

ATTACHMENT I

Appendix C

ADDITIONAL ACCEPTED CONDITIONS¹

A. Frederick County Conditions (As Accepted):

1. Dead or missing trees along the frontage of the Eastalco facility on Manor Woods Road shall be replaced with living trees when Catoctin Power does its tree planting.
2. The project's major structures shall be of earth-tone colors to blend with the surrounding areas.
3. Catoctin Power shall work with applicable state, federal and local agencies, including the Maryland Department of the Environment, to mitigate wetland disturbances as required under applicable state, federal, and local laws.
4. Catoctin Power shall prepare, obtain and implement storm-water management plans (including grading, sediment and erosion control plans) in accordance with applicable federal, state and local laws. Catoctin Power shall submit the stormwater management plans to DPDR prior to implementation, if not otherwise obtained from Frederick County Government.
5. The project shall comply with applicable local building code requirements for structures, electrical systems, plumbing,

¹ These conditions are supplemental to the PPRP and water supplier conditions, which are uncontested and also accepted.

and fire protection systems. For purposes of this condition, DPDR shall have responsibility for verifying that the project complies with the above applicable local building code requirements and shall accommodate incremental execution of design and construction activities, provided however, that the PSC retains final override authority to verify compliance if DPDR unreasonably conditions or delays its verification. To support DPDR compliance verification activities, Catoctin shall (a) develop a schedule for document submittals and provide this schedule to DPDR, including regular schedule updates; (b) submit design drawings to DPDR for compliance verification at least 30 days (or lesser number of days mutually agreed to by Catoctin and DPDR) prior to the start of incremental construction covered by such design drawings; and (c) pay fees to DPDR equivalent to fees normally assessed by DPDR for analogous building permit verification activities.

6. Catoctin Power shall endeavor to obtain NO_x and/or VOC offsets from Frederick County sources, if reasonably commercially available; if not reasonably commercially available from Frederick County sources, then Catoctin Power shall endeavor to obtain these offsets from the geographically closest reasonably commercially available sources.
7. Catoctin Power shall comply with all federal, state and local PM_{2.5} (fine particulate matter with a diameter smaller than 2½ microns) ambient air quality standards applicable to

the Catoctin Power project that are in effect today or become in effect in the future.

8. The CPCN shall not, nor shall it be interpreted to, require Frederick County Government to supply treated wastewater ("effluent") or potable water to Catoctin Power.

9. The CPCN shall not, nor shall it be interpreted to, require Frederick County Government to allow Catoctin Power to discharge wastewater into or through the County's wastewater discharge system.

10. If the Board of County Commissioners of Frederick County, Maryland decides, in its sole discretion, to supply effluent to Catoctin Power, or allow Catoctin Power to discharge wastewater into or through the County's effluent discharge system, Catoctin Power shall comply with all applicable laws.

11. Catoctin Power shall obtain a separate NPDES user discharge permit prior to discharging wastewater into or through the County's effluent outfall system.

B. Staff Conditions (As Accepted):

12. Catoctin Power shall file with the Commission (i) a listing of transmission system improvements required by PJM no later than thirty (30) days prior to putting any portion of the project in service, and (ii) a certification that the improvements have been completed prior to putting any portion of the project in service.

13. Catoclin Power shall file with the Commission (i) a listing of the interconnection requirements of the interconnecting transmission line owner no later than thirty (30) days prior to putting any portion of the project in service, and (ii) a certification that the interconnection requirements have been met prior to putting any portion of the project in service.

14. Within thirty (30) days after putting the project into service, Catoclin Power shall file with the Commission a copy of its Interconnection Service Agreement.

C. Donald L. James' Air Monitor Condition (As Accepted):

15. As a condition of the CPCN, Catoclin Power, LLC, shall establish and fund an air monitor station in the Adamstown area, which may be located near the vicinity of the Carroll Manor Elementary School, for the purpose of quarterly air quality testing for a period of two years after commencement of operation of the plant. The results shall be certified and provided to the Maryland Department of the Environment, who may determine testing shall continue for a longer period of time if necessary. The monitoring shall test and measure air quality for OZONE, NO_x, VOC, PM10 and PM2.5.