

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

In the Matter of the )  
Application of Catoctin Power, LLC )  
For a Certificate of Public Convenience and ) Case No. 8997  
Necessity to Construct a 600 MW Generating )  
Facility in Frederick County, Maryland )

**SUPPLEMENTAL TESTIMONY OF DIANE H. BROWN**

1 **Q. PLEASE STATE YOUR NAME, OCCUPATION, AND CURRENT ROLE IN**  
2 **THIS PROCEEDING.**

3 **A.** My name is Diane H. Brown. I work for the Power Plant Research Program  
4 (PPRP) of Maryland’s Department of Natural Resources. I am the State’s Project  
5 Manager for reviewing Catoctin Power, LLC’s (Catoctin) application to construct  
6 a 600 MW electrical generation facility in Frederick County, Maryland.

7 **Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY IN THIS**  
8 **PROCEEDING?**

9 **A.** Yes. I submitted testimony on October 1 that summarized the work done to date  
10 by the State in its analysis of the proposed Catoctin power plant, described the  
11 process by which PPRP develops its environmental review document and  
12 PPRP’s power plant application review process. My testimony, however, did not  
13 address the information filed by the applicant since its August 20 supplemental  
14 filing and specifically excluded the State’s analysis of the linear facilities  
15 associated with the Catoctin plant and the analysis of the water supply options.

1 My testimony in October also did not include the State's initial  
2 recommendations.

3 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY TODAY?**

4 A. My testimony today summarizes the State's initial recommendations concerning  
5 Catocin Power's proposed generating facility. Additionally, it updates the  
6 State's previous filing, submitted on October 1, by including analysis of the linear  
7 facilities (natural gas and water supply pipelines) and water supply options.  
8 Today I am also including with my analysis an updated environmental review  
9 document entitled, *Environmental Review of the Proposed Catocin Power Project* and  
10 presented with my testimony as DNR Exhibit\_\_(DHB-2A).

11 **Q. IN ADDITION TO YOUR SUPPLEMENTAL TESTIMONY, IS THE STATE**  
12 **FILING ADDITIONAL TESTIMONY FROM OTHER WITNESSES AT THIS**  
13 **TIME?**

14 A. Yes.

15 **Q. PLEASE DESCRIBE THE SCOPE OF THE DIRECT TESTIMONY THAT WILL BE**  
16 **PRESENTED BY OTHER WITNESSES IN THIS PROCEEDING.**

17 A. **William V. Paul, Chief of the Maryland Department of Environment's**  
18 **Combustion and Metallurgical Division of the Air and Radiation Management**  
19 Administration (ARMA) will present testimony on the adherence of the  
20 proposed air quality conditions to State and Federal requirements. This provides  
21 the policy recommendations associated with the technical analysis described in  
22 the October filing of Julia Ross and Mark Garrison.

23 **John W. Grace, Chief of MDE-Water Resources Administration, Water Rights**  
24 **Division** will present the basis for the State's recommendations for the  
25 applicant's requested surface water appropriation and the basis for the State's  
26 recommendations for the applicant's proposed approach to comply with the

1 Potomac River consumptive use regulations.

2 **Robert W. Keating of Environmental Resources Management, Inc.** will present  
3 testimony on the technical evaluation of Catoctin Power's proposed use of  
4 Potomac River water, the assessment of impacts to surface water resources  
5 associated with Catoctin's proposed surface water withdrawal and the analysis  
6 of Catoctin's approach to comply with the consumptive use regulations.

7 **Gary L. Walters of Environmental Resources Management, Inc.** will present  
8 testimony on the technical analysis of Catoctin's proposed use of reclaimed water  
9 for process cooling.

10 **Dr. Stephen Schreiner of Versar, Inc.** will present testimony on the potential  
11 aquatic and terrestrial impacts of construction and operation of the proposed  
12 plant and associated linear facilities.

13 **Dr. Peter D. Hall of Metametrics, Inc.** will present supplemental testimony on  
14 the socioeconomic impacts associated with Catoctin Power's proposed natural  
15 gas pipeline and the primary and secondary water supply and discharge pipeline  
16 alternatives.

17 **Q. IS PPRP FILING AN INITIAL LETTER OF RECOMMENDATION WITH**  
18 **THE PUBLIC SERVICE COMMISSION AND THE PARTIES OF RECORD**  
19 **FOR THIS PROCEEDING?**

20 **A.** Yes. The letter containing the initial conditions is attached to my testimony today  
21 as DNR Exhibit\_(DHB-3). These conditions may be amended, added or deleted  
22 in the final recommendations submitted by PPRP to the Public Service  
23 Commission and Hearing Examiner, as necessary to address any issues and  
24 impacts that may arise during the remainder of these proceedings. The final  
25 recommendations will be submitted after the close of the hearing in accordance  
26 with Section 3-306 of the Natural Resources article.

1 **Q. PLEASE EXPLAIN HOW PPRP HAS CONDUCTED ITS REVIEW OF THE**  
2 **WATER SUPPLY OPTIONS AND LINEAR FACILITIES ASSOCIATED**  
3 **WITH THE PROPOSED CATOCTIN FACILITY.**

4 A. PPRP directed its technical consultants to review information that has been  
5 submitted by the Applicant since August 20. This includes the information filed  
6 by Catoctin Power in its CPCN application to the PSC, testimony filed by the  
7 Applicant and data responses provided in response to PPRP, other intervener  
8 questions as well as technical data bases from other reliable sources.

9 **Q. PLEASE DESCRIBE THE TYPES OF ANALYSES THAT PPRP CONDUCTED**  
10 **AS PART OF ITS REVIEW.**

11 A. PPRP gathered information necessary to verify the evaluations that Catoctin  
12 Power presented in support of its two proposed water supply options; the use of  
13 reclaimed wastewater and the use of water from the Potomac River. All  
14 information was also provided to the Maryland Department of the  
15 Environment's (MDE) Water Management Administration (WMA) for review.  
16 WMA and PPRP reviewed the information presented by the applicant to support  
17 its contention that it will be able to comply with Potomac River consumptive use  
18 regulations. Finally, PPRP reviewed the information submitted by the applicant  
19 concerning terrestrial, aquatic and socioeconomic impacts associated with the  
20 proposed water supply options, water supply pipelines and the natural gas  
21 pipeline.

22 **Q. WHAT HAS THE STATE CONCLUDED WITH RESPECT TO THE WATER**  
23 **SUPPLY OPTIONS AND THE COMPANY'S CLAIM THAT IT WILL BE**  
24 **ABLE TO COMPLY WITH THE LOW FLOW AUGMENTATION**  
25 **REGULATIONS?**

26 A. The State has concluded that the requested amount of water for use by the  
27 Catoctin facility is reasonable. Additionally, the State finds that Catoctin's  
28 approach of supplying releases from one of two West Virginia quarries will

1 enable it to comply with the State's Consumptive Use Regulations. This will be  
2 explained in more detail in Mr. Grace's testimony. Additionally, the State has  
3 concluded that effluent from the Ballenger Creek Waste Water treatment plant is  
4 suitable and would also be an acceptable supply for use in the plant's cooling  
5 water system.

6 **Q. YOU SAY THAT THE STATE FINDS THAT BOTH WATER SUPPLY**  
7 **OPTIONS ARE TECHNICALLY FEASIBLE AND APPROPRIATE, DOES THE**  
8 **STATE HAVE A PREFERRED WATER SUPPLY ALTERNATIVE?**

9 A. Yes. The State prefers that if Catoctin can reach agreement with Frederick County  
10 that it use reclaimed water as supply for the Catoctin facility. This option avoids  
11 the impacts associated with the construction of the water supply and effluent  
12 pipelines and intake and discharge structures, and avoids impacts to aquatic  
13 biota associated with the withdrawal of water from the river. However, either  
14 water supply alternative is acceptable and will not result in unacceptable impacts  
15 to the environment or to the State's water resources.

16 **Q. WHAT HAS THE STATE CONCLUDED WITH RESPECT TO AQUATIC,**  
17 **TERRESTRIAL AND SOCIOECONOMIC IMPACTS OF THE PROPOSED**  
18 **LINEAR FACILITIES?**

19 A. The State finds that no significant ecological impacts will result from the  
20 construction of the facility. Additionally, the State has concluded that while  
21 there will be impacts associated with the construction of the pipelines and intake  
22 and discharge structures associated with the facility, they should be able to be  
23 constructed in such a way to minimize impacts and comply with all applicable  
24 Federal and State regulations. Similarly while there will be socioeconomic  
25 impacts associated with construction of the gas and water pipelines, they should  
26 not be significant. The National Park Service, however, has identified problems  
27 with the applicant's preferred pipeline routes due to potential impacts to the  
28 C&O Canal National Historical Park. These concerns have led PPRP to

1 recommend that Catoctin Power expand the pipeline routes under consideration.  
2 This is explained in more detail in Dr. Hall's testimony.

3 **Q. IN ADDITION TO THE ANALYSIS OF LINEAR FACILITIES AND WATER**  
4 **SUPPLY OPTIONS ARE THERE ANY OTHER SUBSTANTIVE CHANGES**  
5 **TO THE ENVIRONMENTAL REVIEW DOCUMENT SINCE THE OCTOBER**  
6 **FILING?**

7 A. No. In addition to the analysis of linear facilities and water supply, only minor  
8 changes were made to the document to address some corrections and some  
9 supplemental information filed by the applicant in Data Requests 7 and 8. To  
10 assist the reader in identifying changes made to the document, all new  
11 information is highlighted in gray shading.

12 **Q. WHAT IS THE STATUS OF PPRP'S ENVIRONMENTAL REVIEW DOCUMENT?**

13 A. The document is still in draft form. This allows PPRP to make any changes to it that may  
14 be necessary as a result of these hearings and other testimony submitted in this case. At the  
15 end of the proceeding the analysis submitted as part of PPRP's case will be incorporated  
16 into this document and a final document will be published.

17 **Q. WHAT HAVE THE STATE AGENCIES CONCLUDED OVERALL WITH**  
18 **RESPECT TO THE POTENTIAL IMPACTS OF THE PROPOSED POWER**  
19 **PLANT?**

20 A. Based on the information currently available to us, we have concluded that the  
21 proposed combined cycle facility can be constructed and operated in such a way  
22 as to comply with all applicable environmental regulations. We therefore  
23 recommend that a CPCN be issued for the proposed Catoctin Power facility  
24 subject to the draft conditions in DNR Exhibit\_\_(DHB-3).

25 Based on the information submitted by Catoctin to date and our evaluation of the proposed  
26 facility, these recommendations include all those conditions that we consider necessary to

1           ensure that the proposed facility does not cause unacceptable impacts to the State's  
2           environment, and that should be incorporated into any Order issued by the Commission.

3   **Q.    DOES THAT CONCLUDE YOUR TESTIMONY AT THIS TIME?**

4   **A.    Yes, it does.**