



STATE OF MARYLAND

December 4, 2020

Mr. Andrew S. Johnston
Executive Secretary
Maryland Public Service Commission
6 St. Paul Street
Baltimore, MD 21202

Re: Mattawoman Energy, LLC – Request for Modification of Mattawoman Energy Center
CPCN, PSC Case No. 9330

Dear Mr. Johnston:

On September 14, 2020, Mattawoman Energy, LLC (Mattawoman) requested an amendment to its Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission (PSC). The reason for the amendment was to fulfill a condition of the CPCN requiring the company to evaluate the impacts of dewatering trenches for the construction of a 7.3-mile pipeline to bring natural gas to the proposed Mattawoman Energy Center power generation station (the “Project”). The Request for Amendment noted that the proposed pipeline construction would trigger the need for a water appropriation and use permit. On October 13, 2020, the Power Plant Research Program (PPRP) and the Maryland Department of Environment (MDE) Water and Science Administration (WSA) filed a joint letter with the PSC recommending that the Request for Amendment be approved, along with recommended license conditions regarding the water appropriation.

In response to the Request for Amendment, Downstream Strategies, LLC was engaged by a third party to review the June 19, 2020 report from Trihydro Corporation titled *Natural Gas Pipeline Dewatering Evaluation Report, Mattawoman Power Plant, Brandywine, Prince George’s County, Maryland* (the “Trihydro report”), which was included as Exhibit A to the Request for Amendment for any issues not fully explained, evaluated, or supported in the Request for Amendment. The Downstream Strategies report was filed on November 2, 2020 in advance of the administrative hearing of the PSC to consider Mattawoman’s Request for Amendment.

PPRP and MDE WSA have reviewed the Downstream Strategies report and provide the following assessment of the concerns raised in that report for the PSC’s consideration. Each area of concern described by Downstream Strategies is identified by section number and paraphrased below. Thereafter, we provide a response based on our assessment of that concern. However, it is our opinion that several concerns identified by the Downstream Strategies report are unrelated to the specific issue of construction dewatering and are outside of the scope of the Request now pending before the PSC. We believe these concerns have been adequately addressed by the MDE Water Management Administration’s (now WSA) Notice of Decision, issued August 8, 2016, for Approval of the Nontidal Wetlands and Waterways Permit Application Number 15-NT-0158/201560734 (the “Wetlands Permit”).

Prior to proceeding with construction activities, the Wetlands Permit requires Mattawoman to provide final construction plans, stormwater management plans and erosion and sediment control plans approved by the Prince George's County Department of the Environment, Prince George's County Soil Conservation District and Charles County Soil Conservation District, as appropriate based on the location of the work and the applicable local authority. The final construction plans shall document the methods to be used by Mattawoman to identify, monitor and protect sensitive ecological habitats and receptors in accordance with the Wetlands Permit.

DEWATERING IMPACTS

Section 2.1 - Impacted streams are not clearly and comprehensively identified. *The PSC should require that the Request for Amendment be amended to clearly and comprehensively identify the streams that will be impacted by dewatering.*

Response – The various streams and wetlands that lie within the projected areas of ground water dewatering are identified in the Trihydro report on Figures 9A, 9B, 10A, 10B, 10C, and 10D. These figures display a modeled area influenced by >0.1-foot of drawdown and >1-foot of drawdown overlaid with streams and other surface features within the Zekiah/Jordan Swamp watershed, Zekiah Swamp watershed, and Mattawoman watershed. The streams are also shown on Figures D1 through D4 in Appendix D of the Trihydro report. These figures illustrate the streams, wetlands and projected areas of drawdown along with the sensitive areas previously identified by PPRP and MDE¹.

Section 2.2 - The effects of dewatering on impacted streams and wetlands are not included. *The PSC should require that the Request for Amendment be amended to clearly identify the impact of dewatering on small, impacted streams, including the percent reduction in flow expected from dewatering and whether any streams will be fully dewatered. The PSC should also require that the request for Amendment be amended to clearly identify the impact of dewatering on wetlands.*

Response – The information provided by Mattawoman is suitable for evaluating construction dewatering requirements that are provided as recommended license conditions. MDE WSA finds that the amount of dewatering is of short duration and minimal quantity at any one location and therefore impacts to streams and wetlands from dewatering are not anticipated. Mattawoman provided estimates of quantities of water to be removed that are small for any one segment. Furthermore the water removed would be returned in close proximity to the point of withdrawal. Given these transient impacts, there should be no significant impact to streams and wetlands.

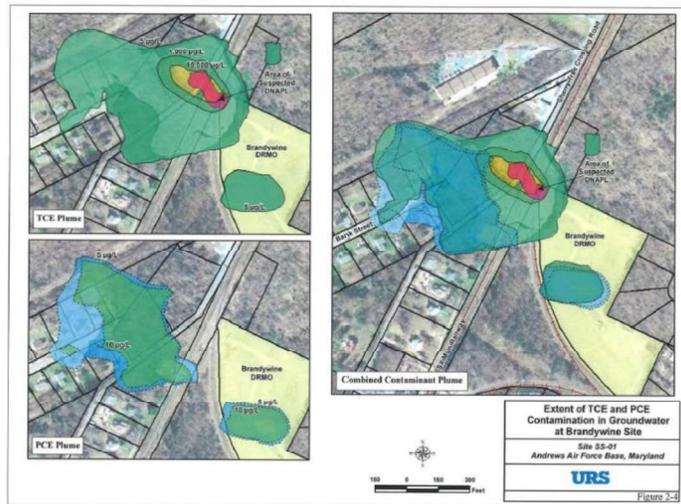
Section 2.3 - The timing of dewatering is not considered. *The PSC should require that the Request for Amendment be amended to clearly identify the timing of dewatering and how that timing may impact the American brook lamprey and other native fish, amphibians, or reptiles. The PSC should also require that the Request for Amendment be amended to prohibit dewatering during time periods when dewatering would unreasonably impact the American brook lamprey and other stream and wetland organisms.*

¹ PPRP-MDE. 2015. Environmental Review of the Proposed Mattawoman Energy Center Project – DRAFT, Maryland Power Plant Research Program, PSC Case No. 9330.

Response – All of the stream crossings are protected under the Wetlands Permit for construction during the critical time of year. Timing of dewatering in other areas of the project is not restricted as it is not necessary to prevent impacts, i.e., drawdown in wetlands is within the range of seasonal variability and temporary. The Wetlands Permit requires BMPs for working in nontidal wetlands and wetland buffers to protect aquatic species. All the streams crossed by the pipeline are designated Use I waters, for which, in-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.

Section 2.4 - Potential impacts to ground water quality from the Joint Base Andrews Superfund site are not properly considered. *The PSC should require that the Request for Amendment be amended to clearly identify the lateral extent of the contaminant plume from the Superfund site at Joint Base Andrews, and to reassess the potential impact of the drawdown based on this new information.*

Response – Per a letter from the Department of the Air Force Headquarters Air Force Legal Operations Agency dated October 14, 2020, Joint Base Andrews (JBA) does not oppose Mattawoman’s current request for amendment to its CPCN. Review of the contamination in ground water maps prepared for the JBA Brandywine Site indicate the chlorinated solvent plumes are located in the northwest region of the site and extend in a westerly direction (see insert). Based on these maps the area of predicted drawdown is more than 2,000 feet from the nearest edge of the contaminant plume and will not impact the remediation efforts.



Section 2.5 - Drawdowns associated with long sections of open trenches are not clearly addressed. *The PSC should require that the Request for Amendment be amended to address drawdowns associated with long sections of open trenches.*

Response – Section 2.1.4 of the Trihydro report indicates that “Mattawoman will open trench areas of between approximately 4,000 to 6,500 feet in length, at a given time...” The same section indicates the “dewatering evaluation units typically range between 115 to 675 feet for the NG pipeline.” Mattawoman has stated that “the pipeline installation activities at any specific location or segment are going to be temporary and sequential in nature.” The information provided by Mattawoman is sufficient for estimating drawdown associated with project construction.

RETURN OF PUMPED WATER

Section 3.1 - Impacts of returned pumped water are not properly considered. *The PSC should require that the Request for Amendment be amended to clearly identify how, where, and in what volumes pumped water will be returned to streams and wetlands and to identify how water pumped into drainage ditches will not damage roads, railroad tracks, or nearby properties even before the water reaches streams or wetlands.*

Response – The return of pumped water is handled through the multiple federal, state and local permits and or approvals. Prior to proceeding with construction activities, the Wetlands Permit requires Mattawoman to provide final construction plans, stormwater management plans and erosion and sediment control plans approved by the Prince George's County Department of the Environment, Prince George's County Soil Conservation District and Charles County Soil Conservation District, as appropriate based on the location of the work and the applicable local authority.

Mattawoman intends to return removed water into existing nearby stormwater drainage swales, ditches, and/or ponds that are in close proximity to the area of dewatering, which will more quickly recharge the areas where water is to be withdrawn. Furthermore, we are recommending an additional Condition to address return of pumped water.

- The water is required to be returned to the same watershed in which the dewatering is occurring to minimize/avoid cumulative downstream impacts.

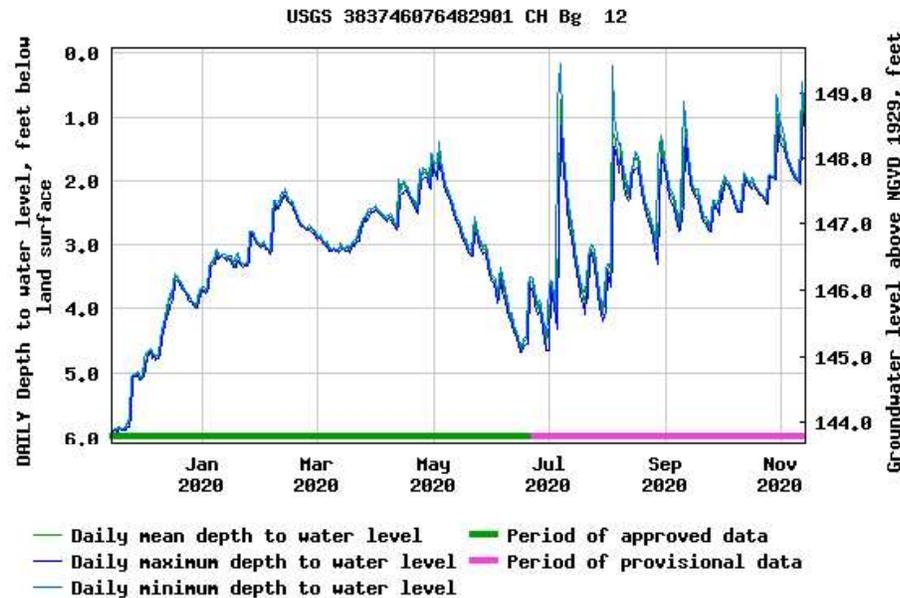
Section 3.2 - Impacts to Zekiah Swamp are not clearly described. *The PSC should require that the Request for Amendment be amended to identify how the water will be returned to Zekiah Swamp tributaries and to demonstrate that this will be accomplished in a manner that does not cause erosion or otherwise disrupt the function or value of this WSSC.*

Response – As already noted, the return of pumped water is handled through the multiple federal, state and local permits and or approvals that are protective of water quality. The Wetlands Permit requires BMPs for Tier II waters within the Tier II watershed of Zekiah Swamp Run. These BMPs are Contained in the Code of Maryland Regulations (COMAR) 26.23.06.03 Best Management Practices for Nontidal Wetlands of Special State Concern and Expanded Buffers.

CUMULATIVE IMPACTS

Section 4.1 - Cumulative impacts to streams and wetlands from dewatering are not fully considered. *The PSC should require that the Request for Amendment be amended to clearly identify the total linear feet of streams which will be impacted by dewatering in each construction segment and for the Mattawoman Creek and Zekiah Swamp watersheds.*

Response – As displayed in the graph provided for the USGS water table well CH Bg 12², the ground water table depth can fluctuate nearly 6 feet over the course of a year. Thus, the reduction



in water table due to dewatering in this localized area will not result in a measureable impact to the upper reaches of Mattawoman Creek, Wolf Den Branch nor Zekiah Swamp. Furthermore, Mattawoman has indicated that the removed water will be filtered and returned into existing nearby stormwater drainage swales, ditches, and/or ponds that are in close proximity to the area of dewatering, and thus will more quickly recharge the areas where water is withdrawn. Also as stated in response to 3.1, we are recommending that water removed is returned back to the watershed from which it is withdrawn.

Section 4.2 - Cumulative impacts of dewatering and open trenching are not assessed. *The PSC should require that the Request for Amendment be amended to include an assessment of impacts of dewatering combined with open trench crossings of headwater streams.*

Response – As already stated, we believe that impacts to streams from dewatering and open trenching will be minimal and temporary in nature, therefore cumulative impacts of the two activities will be short term, and there would not be persistent impacts to the headwater streams. As stated, prior to proceeding with construction activities, the Wetlands Permit requires Mattawoman to provide final construction plans, stormwater management plans and erosion and sediment control plans approved by the Prince George's County Department of the Environment, Prince George's County Soil Conservation District and Charles County Soil Conservation District, as appropriate based on the location of the work and the applicable local authority. The final construction plans shall document the methods to be employed by Mattawoman to identify, monitor and protect sensitive ecological habitats and receptors in accordance with the Wetlands Permit.

² https://waterdata.usgs.gov/md/nwis/dv/?referred_module=gw&site_no=383746076482901. Location: Lat 38°37'46", long 76°48'29", referenced to North American Datum of 1927, Charles County, MD, Hydrologic Unit 02070011, Cedarville State Forest, near Forest Rd.,

SUMMARY

In summary, PPRP and MDE WSA have determined that the proposed withdrawal of ground water for construction dewatering will not have a significant adverse impact on the aquifer, adjacent streams, or wetlands with proper management of schedule and adherence to best practices for the discharge of waters. For most of its length the pipeline is in an existing cleared power line right of way. Furthermore, the installation of the pipeline follows this right of way within Cedarville State Forest and will be completed primarily through HDD and Jack-and-Bore methods through stream and wetland areas.

The removal of water to allow construction for each segment of the open trench is for a short duration in time and the magnitude of the drawdown in the area is within the normal range of seasonal water level variation. Further, drawdown that will occur due to dewatering will not alter the direction of ground water flow of the contaminant plume at the JBA Brandywine Site. Drawdown effects over the project area will be temporary and reversible after dewatering is complete.

In addition to the Conditions recommended by PPRP and MDE WSA in the October 13, 2020 letter to the PSC, the following additional Condition is recommended to minimize/avoid cumulative downstream impacts.

- The water is required to be returned to the same watershed in which the dewatering is occurring to minimize/avoid cumulative downstream impacts.

Thus, PPRP and MDE WSA recommend the Commission grant the requested ground water appropriation in the form of an amendment to the CPCN, and that the new appropriation be governed by the proposed updated Conditions provided in Attachment A to this letter.

Sincerely,



Frederick S. Kelley
Power Plant Research Program
Maryland Department of Natural Resources



Saeid Kasraei
Water and Science Administration
Maryland Department of the Environment

Attachment (1)

cc: S. Talson, PPRP
J. Grace, MDE

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