**

Based on the Record, neither the PSC nor the public were provided any information regarding the Applicant's previous noncompliance with Clean Air Act ("CAA"), Clean Water Act ("CWA") and related State law provisions. The facility was issued five notices of violation ("NOV") from June 2016 to January 2018.[9] The record is devoid of any mention of these NOVs and the Facility's compliance history for both the CAA and Clean Water Act. Furthermore, the Record does not contain a copy of, or any information regarding the June 2018 Settlement Agreement between MDE and the Applicant.[10] Nor is there any document in the Record explaining the significance of that Settlement as the reason the Applicant ceased coal burning operations.

The public has a right to know the compliance history of an Applicant seeking to modify and continue operations in their community. The Record for this proceeding lacks highly relevant compliance history information that was not presented to the PSC or the public, hindering meaningful public participation, due process and the PSC's decision making.

4. **The Record Lacks Information and Documentation of Relevant PJM Studies and Analyses of Market Need for this Repowering Project:**

On page 3-28 of the Environmental Review Document ("ERD") it lists a feasibility study, a system impact study and other studies that are "central to the process" of determining whether the project meets PJM stability and reliability requirements. These studies are not part of the ERD or anywhere in the Record. The Application is therefore missing critical information and the PSC cannot make its determination without first reviewing this information. Furthermore, the Public's ability to adequately comment on this project is hindered by the lack of these studies and analyses within the record.

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[8] See Environmental Groups DR-2

[9] EPA ECHO Detailed Facility Report for CP Crane NPDES #MD0001511; CAA Source ID MD MD0000002400500079, https://echo.epa.gov/detailed-facility-report?fid=110000339713. Accessed 4/2/2019.

[10] In June 2018, MDE executed a settlement agreement with CP Crane to resolve alleged air pollution violations at the plant. The alleged violations included failing to conduct stack testing as required and exceeding emissions limits for particulate matter, hydrogen chloride and carbon monoxide. The settlement agreement included a requirement that Crane stop operating its two coal-fired units by June 15, 2018, as well as a $105,000 penalty assessment. C.P. Crane, LLC ICIS-AIR #MD00000024005000079 Settlement Agreement Signed May 23, 2018

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Additionally, the ERD and Record as a whole do not contain an analysis that demonstrates there is a market need for the repowering project. The ERD instead states that Middle River Power conducted their own market analysis and "determined additional generation was needed".[11] This market analysis was not provided in the Record or discussed further in the ERD. The Applicant instead makes a general statement that "the proposed modification allows Crane to continue to support electrical system stability and reliability."[12] Furthermore, the Applicant fails to explain how there is in fact a market need served by the project when it has not provided energy to the grid since the May 2018 and documents show that CP Crane was not able to sell its capacity for the 2018/2019 and 2020/2021 delivery years.[13] CP Crane had already determined at least six months prior to shutting down operations in June 2018 that they had no market for their energy production. Yet, despite this and justified by self-serving studies and statements, CP Crane applied for the CPCN for this repowering project. The Record lacks any market analysis of the actual need and necessity of this project, the PSC cannot make its determination that this project is in the public interest without first being provided with and reviewing this information.

5. **<u>The Record Lacks Current and Sufficient Information Regarding Onsite Hydrocarbon Remediation:</u>**

The Application and the Record fail to include updated and current hydrocarbon remediation information. The Maryland Department of Natural Resources Power Plant Research Program("PPRP") Project Assessment Report ("PAR") states that hydrocarbon remediation is ongoing but fails to include current information as to the status of that remediation after 2015.[14] Additionally, the Record contains no plan for how the Applicant, PPRP and MDE will manage the simultaneous construction dewatering and hydrocarbon remediation to avoid groundwater contamination and other impacts. Without current information and sufficient plans, the public cannot review and provide adequate public comment on these aspects of the project. Additionally, the PSC cannot determine whether the Application is in the public interest without current information and an adequate plan to avoid groundwater contamination.

The intervenors ask for clarification on the current (from 2015 to present) conditions of remediation efforts and impacts and ask that the PPRP evaluate this information and provide a plan for the proper simultaneous management of the construction dewatering and the hydrocarbon remediation to limit contamination and other negative impacts.

6. **<u>The Record and Application Lack Adequate Information Related to Decommissioning and Coal Ash Disposal:</u>**

The Record contains limited information regarding bottom ash and flyash disposal during decommissioning and historically at CP Crane. The public cannot provide adequate comment on the Application without sufficient information in the record regarding these topics. The ERD makes little mention, stating "bottom ash and flyash are disposed offsite" and nothing more.

[11] ERD Pg. 3-28.
[12] ERD Pg. 3-29.
[13] FERC Approval Letter to CP Crane Re: Limited Waiver Request. 162 FERC ¶ 61,016, FERC Docket No. ER18-344-00, January 12, 2018. https://www.ferc.gov/CalendarFiles/20180112124840-ER18-344-000.pdf
[14] PPRP Project Assessment Report ("PAR") pgs. 3-1 to 3-2.

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DNR's PAR, which serves as the state's review and evaluation of environmental impacts, contains no discussion of these topics either. Intervenors attempted to obtain information from the Applicant regarding coal ash disposal and the request was objected to as irrelevant.[15] The Applicant did provide some general information regarding these topics, but it was confined within the data requests and not part of the public docket for this case.

Intervenors maintain that this information is highly relevant to the environmental review of the project and to the determination of whether the operation is in the public interest. The failure to include this information in the Record also hinders public participation and obscures from the public one of the most serious aspects of coal energy generation and decommissioning operations. A recent report[16] produced by the Environmental Integrity Project found pervasive groundwater contamination of coal ash disposal sites throughout the country, including in Maryland.

The Record contains no evidence that DNR conducted any environmental review of impacts related to decommissioning and coal ash disposal. The PSC cannot make a determination that project is in the public interest without an analysis of the how coal ash is being handled and disposed of during decommissioning. To do otherwise ignores the seriousness of the problem and shifts responsibility away from the Applicant, the generator of the toxic waste.

A determination of Public Interest cannot be made without a review of the how the ash and other waste from the coal operations are disposed of and treated during decommissioning.

7. **The Record and Application Lack Information Related to the Applicant's Water Appropriation Permit:**

The Record indicates that the Applicant intends to maintain the surface water appropriation permit "pending future decisions regarding use of the remainder of the CP Crane Site".[17] The Record does not contain this permit nor is there any discussion of potential future uses for the remainder of the site and how the water appropriation permit will be utilized. If the Applicant wants to maintain this permit, they must demonstrate compliance with federal law related to water intake impacts and appropriation.[18] This lack of information and documentation hinders the public's participation in this proceeding. Furthermore, the PSC cannot make its determination without reviewing information related to water appropriation plans.

8. **The Record Lacks Adequate Information Related to Current and Proposed Stormwater Management:**

A recent update to the Virginia Institute of a Marine Science's *Chesapeake Bay Sea-Level Report Card* demonstrates that the Chesapeake Bay region is experiencing a higher rate of sea level rise

[15] CP Crane Response to Environmental Groups Date Request DR 1-4 Jan 2, 2019.
[16] *Coal's Poisonous Legacy Groundwater Contaminated by Coal Ash Across the U.S.* Environmental Integrity Project, March 4, 2019.
http://www.environmentalintegrity.org/news/first-comprehensive-national-study-of-coal-ash-pollution-finds-widespread-groundwater-contamination/
[17] Id at 5-23.
[18] See, 33 U.S.C. § 1326(b) and 40 C.F.R. 125.90 *et seq*.

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compared to the rest of the Atlantic Coast.[19] Also, increases in extreme precipitation events in the Northeast[20] are of particular concern for stormwater management. Increased sea level rise and extreme precipitation events causes flooding and stormwater runoff management issues.

The Record has no discussion of how these increases in extreme precipitation and sea level rise were planned for and considered in the stormwater management sections of the ERD and PAR. Stormwater management must be discussed and planned thoroughly at the onset of any project. The failure to consider these aspects is compounded by site's current lack of any stormwater treatment operations[21] and the Record's lack of clarity regarding whether discharges of process and stormwater are to surface waters, the municipal sanitary sewer system, or a wastewater treatment plant. The proper planning and management of flooding and stormwater runoff is of crucial importance at this site that will contain almost one million gallons of diesel fuel as well as other vulnerable infrastructure such as compressor station, pipelines, and combustion turbines. The Record does not demonstrate that these issues have been adequately reviewed. Therefore, the PSC has not been provided with sufficient information to make a determination that the project is in the public interest.

9. **<u>The Record Lacks Explanation of the Minimal Carbon Monoxide ("CO") Emission Reductions Projected from this Project</u>**

Revised Appendix C to the ERD Table 1-1 displays the projected reduction of CO emissions at 2.87 tons per year, this is only a 2.1% reduction in CO emissions, yet the repowering project operation will have less than 50% the generating capacity of the previous coal operation.[22] The reductions in emissions from all other pollutants listed on Table 1-1 are over 35% compared to the previous coal operation. The Record contains no explanation of why the reductions in CO are minimal and how this lack of reduction will impact local air pollution levels and human health. There is no explanation or discussion as to how peaker plants can often have higher emission rates than baseload plants because they operate at less than full capacity which leads to less efficient combustion and higher pollution emission rates. This lack of information hinders the public's ability to fully participate and provide robust public comments regarding this proceeding. Without further information, the PSC cannot determine whether the operation of the project and its minimal reductions in CO emissions are in the public interest.

The Intervenors ask for clarification: If the Facility is reducing output by more than 50% but not significantly reducing emissions of CO, a pollutant of concern, how can this serve the public interest? How will human health risks be reduced?

10. **<u>The Record Lacks Zoning Information:</u>**

The Record lacks adequate review of whether this project is consistent with the Baltimore County Comprehensive Plan and with State plans for preserving coastal rural land. The ERD contains no

[19] Virginia Institute of Marine Science Chesapeake Bay Sea-Level Report Card https://www.vims.edu/bayinfo/bay_slrc/index.php (Last accessed 4/10/2019)
[20] https://www.sciencedaily.com/releases/2018/07/180731164106.htm
[21] PAR pg. 5-24
[22] Previous operation 399MW capacity compared to Repowering project 149MW capacity.

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discussion of the project's compliance with relevant Baltimore County Zoning exceptions relevant to this site. This discussion and related information are confined to Applicant's responses to data requests that are not part of the public record for the case.[23] The Applicant had multiple opportunities to amend their ERD to include more information on this topic and they did not, therefore the Public's ability to participate in this proceeding has been hindered by the lack of publicly available information. Furthermore, there is no analysis in the Record of how the Crane's history of noncompliance with environmental laws and the decommissioning operations impact the special zoning exception the site was granted over 30 years ago, the exception did not contemplate these issues and therefore some further review must be conducted to determine applicability and compliance with zoning.

11. <u>The Record Lacks a Complete Analysis of Sound Pollution Impacts:</u>

As evidenced at the Public Comment Hearing held on April 1, 2019, many citizens who are neighbors with the site or live in the adjacent communities expressed serious concerns with the noise pollution coming from the Project once it is in operation. The reviews of noise impacts by the Applicant and by PPRP do not consider how noise travels with reduced attenuation over water. Additionally, the ambient monitoring is not representative of actual proposed plant operations and the Applicant's assertions that the operation of these turbines in other scenarios at other plants should not be used as a basis for asserting that the proposed operation at this site will meet state requirements. In short, there is no actual data that supports the Applicants assumptions. Noise pollution was likely the most common concern of those at the public hearing and as such PPRP and the Applicant must conduct testing to acquire real world data and analyze how the site's location as a peninsula surrounded by water on three sides will impacts sound pollution from the project's operation. The Record therefore does not contain adequate information and analysis of sound pollution and the PSC cannot make their determination with this information missing.

12. <u>The Record Lacks Climate Change Information:</u>

The Record is devoid of any discussion or analysis of climate change impacts and contains no evidence that the Applicant, the PSC or PPRP took climate change into consideration. Namely, the Record lacks the following:

- A discussion of how specific negative impacts of climate change that affect our region, such as sea level rise and increases in extreme precipitation events, will be problematic to the Facility and the repowering project;
- A discussion of how the repowering project may contribute to existing air pollution problems in Baltimore city and contribute to localized pollution hotspots.
- A discussion of climate change mitigation, adaption, and resilience measures that are applicable to this project.
- A discussion of any environmental justice and equity concerns related to potential for disproportionate impacts on low income populations and communities of color.

[23] See, Response of C.P. Crane to PPRP Date Request No.2 and Attachments 1 and 2. Response Date August 12, 2018.

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- Information regarding the projects impact on Maryland's Renewable Portfolio Standard goals and the state's continued participation in the Regional Greenhouse Gas Initiative("RGGI").
- Consideration of the increased frequency of extreme rain events in MD and how this affects stormwater management planning.
- Consideration for increases in sea level rise within the Chesapeake Bay.[24]
- An analysis of energy demand reduction strategies and this project's affect on those state policies and goals.
- A discussion of alternatives to this project as well as the feasibility of renewable energy projects for the site or in other areas that would support the peak load needed and proposed to be supplied by this project.

The Record does not contain even a cursory discussion of climate change impacts on the Facility, nor does it contain any discussion of how approving this project complies with Maryland's public stance as a climate leader and how entrenching Maryland further into fossil fuels may no longer be a decision that is in the public interest. This information and a review of it are pertinent to the determination of whether this project will be in the public interest. The PSC has not been provided with or reviewed this information and thus cannot make its required determination.

13. <u>The Public Service Commission Proceeding Hinders Public Participation:</u>

As discussed in the informal resolution agreement entered into between the U.S. Department of Transportation ("DOT") and the MD PSC and entered into between the U.S. Environmental Protection Agency ("EPA") and MDE and MD DNR[25], these Maryland state agencies have federally identified public notice and transparency problems. As such, the informal resolution agreement requires these state agencies to promulgate state regulations to address these identified deficiencies. Unfortunately, for the citizens involved in this proceeding these changes have not been implemented yet and this proceeding has a number of similar and novel public participation and transparency problems that are described below.

- The PSC requirement that a hard copy of any e-filed comment must also be timely submitted to the PSC or risk not being included in the Record places unnecessary steps on concerned individuals wishing to submit comments and reduces the level of public participation in PSC proceedings.
- The e-file electronic dropbox is not easy to use and requires that commenters register before they can submit a comment. While this requirement may be administratively important for the PSC, its practical implication is that the extra step(s) stop people from submitting comments and hinders public participation. The PSC should consider adapting its public comment e-file system to increase ease of use and ease of access.
- The written public comment period of April 1st - 4th is woefully inadequate and does not provide sufficient opportunity for public comment on the project. As evidenced by comments at the public comment hearing on 4/1/2019, multiple concerned residents

[24] See supra note 19.
[25] DOT-MD PSC & EPA-MDE and DNR Informal Resolution Agreement https://www.epa.gov/sites/production/files/2019-02/documents/2019-01-30_final_resolution_letter_and_agreement_to_md_recipients_-_case_28_29_and_30_r-16-r3.pdf

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testified that they learned about the project the week of 4/1/19. These individuals were only given three days from the public comment hearing date to generate a written comment from the thousands of pages of information in the Record for this case. The PSC must facilitate better opportunity for public comment in this case and in future proceedings.

- The PSC does not appear to have any established procedures for public hearings, public notice and comment periods, and public comment review and response procedures. This lack of clarity and structure reduces opportunity for members of the public to participate.
- As stated above, some property line neighbors to the Facility who commented at the public hearing on 4/1/19, indicated that they did not know of the repowering project and its impacts until just that day or very recently before that. It is unacceptable that those who live closest to the Facility were not timely and adequately notified. The PSC should consider requiring proximity based public notice in this and future proceedings and take necessary steps to eliminate instances like those that arose in this proceeding.
- While its terms are not yet effective, the PSC and Applicant failed to take into consideration the new public notice requirements mandated by the Informal Resolution Agreement between the PSC and DOT.[26]

Lastly, PPRP filed their proposed final recommended licensing recommendations on 4/15/2019, this is over two weeks prior to the close of the public comment period.[27] This indicates to the public that PPRP is not concerned with, and will not consider public comments in their determination as they have filed their final recommendations well in advance of the close of the comment period. Despite witnessing the robust public response at the public comment hearing, PPRP foreclosed themselves from consideration of public comments. This is not proper. It hinders public participation and due process and signals to the public that the state does not care about their concerns.

14. <u>The Application and Record Lack Adequate Information, Documentation, and Discussion of at least the Following Fourteen (14) Permits, Approvals, and Licenses the Applicant Must Obtain to Construct and Operate the Repowering Project:</u>

- State Discharge General Permit for Stormwater Associated with Construction Activity
- State Discharge General Permit for Stormwater Associated with Industrial Activity
- State Spill Prevention Control and Countermeasure Plan
- Baltimore County Building Permit
- Baltimore County Grading Permit
- Baltimore County Stormwater Management Permit
- Baltimore County sediment and erosion control plan for construction activity
- Baltimore County Chesapeake Bay Critical Area plan
- Baltimore County Industrial Wastewater Discharge Permit
- NPDES Individual Permit for wastewater discharges
- State Water Appropriation Permit
- State Permit to Operate

[26] https://www.epa.gov/sites/production/files/2019-02/documents/2019-01-30_final_resolution_letter_and_agreement_to_md_recipients_-_case_28_29_and_30_r-16-r3.pdf
[27] See, PSC Docket Case No. 9482 Item 49.

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- State Part 70 (Title V Operating Permit)
- Notice of Exemption from MDE water supply program

The failure to include any of the permits or permit applications, or a discussion/explanation of the above listed permits and why they are not available hinders public participation and the lack of information renders the Application incomplete.

15. <u>The Record is Deficient in Considerations of Other Pertinent Environmental Issues:</u>

The following issues lack adequate considerations within the Record:

- An analysis of CP Crane's known contribution of Polychlorinated Biphenyls ("PCBs") to the Gunpowder River.[28]

The Gunpowder River PCB Total Maximum Daily Load ("TMDL") states that C.P. Crane is a point source of PCBs.[29] PCBs are man-made chlorinated hydrocarbons used all over the US from 1929-1979, they do not easily breakdown in the environment leading to pervasive contamination.[30] PCBs have contaminated parts of the Gunpowder River watershed. PCBs have potential carcinogenic and noncarcinogenic effects and they bioaccumulate up the food chain.[31] As such, the Applicant and PPRP must analyze how the decommissioning, construction, and operation of the Project will impact the PCB TMDL for the Gunpowder River. The Record contains no discussion/analysis and limited mention of the PCB TMDL.[32] The PSC cannot make a determination that this Project is in the public interest without having adequate information regarding the projects potential to impact the PCB TMDL for the Gunpowder River.

Similarly, the Record lacks any:

- Analysis or discussion of the projects potential to impact the Chesapeake Bay TMDL.[33]
- Analysis of potential legacy contaminants on the site or in and around adjacent waterways.

These topics are all pertinent to the determination of whether the Project is in the public interest and because there is no discussion of these issue in the Record the PSC cannot make its determination.

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[28] *Final Total Maximum Daily Loads Approved by EPA: Gunpowder River/Bird Rivers* Maryland Department of Environment, Approved on October 3, 2016. https://mde.maryland.gov/programs/Water/TMDL/ApprovedFinalTMDLs/Pages/tmdl_final_gunpowder_bird_pcb.aspx

[29] Pg. 25. *Total Maximum Daily Load of PCBs in the Gunpowder River and Bird River Subsegments of the Gunpowder River Oligohaline Segment, Baltimore County and Harford County, Maryland.* Maryland Department of the Environment, October 2015. https://mde.maryland.gov/programs/Water/TMDL/ApprovedFinalTMDLs/Documents/Gunpowder-River/PCBs/GunpowderBird_PCB_fa.pdf

[30] *Learn about Polychlorinated Biphenyls (PCBs)* United States Environmental Protection Agency. https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs (Last visited 4/30/2019.)

[31] *Id.*

[32] TMDL Maps are found in Appendix B of the ERD and on pg. 2-24 the ERD states "[p]ortions of both [the Chesapeake Bay and Gunpowder River] are also listed for polychlorinated biphenyls in fish tissue."

[33] https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-document

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For all the foregoing reasons, the Intervenors OPPOSE the approval of the CPCN application and assert that the Applicant and PPRP have not provided the PSC with sufficient environmental and other information from which to make a measured, informed and defensible determination that the CPCN Application is in the public interest as required by law.[34] Furthermore, the applicant and the Record do not demonstrate that there is a public need for this project. Intervenors request that the PSC and related agencies supplement the record with the missing information and hold additionally public hearings to give the concerned public an opportunity to comment on this additional information.

The Intervenors thank the PSC for the opportunity to submit this written comment.

Sincerely,

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Representing the Gunpowder Riverkeeper, Blue Water Baltimore, and the Essex Middle River Civic Council

[34] COMAR 20.79.03.02 and COMAR 20.79.01.04.