

**Support SB 417- Power Plant Research Program- Review of Application for Certificate of Public Convenience and Necessity-Alterations -sponsored by Sen. Pinsky-Education, Health, and Environmental Affairs
Hearing 2/10 at 1:00**

**The testimony of Henry S. Cole, Ph.D. on Senate Bill 417
February 8, 2021**

I am Dr. Henry S. Cole (Ph.D.) President of Henry S. Cole Environmental Associates, Inc., and Co-Chair of Clean Air Prince George's County (CAPG).¹ Our organization has led the fight against the Mattawoman Power Plant in Brandywine and believe that we have played a significant part in the projects cancellation.²

My findings and recommendations grow from my expertise in the area of air quality assessment and my active engagement over the past five years in cases involving the power plant permitting process in Prince George's and Charles Counties.

I support Senate Bill 417 because it begins to address current inadequacies in the current practices used by the Public Service Commission (PSC) and regulatory agencies to issue Certificates of Public Convenience and Necessity (CPCNs) and environmental permits for power plants applications. However, I believe that additional strengthening will be necessary. The process of certifying energy-related projects must go well beyond their convenience and necessity. We need to ensure that our regulatory agencies thoroughly consider the impacts of power plants, pipelines, and compressor stations on public health, the climate crisis, and environmental justice for communities of color and low income that have disproportionately suffered from the impacts of fossil fuel use.

In short, we need to create a regulatory framework that proactively promotes the shift to renewable energy and energy efficiency and places the burden on fossil fuel related applicants to demonstrate that it's proposal (a) is really needed (b) will not harm the health, safety and well-being of families and communities (c) will not worsen the climate crisis and (d) will not impede progress on state mandates to reduce greenhouse gas (GHG) emissions and increase reliance on renewable energy. The regulatory framework should also require the PSC, the Department of the Environment (MDE), the Department of Natural Resources (DNR) and the Power Plant Research Program (PPRP) to exercise far greater scrutiny in their reviews of applicants' submissions.

I base these recommendations on my in-depth work as an expert for Clean Air Prince George's involvement in the Public Service Commission's proceedings on the Mattawoman Energy Center. Although the Company has withdrawn its application and the PSC cancelled the CPCN just last week, the project had all the approvals it needed to go forward, despite serious oversights in environmental reviews conducted by the MDE, DNR, and PPRP. For example:

- The PPRP's air impact analysis failed to consider the impact of increased emissions during the 2-3 year anticipated construction period; emissions associated with greatly increased traffic congestion, diesel truck emissions, and dust associated with building activities. Sensitive populations including children who attend the Brandywine Elementary School which lies adjacent to critical transportation routes.³

¹Dr. Cole environmental and atmospheric scientist with some 40 years of experience on a broad range of issues, including air quality modeling and the environmental impacts of power plants and waste disposal sites. I previously served as a senior scientist with the U.S. EPA's

Office of Air Quality Planning & Standards (OAQPS). His company has provided scientific expertise for a diverse clientele including community and environmental organizations, government agencies, corporations, and attorneys. Contact: hcole@hcole-environmental.com

²Although the company's air permit required immediate and construction the site remained vacant for more than 5 years since it obtained its CPCN due to a loophole which allows equipment orders to count as actual construction. For more than five years the Brandywine community was left in limbo.

³ Failure to evaluate potential – given that power plant emissions cause increased ambient concentrations of NO₂, fine particulate matter, and ozone, all pollutants known to cause or aggravate respiratory and cardiovascular disease.

- The PPRP used a monitoring station located 70 km from Brandywine in a Virginia state park to obtain background ambient air concentrations rather than require the applicant to install a monitor that would accurately represent background concentrations in an area located in the heavily trafficked Route 5, U.S. 301 Corridor.
- Regulatory agencies failed to consider the impact of construction period traffic on the safety of residents and school children.
- Agency reviews failed to consider the environmental justice of adding a fifth fossil fuel power plant to the predominantly African-American Brandywine area, an area that already has a Superfund Site, a coal ash disposal landfill, and massive truck traffic associated with numerous surface mining operations.
- To my knowledge, the state's environmental reviews failed to assess the potential risks associated with gas pipeline explosions despite residential neighborhoods along pipeline routes.
 - In its assessment of pipeline construction issues, regulators failed to consider its impact on recreational uses of the State Cedarville Forest—a critical resource frequently used by large numbers of hikers, bikers, campers, educators, naturalists, hunters, and fishermen.
- Agency environmental reviews did not evaluate how the operation of the Brandywine Energy Center would impact state mandates for GHG reduction and increased renewable energy requirements. Gas fired power plants have a projected operational life of several decades—i.e. during a period in which the consequences of climate change will accelerate without large reductions in GHG emissions.

In Summary, I support the efforts of Senate Bill 417 sponsors to improve the regulatory process related to future power plant applications. Secondly I would urge legislators to consider even stronger protections that would ensure that all of the issues facing public health and wellbeing are thoroughly addressed as we move forward. Our communities, our children and future generations require nothing less.

Thank you,

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