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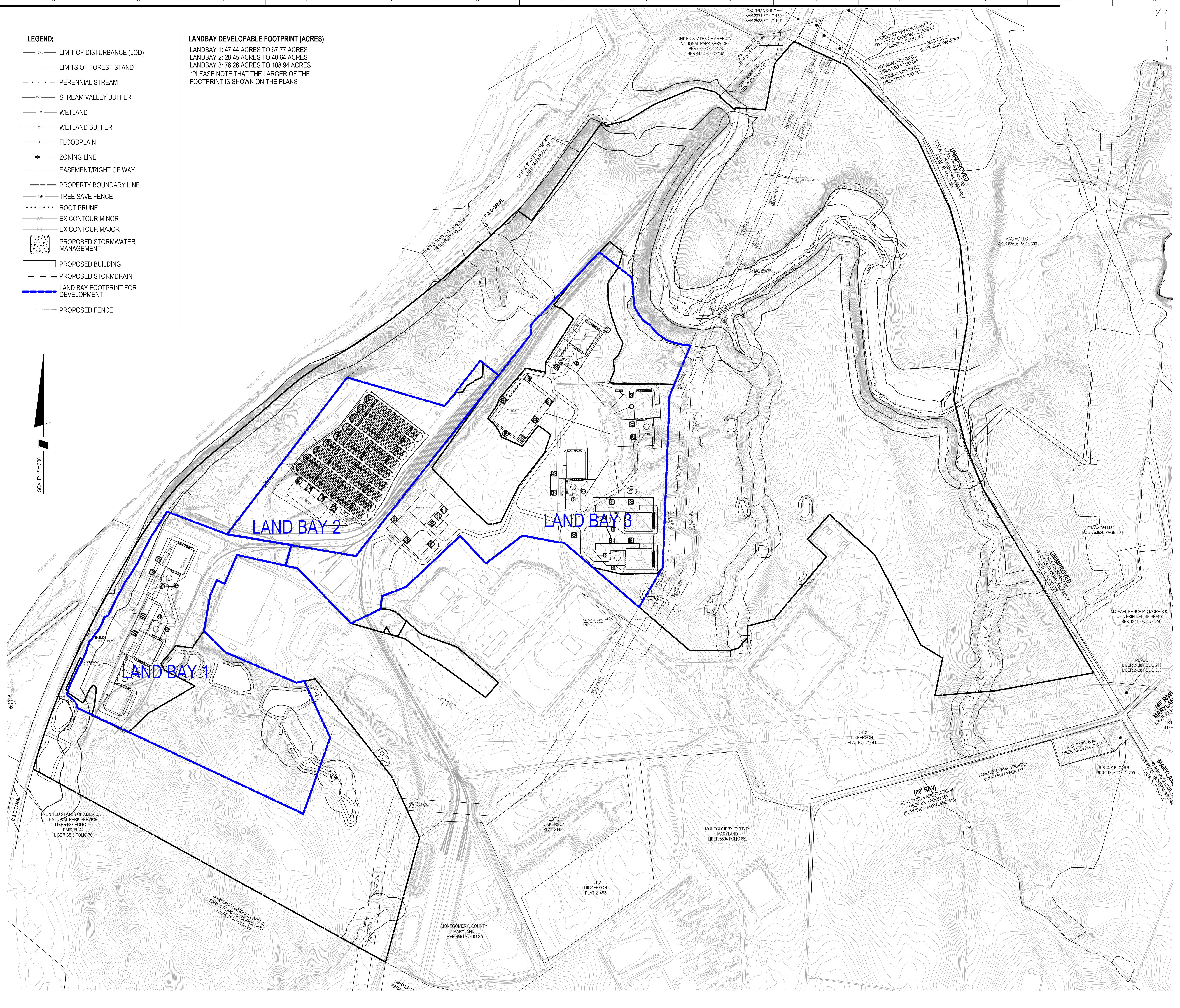
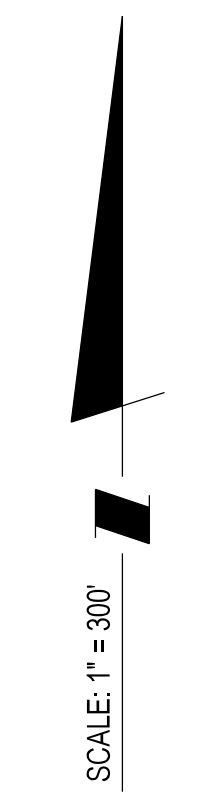
LEGEND:

- LOD — LIMIT OF DISTURBANCE (LOD)
- - - LIMITS OF FOREST STAND
- . . . PERENNIAL STREAM
- SV — STREAM VALLEY BUFFER
- WL — WETLAND
- WB — WETLAND BUFFER
- FP — FLOODPLAIN
- Z — ZONING LINE
- E — EASEMENT/RIGHT OF WAY
- — — — — PROPERTY BOUNDARY LINE
- TSF — TREE SAVE FENCE
- RPP — ROOT PRUNE
- 272 — EX CONTOUR MINOR
- 270 — EX CONTOUR MAJOR
- PROPOSED STORMWATER MANAGEMENT
- PROPOSED BUILDING
- — — — — PROPOSED STORMDRAIN
- — — — — LAND BAY FOOTPRINT FOR DEVELOPMENT
- — — — — PROPOSED FENCE

LANDBAY DEVELOPABLE FOOTPRINT (ACRES)

LANDBAY 1: 47.44 ACRES TO 67.77 ACRES
 LANDBAY 2: 28.45 ACRES TO 40.64 ACRES
 LANDBAY 3: 76.26 ACRES TO 108.94 ACRES

*PLEASE NOTE THAT THE LARGER OF THE FOOTPRINT IS SHOWN ON THE PLANS



SOLTESZ, INC.

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 Rockville, MD 20850
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 www.solteszco.com

Engineering
 Surveying
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 Environmental Sciences

NO.	REVISIONS	BY	DATE

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INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS; THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-327-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THE PLAN OR THINER THAN 12 INCHES, WHENEVER LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER / DEVELOPER / APPLICANT

TERRA INNOVATIONS

904-206-8770
 JEFF@TERRAINNOVATIONS.COM
 JEFF FERREL

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO. _____ EXPIRATION DATE: _____

PROPOSED SITE EXHIBIT

DICKERSON POWER PLANT
 21200 MARTINSBURG RD, DICKERSON, MD 20842
 LOTS 2, 3, 7, 8 AND 9

POOLEVILLE (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

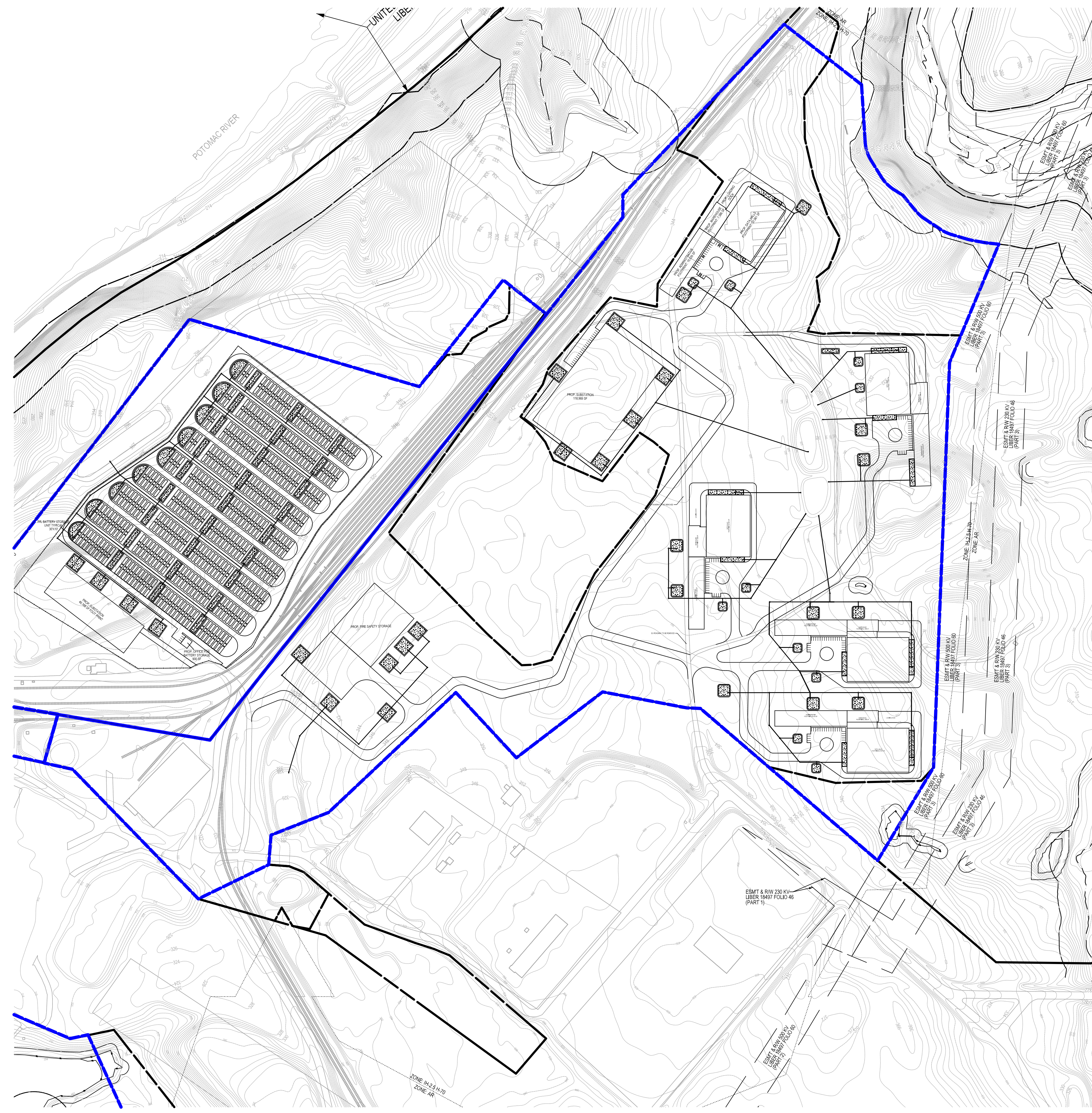
TAX MAP BV	ZONING CATEGORY: IH, AR
<small>228NW01, 228NW02, 230NW21, 230NW22, 231NW01, 231NW02</small>	
SITE DATUM HORIZONTAL: NAD 83/91 VERTICAL: NAVD 88	DATE: 7/23/2024
<small>1" = 300'</small>	DESIGNED: TR TECHNICIAN: CW CHECKED: JS CAD STYL: NCS VERSION:
SHEET 1 OF 4	PROJECT NO. 4025002

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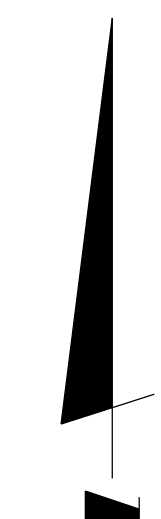
LEGEND:

— LOD —	LIMIT OF DISTURBANCE (LOD)
---	LIMITS OF FOREST STAND
- . . . -	PERENNIAL STREAM
— SV —	STREAM VALLEY BUFFER
— W —	WETLAND
— WB —	WETLAND BUFFER
— FP —	FLOODPLAIN
◆	ZONING LINE
---	EASEMENT/RIGHT OF WAY
---	PROPERTY BOUNDARY LINE
— TSP —	TREE SAVE FENCE
••••• RP •••••	ROOT PRUNE
— 270 —	EX CONTOUR MINOR
— 270 —	EX CONTOUR MAJOR
[Stippled Box]	PROPOSED STORMWATER MANAGEMENT
[White Box]	PROPOSED BUILDING
— S —	PROPOSED STORMDRAIN
— LB —	LAND BAY FOOTPRINT FOR DEVELOPMENT
— F —	PROPOSED FENCE

LANDBAY 3 FOOTPRINT: 76.26 (AC.) TO 108.94 (AC.)
 *PLEASE NOTE THE LARGER OF THE FOOTPRINT IS SHOWN



SCALE: 1" = 200'



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NO. REVISIONS BY DATE

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OWNER / DEVELOPER / APPLICANT

TERRA INNOVATIONS
 904-206-8770
 JEFF@TERRAINNOVATIONS.COM
 JEFF FERREL

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 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE NO. _____ EXPIRATION DATE: _____

LAND BAY 3 PROPOSED SITE
DICKERSON POWER PLANT
 21200 MARTINSBURG RD, DICKERSON, MD 20842
 LOTS 2, 3, 7, 8 AND 9
 POOLEVILLE (09) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

TAX MAP BV	ZONING CATEGORY: IH, AR
ISSUE DATE SHEET 22NOV21 22NOV22 23NOV 21 23NOV22 23NOV24 23NOV22	
SITE DATUM HORIZONTAL: NAD 83/91 VERTICAL: NAVD 88	
DATE: 7/23/2024 DESIGNED: TR TECHNICIAN: CWW CHECKED: JS CAD STYL: NCS VERSION:	
SHEET 4 OF 4	
PROJECT NO. 40250002	

Exhibit # 16



DPS | Montgomery County
Department of Permitting Services



2425 Reedie Dr 7th Floor
Wheaton, MD 20902
Phone: 311 in Montgomery County or (240)777-0311
<https://www.montgomerycountymd.gov/dps/>

TO: Jeffrey Ferrel, Vice President Business Operations
Terra Innovations

FROM: Heidi Benham *HB*
Well and Septic Manager

DATE: 9/1/2023

SUBJECT: Dickerson Development – Martinsburg Rd
Conditional Use Application

This memo shall serve as a summary of the status of private onsite sewage disposal systems and potential for future improvements for the subject project. As discussed on 8/24/23, the proposed development is located in a known area of a high water table based on previous perc test data. Obtaining approval for a conventional septic system may be unlikely. If soils testing yields unfavorable results, there may be opportunities to utilize various options for non-conventional septic systems such as a holding tank(s) or system that utilizes an innovative/alternative design. The use of these types of systems may ultimately be determined by the Maryland Department of the Environment.

The use and design of a conventional or non-conventional septic system will also be dependent on the number of proposed buildings, proposed uses, and proposed operations details such as number of onsite employees.

Please contact me at Heidi.benham@montgomerycountymd.gov if you have any questions.

From: [Harris, Robert R.](#)
To: [Beall, Mark](#)
Cc: [Jeffrey Ferrel](#); [Kyle Soltesz](#); [Butler, Patrick](#); [Kronenberg, Robert](#); [Penn, Joshua](#)
Subject: Terra Innovations – Conditional Use Application for Dickerson Data Center (OZA No. CU 24 – 13)
Date: Thursday, April 25, 2024 3:21:12 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Mark, I think we have “checked another box” for you, this one on SWM. See my email at the bottom here, sent yesterday to Mark Etheridge (actually sent by my assistant), and his response today. I believe this clears us to have SWM reviewed at site plan, not now. We are arranging payment for the FCP Plan and Soltesz is providing the outstanding info on a couple of points Thanks for your continued work on this project.

Robert R. Harris, Attorney

Lerch, Early & Brewer, Chtd. rising to every challenge for over 70 years
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3826 | F 301-347-1779 | Cell 301-580-1319
rrharris@lerchearly.com | [Bio](#)

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From: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Sent: Thursday, April 25, 2024 2:30 PM
To: Gilbert, Janine K. <jkgilbert@lerchearly.com>
Cc: Kyle Soltesz <KyleSoltesz@solteszco.com>; Jeffrey Ferrel <jeff@terraininnovations.com>
Subject: RE: On Behalf of Robert Harris: Terra Innovations – Conditional Use Application for Dickerson Data Center (OZA No. CU 24 – 13)

Hi Janine –

Thanks for the email. Yes, I’m familiar with the stormwater management conceptual requirements in Chapter 19 of Montgomery County Code, and I am also somewhat familiar with the Dickerson project. I did speak to Kyle Soltesz recently about the project.

The Maryland Department of the Environment (MDE) has mandated a three-stage review process for development projects in Maryland. Per the MDE requirements, as reflected in Montgomery County Code, a Stormwater Management Concept approval is required prior to the Planning Board taking action on a Preliminary Plan application, and a Site Development Plan approval is required prior to Board action on a Site Plan application. A Site Development Plan is a formal revision of the Stormwater Management Concept, which is also a conceptual type of review. These two conceptual stages of review can be combined into a single review if the project in question is not going through a two stage Preliminary Plan/Site Plan process. These are conceptual reviews, and do not result in

issuance of any construction permits. The third stage of the three-stage process is submission and approval of a Final Stormwater Management design plan. This final stage results in issuance of construction permits.

I do not believe there is any provision in the code that requires a stormwater management conceptual approval prior to approval of a Conditional Use application.

DPS will review the conceptual reviews for the Dickerson project as required by MDE and by Montgomery County code. After the Conditional Use application is approved, if the project is going directly to Site Plan without a separate Preliminary Plan application, then the engineer will need to submit a Combination Concept/Site Development Plan application to DPS for review, and this must be approved by DPS prior to the project going before the Board for Site Plan approval.

Mark C. Etheridge
Manager

Water Resources Section | Montgomery Co. Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, MD 20902
240-777-6338

Mark.etheridge@montgomerycountymd.gov



From: Gilbert, Janine K. <jkilbert@lercheearly.com>

Sent: Wednesday, April 24, 2024 4:12 PM

To: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>

Cc: Kyle Soltesz <KyleSoltesz@solteszco.com>; Jeffrey Ferrel <jeff@terraininnovations.com>

Subject: On Behalf of Robert Harris: Terra Innovations – Conditional Use Application for Dickerson Data Center (OZA No. CU 24 – 13)

[EXTERNAL EMAIL]

Mark, I believe Kyle Soltesz spoke with you yesterday about this project. I am following up in order to ensure that we have a workable process for approval of the Stormwater Management Concept Plan for the site.

By way of background, I believe you are aware that the overall site (the location of the former Dickerson Power Plant), totals approximately 758 acres. The portion zoned Heavy Industrial, (approximately 290 acres) is where the data center and related facilities will be constructed. Given the unique nature of this application, including the probable number of buildings and other facilities to be constructed over a period of years, we agreed with Park and Planning Staff some months ago that we would process the Conditional Use application as a two phase application. First, we would seek general Conditional Use approval from the Zoning Hearing Examiner's office for the use itself. If approved, we then would undertake the extensive

engineering and architectural work necessary to plan specific buildings and facilities on the property. We agreed that the second phase would be subject to Site Plan approval by the Montgomery County Planning Board and have included this in the list of proposed Conditions for the Conditional Use. In other words, no development could proceed until the Site Plan is approved.

Pursuant to Section 19-23(a) a Stormwater Concept Plan must be reviewed before a preliminary plan of subdivision can be approved, and, under Section 19-23(b) a site development stormwater plan has to be approved before Site Plan approval. In this case, we do not have a pending preliminary plan and will proceed with Site Plan at a later stage. We also are not at a point in the process where we know how many buildings will be constructed, where they will be located or the extent of the stormwater management that will be necessary. Therefore, we submitted with the application a Stormwater Management Narrative and a typical stormwater management concept exhibit to provide an overall vision of our intentions. (These are Exhibits 12 and 13 to the Conditional Use application and are attached to this email). We then plan to seek full stormwater approval as part of the Site Plan.

Would it be possible for you to confirm for us that you will review the Stormwater Concept Plan at the time of Site Plan approval so that we can proceed with the initial phase of the approval now? Again, we have included in the application and will reiterate to the Zoning Hearing Examiner that the entire approval will be subject to your approval of the Stormwater Management Concept Plan at the second phase of review.

Please let me know if this works so that we can keep the approval process moving. Thank you very much.

Bob

on behalf of Robert R. Harris, Attorney

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rrharris@lerchearly.com | [Bio](#)

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Janine K. Gilbert, Legal Assistant

Pronouns: She, Her, Hers

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T [301-657-0728](tel:301-657-0728) | F [301-986-0332](tel:301-986-0332) | Main 301-986-1300

jkgilbert@lerchearly.com

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From: [Adams, John G](#)
To: [Beall, Mark](#)
Cc: [Cappetta, Tina](#); [Helwig, Ben](#); [Wenschhof, Edward R](#); [Landsman, Andrew P](#)
Subject: RE: [EXTERNAL] Dickerson Power Plant
Date: Monday, May 6, 2024 1:06:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Hi Mark,
Thanks for the update.

The park's management team met several days ago to discuss the proposed project and we would like to request a briefing with Terra Energy and Montgomery County to learn more about the project, get clarification, and to ask additional questions. During the NPS meeting, the park had several comments that Terra Energy and Montgomery County should be aware of before this requested briefing:

- The proposed location for the BESS (Battery Energy Storage System) is in an area that the Maryland Department of Environment (MDE) has investigated and documented for the leaching of heavy metals and other toxins into the adjacent C&O Canal prism and waterway.
 - The park is concerned about potential runoff/erosion/contamination from this site and would like to know if Terra Energy and/or Montgomery County is aware of this concern and what actions are being planned.
 - Has Terra Energy or Montgomery County been in contact with MDE to understand the scope of this contamination and its impact on surrounding areas and waterways?
 - If future mitigation or other work is required to contain site contamination, will the planned location of the BESS hinder, restrict, or prohibit the implementation of these efforts?
 - The area between the planned location for the BESS and the C&O Canal is experiencing erosion due to rain runoff. Does Terra Energy have a plan to control this erosion and prevent material from flowing into the canal prism?
- The installation of a new water line/utilities to and from the Potomac River will need to cross NPS land. This action will trigger several requirements:
 - A Right of Way (ROW) application will need to be filed and approved by NPS for both new and existing utilities that cross NPS lands. NPS has been working with the landowner and representatives since 2022 regarding a ROW for existing utilities that cross NPS lands. It is expected that Terra Energy will continue to work with NPS to finalize a ROW application that addresses both new and existing utilities.
 - A Special Use Permit will need to be filed and payment will be required for estimated NPS costs to process.

- o NEPA (National Environmental Protection Act) process will need to be followed due to the impact to federal lands.

Thanks again Mark and let us know when Terra Energy and Montgomery County might be available to provide a briefing to NPS.

John G. Adams, CSP
C&O Canal NHP
Safety Officer/Regional Chainsaw Safety Program Manager
Cell 240-625-7082

From: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Sent: Wednesday, May 1, 2024 2:24 PM
To: Adams, John G <john_adams@nps.gov>
Subject: RE: [EXTERNAL] Dickerson Power Plant

Hey John,

Just to update you the project is still moving forward for the data centers and battery storage area. The plans are in the link below. Look towards the bottom of the list of files to see the latest set of drawings. We do not have architectural, only compound areas with square footage of buildings and acreages of compounds. The application will modify things at a later date as they sign contractor with different tenants.

<https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202413&projname=Dickerson%20Power%20Plant>

Please let me know if you have any issues with anything and thank you for your help. Have a great day!



**Thank you,
Mark Beall**
Zoning, Public Projects & Ag Initiatives Section
Zoning Planner | Upcounty Division
Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
mark.beall@montgomeryplanning.org
o: 301-495-1330



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Adams, John G <john_adams@nps.gov>

Sent: Tuesday, March 26, 2024 1:13 PM
To: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Subject: RE: [EXTERNAL] Dickerson Power Plant

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Hi Mark,

Just to let you know that we haven't forgotten about you. We have an internal meeting scheduled for 4/15/24 to bring the management team up to speed.

I doubt if we will have much input but who knows. It should look a lot better than the old power plant.

Is there anything in particular that the county needs from us and do you have some time frames for demo, site development and construction?

Thanks and my apologies for taking so long.

From: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Sent: Wednesday, January 24, 2024 4:30 PM
To: Adams, John G <john_adams@nps.gov>
Subject: RE: [EXTERNAL] Dickerson Power Plant

John,

The data center will be in the general location where the existing power plan is now. They are trying to get an initial approval and then start demolition. I think some Demo may still be taking place while they are building the new data center.

Hope this helps and sorry for the delay.



**Thank you,
Mark Beall**
Zoning, Public Projects & Ag Initiatives Section
Zoning Planner | Upcounty Division
Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
mark.beall@montgomeryplanning.org
o: 301-495-1330



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From: Adams, John G <john_adams@nps.gov>
Sent: Monday, January 22, 2024 2:46 PM
To: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Subject: RE: [EXTERNAL] Dickerson Power Plant

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Mark,

I was looking through the documents. Lots of good information.

I have a question. It appears that the data center will be built on the same plot of land where the power plant is currently located but, in the application, it says demolition will start seven years after construction.

Do you know if this is location is correct?

From: Beall, Mark <Mark.Beall@montgomeryplanning.org>
Sent: Monday, January 22, 2024 12:21 PM
To: Adams, John G <john_adams@nps.gov>; Cappetta, Tina <Tina_Cappetta@nps.gov>; Palmer, Paul D <Paul_Palmer@nps.gov>
Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>
Subject: RE: [EXTERNAL] Dickerson Power Plant

Hello John,

Thank you for your help with this. I fully understand not having a reply by next week.

Appreciate the help and have a good day!



Thank you,
Mark Beall
Zoning, Public Projects & Ag Initiatives Section
Zoning Planner | Upcounty Division
Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
mark.beall@montgomeryplanning.org
o: 301-495-1330





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2425 REEDIE DRIVE, WHEATON, MD 20902

From: Adams, John G <john_adams@nps.gov>

Sent: Monday, January 22, 2024 12:16 PM

To: Beall, Mark <Mark.Beall@montgomeryplanning.org>; Cappetta, Tina <Tina_Cappetta@nps.gov>; john_noel@nps.gov; Palmer, Paul D <Paul_Palmer@nps.gov>; james_yleton@nps.gov

Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>

Subject: RE: [EXTERNAL] Dickerson Power Plant

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Thanks Mark for the heads up. We were not aware of the new project.

I'll forward this email to the appropriate persons and see if they have any concerns. However, I can't guarantee any reply by next week.

John G. Adams, CSP
C&O Canal NHP
Safety Officer/Regional Chainsaw Safety Program Manager
Cell 240-625-7082

From: Beall, Mark <Mark.Beall@montgomeryplanning.org>

Sent: Monday, January 22, 2024 11:48 AM

To: Cappetta, Tina <Tina_Cappetta@nps.gov>; john_noel@nps.gov; Adams, John G <john_adams@nps.gov>; Palmer, Paul D <Paul_Palmer@nps.gov>; james_yleton@nps.gov

Cc: Butler, Patrick <patrick.butler@montgomeryplanning.org>; Penn, Joshua <joshua.penn@montgomeryplanning.org>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>

Subject: [EXTERNAL] Dickerson Power Plant

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Good Morning,

Sorry for emailing everyone, but I wasn't sure where to start and was given your contact information for our Parks Section.

We have a Conditional Use (CU) application for the old Dickerson Power Plant located on Martinsburg Road in Dickerson adjacent to the Potomac River and the C&O Canal. The applicant is proposing to demolish the old PEPCO power plant and build a new data center and battery storage facility on the property. First, we wanted to see if you were aware of the project. Also, we were wondering if you would have any comments that we should pass along to the applicant or if we should have the applicant reach out to you for some discussion. We are taking this project to our Development Review Committee (DRC) next week on 1/30/2024 to provide the applicant with all the county agency comments. I fully understand if it is too short of notice for you all to participate.

Here is the link to our DAIC system so you can review the plans that have been submitted so far. They are looking for an overall general approval from the Hearing Examiner for now and once they have more firmed up plans, they would have to go back and modify the CU to show the specifics.

Project Link:

https://www.mcatlas.org/Development_Info/Default.aspx

Project Files:

<https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=CU202413&projname=Dickerson%20Power%20Plant>

I wanted to make sure there aren't any easements or view sheds or anything else that the NPS may have concerns with for this project. Please let me know if you have any questions or concerns about this project. Also if you wish to participate or listen in on the DRC next week, I can send you the links. You're more than welcome to reach out to me by phone if you want to discuss in person. My number is in my signature below.

Thank you for your help and have a great day!

Thank you,
Mark Beall



Zoning, Public Projects & Ag Initiatives Section

Zoning Planner | Upcounty Division

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

mark.beall@montgomeryplanning.org

o: 301-495-1330



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Exhibit # 4



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

August 9, 2022

Jeffrey Ferrel
Vice President Business Operations
Terra Innovations, Inc.

Re: Initial Zoning Assessment Regarding Dickerson Power Plant Redevelopment

Dear Mr. Ferrel,

Pursuant to our recent meeting and discussions related to the redevelopment of the Dickerson Power Plant, DPS can confirm several zoning determinations as they relate specifically to your descriptions of proposed uses in the Agricultural Reserve lands of that property. Should there be changes in the descriptions of the uses, DPS would need to reassess the below categorizations of the uses.

Based on your description and use of the Data Centers, we concur that a Cable Communications System, as defined in our Zoning Ordinance (see below), would be the most appropriate way to categorize that use. Understanding that this will require Conditional Use approval by the Hearing Examiner.

A. Cable Communications System

1. Defined

Cable Communications System means an arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system with cables that do not touch public rights-of-way and that serve only the occupants of a single property of land under common ownership or management.

Based on your description and uses for both Battery Energy Storage Systems (BESS) and Energy Storage Systems (ESS), we concur that a Public Utility Structure, as defined in our Zoning Ordinance (see below), would be the most appropriate way to categorize that use. This use would also require Conditional Use approval from the Hearing Examiner.

E. Public Utility Structure

1. Defined

Public Utility Structure means a utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service or other public utilities.



Exhibit # 4

Lastly, Solar Collection Systems are conditionally permitted in the AR zone. However, they are limited to 2MW or less (see below). Your proposals would require a change in the present law.

Solar Collection System

A. Defined

Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices. Solar Collection Systems are facilities that comply with the requirements of the State's net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62, including Community Solar Energy Generating Systems, Aggregate Net Energy Metering Systems, and projects limited to a percentage of on-site energy use. A Solar Collection System larger than 2 megawatts (AC) is prohibited in the Agricultural Reserve Zone.

If you have any further questions or need for assistance, please don't hesitate to reach out to us again.

Best regards,



James G. Nichols
Manager, Z&CCS
Zoning and Code Compliance Division

cc: Victor Salazar, Division Chief Z&CC