

Environmental Commission Meeting – October 28, 2013

Mr. Graziano opened the meeting at 6:32 p.m. Quorum was obtained. Ms. Simmons was telephoned which included her via conference call. Meeting began at 6:35 p.m.

Mr. Graziano stated Minutes have been approved from last week via email.

Attendees:

JoAnn Simmons, via telephone
Rachel O'Shea
Kurt Brezina
John Barberio
Tom Brown
Michelle Major
Nick Graziano, Chairman

Staff:

Dave Brownlee

Guests:

Len Zuza to discuss SMOCS
Allyson & Jack Sigler to listen and speak about the LNG Plant

Mr. Graziano asked for comments about agenda. No one answered. A motion to approve was made by John Barberio and seconded by Michelle Major. All favored and the motion was approved.

Old Business

Mr. Graziano welcomed Tom Brown on attending his first official meeting, thanked Len Zuza for presenting on SMOCS, and thanked Allyson & Jack Sigler for their attendance.

New Business

(1) Presentation by Mr. Zuza regarding SMOCS accomplishments and to give an idea of some potential developments that the Governor's Oyster Advisory Commission are considering as it relates to oysters, oyster restoration and meeting TMDL targets. Mr. Zuza explained the history and current status of SMOCS and its accomplishments. He indicated that SMOCS was disbanding, but many of the members would continue work on the oyster reefs.

(2) "2014 Pump For The Bay" Contest Brochure (to be discussed after LNG topic.)

(3) Liquid Natural Gas Facility (LNG) Proposed Ordinance Amendment. Mr. Graziano read from the interoffice memorandum submitted by Community Planning & Building to the BOCC. Dr. Brownlee reiterated that the recommendation is to "close the hearing, make a decision and not leave the record open".

Mr. Graziano summarized the amendments in the package. Mr. Brownlee said part of the rationale was due to the heavy federal oversight of these types of projects that the County did not need to be involved. Mr. Graziano summarized the existing exceptions (1) dwellings/homes, (2) existing buildings undergoing repair and alterations, (3) respect to any qualified commercial power generating facility undergoing a license review by the Nuclear Regulatory Commission (i.e. Calvert Cliffs), and the proposed exception (4) with respect to any qualified liquid natural gas import or export facility, licensed and reviewed by FERC. The proposed exception shall apply to those buildings and structures which are subject to FERC review and inspection. The non-exempted buildings and structures include those intended for human occupancy including office, admin buildings and warehouses and would continue to be inspected by the County.

Mrs. Sigler said she attended the LNG open house last week (as well as Ms. Simmons) stating that the main

thing they want from this meeting is that (currently there is the environmental assessment that FERC is completing) they want the Environmental Commission and the BOCC to demand (because Dominion has stated that the development of this plant is the largest project in the State of Maryland's history) an Environmental Impact Study done by an independent group. She said FERC and Dominion are having private meetings and going their own way. Mr. Graziano said that these issues were going to be discussed further referencing the draft letter.

Mr. Sigler summarized history of their property relating to pipelines being laid throughout Calvert County. He said there needs to be a comprehensive environmental study done similar to the one done in 2005-2006 during the LNG pipeline project.

Discussion on Exemption

Dr. Brownlee spoke about the exemption, building code, and how the County would not inspect any building that would not be occupied by people. All facilities not housing people (plant functions) would be inspected by FERC. He said County Zoning Ordinance regulations would not apply if the exemption were granted (example: County has 50' buffer from streams whereas State has a 25' buffer) but that the State and Federal regulations would apply.

Mr. Graziano said there are some very important differentiations if they are exempted (example: if they are exempted, they are not required to do some things automatically that they would be required to be done if they are not exempted.) The gist, "if there are zoning exemptions that would also possibly automatically exempt them for further things". What are the "automatic exemptions"? Mr. Brownlee noted that, with the exemption, they would not need to meet the height restrictions and some of the facilities they are proposing to build would be higher than the County's regulations permit. Without the exemption, Cove Pt. LNG would have to receive Board of Appeals approval to build above the height limitations.

It was noted that because County stream buffer requirements are more stringent than State, the County's buffer requirements would be waived as long as they are not located within the Critical Area. If within critical area, State regulations (100' buffer) have to be followed. There was discussion about streams. Mr. Graziano said he was going to propose (in this letter) to ask questions and ask for more time rather than be specific. Dr. Brownlee said he guesses that if you're asking for more time, you're not going to get it. Mr. Graziano noted that the Environmental Commission is not comfortable with a decision being made by the BOCC tomorrow night.

There was discussion about why the BOCC is not recommending the normal ten day period of open record. Dr. Brownlee said the Critical Area Commission called stating that they are not sure they have the authority to implement the Critical Area regulations if County Ordinances are not in effect, and that the Critical Area Commission would be submitting a letter. There was discussion about the numerous levels of oversight (Federal, State, and the Power Plant Sighting Group established by DNR) which makes a recommendation on this type of facility to the Public Service Commission (State) to get their Certificate of Necessity and Convenience.

Dr. Brownlee said the Power Plant Sighting Group is requiring mitigation of tree removal at Off-Site Area B, they actually meet the forest conservation regulations by keeping enough forest on site, and he is still waiting to hear from MD Office of Planning about nitrogen off-sets.

There was discussion about the Environmental Commission's draft letter (which was drafted during this meeting) and the air quality emissions comments on the FERC website. Dr. Brownlee said he has a call into the office of Dominion regarding air quality emissions.

There was discussion about carbon trade-offs by Dominion purchasing credits. Ms. Simmons commented that an EIS needs to be done (for residents countywide) in order for the EC to make a recommendation regarding the exemption. There was discussion about three issues: (1) postpone vote on the exemption, (2) leave the record open and have an EIS done, and (3) at minimum, the EA needs to be completed before

voting. Dr. Brownlee said he believes the argument for the EA and not the EIS is because an EIS was done in 2006 for the Pipeline. Discussion continued about drafting the letter. Michele Major typed in verbiage for the letter to the BOCC from the discussions. Dr. Brownlee was asked to incorporate the new verbiage into the previous draft of the letter. Dr. Brownlee noted that the letter would be part of the public record on October 29, 2013. In response to questions about what would be exempted, Dr. Brownlee commented that part of the letter might request what is being exempted and the effect of those exemptions. Mr. Graziano suggested that EIS results be provided to the citizens of Calvert County in a public forum.

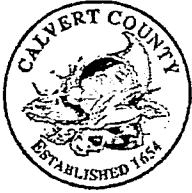
There was discussion about an open house being held last week, and the duty of the Environmental Commission is to make best recommendations to the Board of County Commissioners for Calvert County citizens. Discussion continued about drafting the letter, postponing the vote until a complete EIS is done and presented to the public, and how the PowerPoint presentation by Dominion only addressed the economic benefits. There was discussion about Environmental Assessment completion in November and project start-up.

Motion was made and seconded to have someone in Dr. Brownlee's office draw names for the "2013 Pump For The Bay" Contest winners.

There was discussion about future meeting dates, and it was determined that the next Environmental Commission meeting would be December 2, 2013.

Motion was made and seconded to adjourn the October 28, 2013 Environmental Commission meeting.

Meeting adjourned.



CALVERT COUNTY ENVIRONMENTAL COMMISSION

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Board of Commissioners
Gerald W. Clark
Pat Nutter
Susan Shaw
Evan K. Slaughenhoupt Jr.
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October 29, 2013

Calvert County Board of County Commissioners,

It has been brought to the attention of the Calvert County Environmental Commission (EC) that the Federal Energy Regulatory Commission (FERC) will not be conducting a full environmental impact statement (EIS) on the Dominion Cove Point LNG, LP (DCP) expansion project, but only an Environmental Assessment (EA). The EIS gives the citizens of Calvert County much more opportunity for participation in the process. We understand that if this project is approved through FERC it will create tax revenues and a number of local jobs, but, also understand that it has the potential to cause significant environmental impacts to our area. Receipt of a full EIS will give the Board of County Commissioners, Planning Commission, Environmental Commission and citizens of Calvert County a better understanding of the potential impacts of the proposed project than receiving just the EA.

The Calvert County Environmental Commission recommends that the Board of County Commissioners and Planning Commission postpone their vote on the proposed Text Amendment Case No. 13-09 to the Calvert County Zoning Ordinance, which exempts liquid natural gas import or export facilities from the Calvert County Zoning Ordinance, until an EIS has been completed on the proposed project. We recommend this for the following reasons:

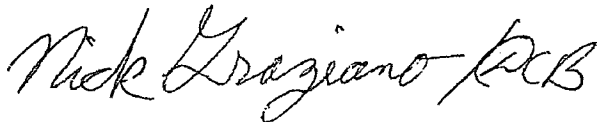
- A. The staff report does not fully explain what will be exempted by the amendment and how these exemptions will affect the environment and the community. We recommend that explanations of those impacts be provided to Calvert County citizens.
- B. An EIS that includes the offsite and onsite liquefaction project areas will provide the Environmental Commission and the citizens of Calvert County a full explanation of the potential impacts to the County and allow for greater participation of County citizens. With this knowledge and the response to reason A above, the EC, Board of County Commissioners, Planning Commission and citizens of Calvert County will be better able to determine the effects of the proposed amendment.
- C. After review of the EIS, the Calvert County community should be able to provide input on the proposed text amendment. In addition, the citizens of Calvert County should also be able to provide direct input to FERC on the EIS.
- D. This large scale project requires more consideration of environmental and community impacts.
- E. There is no compelling reason why the vote on the text amendment must take place now.

F. A more detailed construction project schedule with project phasing and building plans should be provided to the citizens of Calvert County.

After the EIS is completed, the Environmental Commission would better understand the impacts and be able to provide recommendations in accordance with our charter. Of particular concern are the emissions of volatile organic compounds, nitrogen oxides, sulfur dioxide, and carbon monoxide into the local atmosphere, which is already at high levels. The Chesapeake Climate Action Network has indicated that the lifecycle greenhouse gas emissions from the proposed facility and its activities are projected to be equal to or higher than all of Maryland's coal-fired power plants combined. Without a full EIS, it is hard to know if these projections are accurate, and thus the local impacts are unknown.

Since the proposed expansion requires a vast enlargement of the present Cove Point LNG facility to handle the liquefaction process with two additional off site areas for construction staging, we recommend that the Board of County Commissioners request that FERC require a new environmental impact statement. The health of Calvert County citizens, the surrounding Chesapeake Bay Critical Area and watershed needs to be fully considered and the impact evaluated. The residents of Calvert County deserve to know how this expansion and proposed amendment to the Zoning Ordinance will affect them before committing to this proposed exemption.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nick Graziano PCB". The signature is written in black ink and is positioned above the printed name.

Nick Graziano, Chairman