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Transcript of Hearing - Day 1

Date: October 3, 2024

Case: Terra Energy – Public Energy & Cable Communications System (CU 24-13(a) & (b))

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<p style="text-align: right;">1</p> <p>MONTGOMERY COUNTY OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>-----X</p> <p>In Re : Case Nos.</p> <p>TERRA ENERGY, : CU 24-13(a) Applicant. : CU 24-13(b)</p> <p>-----X</p> <p style="text-align: center;">HEARING</p> <p>Before Hearing Examiner Kathleen Byrne</p> <p style="text-align: center;">Rockville, Maryland</p> <p style="text-align: center;">Thursday, October 3, 2024</p> <p style="text-align: center;">9:33 a.m.</p> <p>Job No.: 556062</p> <p>Pages 1 - 168</p> <p>Transcribed By: Sabrina Havard, AAERT CET-1290</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">C O N T E N T S</p> <p style="text-align: right;">Page</p> <p>PRELIMINARY MATTERS 4</p> <p>INTRODUCTORY STATEMENT:</p> <p>By Robert Harris 19</p> <p>TESTIMONY:</p> <p>By Jeffrey Ferrel 29</p> <p>By Caroline Taylor 132</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(Retained by the Examiner)</p> <p>EXHIBITS: ID'd Admitted</p> <p>30 1974 Decision 15 159</p> <p>31 Approved Conservation Plan 16 159</p> <p>32 Natural Resource Inventory 17 159</p> <p>33 PowerPoint presentation 18 159</p>
<p style="text-align: right;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>ON BEHALF OF APPLICANT, TERRA ENERGY:</p> <p>ROBERT HARRIS, ESQUIRE Lerch, Early & Brewer 7600 Wisconsin Avenue Suite 700 Bethesda, MD 20814 (301) 986-1300</p> <p>Caroline Taylor, Montgomery Countryside Alliance and Sugarloaf Citizens Association</p> <p>David Rosenbum, Observer</p> <p>Morgan Berry, Observer</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">(On the record at 9:33 a.m.)</p> <p>KATHLEEN BYRNE: All right. Good morning, everyone. My name is Katie Byrne. I'm the hearing examiner that's assigned to this matter today. We are here for CU 24-13. We've dubbed them (a) and (b), since there are two specific uses that are being asked under this one particular conditional use, and the Applicant is Terra Energy.</p> <p>This is a public hearing for the two uses: One, a cable communication system; the other, a public utility structure located in Dickerson, north of Martinsburg Road and west of Darnestown Road, also known as the Dickerson Power Plant in an IH and AR zone under the use standards set forth in 59, Section 3.5.2 for a cable communication system and Article 59, Section 3.6.7 for a public utility structure.</p> <p>This hearing is being conducted in a hybrid format, which means that individuals may participate either in person or remotely via Zoom.</p> <p>As the hearing examiner assigned, I'll</p>

<p style="text-align: right;">5</p> <p>1 listen to testimony, hear evidence, render an 2 opinion on the application before me pursuant to 3 the criteria set forth for conditional uses, 4 Article 59, Section 7.3.1. 5 If anyone disagrees with my decision, 6 they may appeal it to the Board of Appeals within 7 ten days after my decision is issued. 8 Just a few Zoom housekeeping duties. We 9 have our extraordinary guys over here that are 10 going to help us with Zoom. So what they'll do is 11 any exhibit that you want to refer to, just let 12 them know. They'll pull it up. It'll appear on 13 both screens. We can zoom in, we can zoom out, we 14 can move all around wherever you need to go during 15 testimony demonstratively. So it will be able to 16 be seen by those watching remotely and those of us 17 here in the room. 18 If you need to walk up to the screen, 19 feel free. If you're describing something to me on 20 the screen, I will do my best for you to say -- not 21 say, This and that, but to actually physically 22 describe what you're seeing on the screen for the</p>	<p style="text-align: right;">7</p> <p>1 for one second. 2 KATHLEEN BYRNE: One of those is your 3 guys or -- 4 ROBERT HARRIS: (Indiscernible). 5 KATHLEEN BYRNE: Let's see. We have. 6 THE STAFF: There we go. 7 KATHLEEN BYRNE: All right. So -- and 8 who's on the screen now? 9 THE STAFF: It looks like David 10 Rosenbum. 11 KATHLEEN BYRNE: Mr. Rosenbum, can you 12 unmute? 13 DAVID ROSENBUM: Yeah. Hi. I'm just 14 listening. I'm not here to testify. 15 KATHLEEN BYRNE: All right. Excellent. 16 Thank you, Mr. Rosenbum. And you can go -- 17 DAVID ROSENBUM: Thank you. 18 KATHLEEN BYRNE: -- ahead and turn your 19 camera off and just stay tuned in. All right. And 20 we have another person. 21 THE STAFF: Yes. A Morgan Berry or 22 Morgaine (phonetic) Berry. Hope I'm saying that</p>
<p style="text-align: right;">6</p> <p>1 court reporter, so when I go back, and I read the 2 transcript, I actually know what you're talking 3 about with the, This and the that on exhibit 4 whatever number it is, right? 5 So I'll also try to be aware of that as 6 we're describing things, and I'm taking in 7 information. Crosstalk -- so one of the 8 difficulties with not only Zoom but with the court 9 reporter -- we'll try not to talk over each other. 10 So, if -- they can't figure out who's 11 saying what and all of that, so we'll just try to 12 each speak one at a time. I'll also do my best not 13 to crosstalk or interrupt. Let's check. Who do we 14 have on Zoom? 15 THE STAFF: There is a David Rosenbum 16 and a Morgan Berry. 17 KATHLEEN BYRNE: Okay. Can we pull them 18 up and let's see them on Zoom? 19 THE STAFF: Do you want them up on the 20 monitor or (crosstalk) -- 21 KATHLEEN BYRNE: That would be great. 22 THE STAFF: Let's just stop the share</p>	<p style="text-align: right;">8</p> <p>1 right. 2 MORGAN BERRY: Yes. It's Morgan Berry. 3 I'm also here just to observe. 4 KATHLEEN BYRNE: Okay. Thank you. 5 Thank you, Ms. Berry. So you can stay muted, 6 please, and have your camera off. 7 All right. So we have no party or no 8 one testifying remotely, so we don't have to gather 9 their information. And, just for those who are 10 appearing remotely, if -- chat is disabled so, if 11 at any time, you did want to speak or did want to 12 be a party, you would need to raise your hand. 13 No one is able to share screen during 14 this process. The Zoom operators, as I said 15 before, will pull up anything that we need to 16 review. 17 All right. So nature of the proceedings 18 are informal with certain formalities. Do I have a 19 -- can I have a show of hands of anyone here who is 20 in opposition to the application? 21 CAROLINE TAYLOR: Is there a nuanced 22 answer to that?</p>

9	1 KATHLEEN BYRNE: There is a nuanced 2 answer to that. So, if you -- if you just want to 3 say something about the application, if you're 4 middle of the road, but you're not with the 5 Applicant. 6 CAROLINE TAYLOR: How about -- how about 7 concerns and waiting for answers before I think a 8 decision could be rendered? 9 KATHLEEN BYRNE: Okay. All right. 10 CAROLINE TAYLOR: Okay. 11 KATHLEEN BYRNE: So I'm -- hear that 12 you're not in opposition, but you have some 13 concerns that you'd like to raise. So I'm going to 14 -- 15 CAROLINE TAYLOR: I'll go with that. 16 KATHLEEN BYRNE: You've got concerns 17 that you'd like to raise. So what I'm going to do 18 is, I'm going to -- I'm going to -- I'm not going 19 to call you opposition, but I'm going to put you 20 kind of in that order -- 21 CAROLINE TAYLOR: That's fine. 22 KATHLEEN BYRNE: -- because we have an	11	1 chief. My person with concerns can then express 2 what those concerns are, and then there will be a 3 rebuttal opportunity for the Applicant after that. 4 Has everybody had an opportunity to take 5 a look at the exhibits that were listed online? 6 Does anyone have any objections to those exhibits 7 as they're listed online? None? 8 KATHLEEN BYRNE: Mr. Harris? 9 ROBERT HARRIS: No. 10 KATHLEEN BYRNE: Any comment on any of 11 the -- any of the exhibits at all? 12 CAROLINE TAYLOR: I will provide those 13 when I speak, if that's okay. As to their being 14 there yes. (Crosstalk) -- 15 KATHLEEN BYRNE: You're fine with them 16 being there? 17 CAROLINE TAYLOR: Yes. 18 KATHLEEN BYRNE: That's all I needed to 19 know. 20 CAROLINE TAYLOR: Okay. 21 KATHLEEN BYRNE: Thank you. All right. 22 So, essentially, all of the exhibits that are
10	1 order in which we move forward. So is there only 2 one person with concerns that's going to speak? 3 CAROLINE TAYLOR: This is me on behalf 4 of two organizations. 5 KATHLEEN BYRNE: Okay. All right. 6 CAROLINE TAYLOR: Trying to make it 7 easier for you. 8 KATHLEEN BYRNE: I appreciate that. 9 Thank you. 10 CAROLINE TAYLOR: All right. 11 KATHLEEN BYRNE: All right. And I know, 12 when we get to that point, we'll get -- we'll make 13 sure we get everybody's names, addresses, spellings 14 -- all of that kind of stuff. 15 CAROLINE TAYLOR: And I did sign in. 16 KATHLEEN BYRNE: Excellent. Thank you. 17 I love it when people follow instructions. All 18 right. 19 So, if you choose to, you can give us an 20 opening statement from the Applicant. If not, we 21 can jump headfirst into the factual case. The 22 Applicant goes first with their entire case in	12	1 identified are going to be deemed admitted, and 2 they will be ones that I will review. 3 *(Exhibits listed online admitted.) 4 KATHLEEN BYRNE: All right. Any kind of 5 closing statement that you wish to make, and there 6 is the opportunity for cross-examination. Is that 7 something that you're wishing to do, or do you want 8 to go all the way through the case in chief and 9 then -- 10 CAROLINE TAYLOR: I'll take notes and go 11 -- let them do their case in chief; and if I have 12 anything I'd like to have further information on at 13 your discretion, I will -- 14 KATHLEEN BYRNE: Okay. 15 CAROLINE TAYLOR: -- (crosstalk). 16 KATHLEEN BYRNE: Okay. All right. 17 Sounds good. What I found in instances like this 18 where parties aren't necessarily represented by 19 counsel, it's -- sometimes, it's best just to let 20 it all out. You get to hear everything that you 21 need to hear. And then, if there's questions based 22 on what you hear, those experts will still be here

<p style="text-align: right;">13</p> <p>1 for those kinds of questions. 2 All right. So that'll essentially be 3 what our order is. Appellant (phonetic) will go 4 first. Group with concerns will go second, ask any 5 questions that they have of those witnesses at that 6 time if need be, then rebuttal for the Applicant 7 and then closing statements. 8 As I stated earlier, approval is going 9 to be based on the criteria set forth in Section 59 10 7.3.1. All testimony should be directed to that. 11 And that is it for preliminary matters. So, if 12 you're ready, Mr. Harris, we can go. 13 ROBERT HARRIS: Yes. Good morning, Ms. 14 Byrne. For the record, Bob Harris of Lerch, Early 15 & Brewer. With me at the table here is Jeff 16 Ferrel, the vice president of Terra Energy. He's 17 going to be doing the primary speaking. 18 I have a short opening statement, but 19 also some housekeeping issues -- 20 KATHLEEN BYRNE: Okay. 21 ROBERT HARRIS: -- if I may -- 22 KATHLEEN BYRNE: Sure.</p>	<p style="text-align: right;">15</p> <p>1 uses are approved. 2 But it is in effect today, and there is 3 a decision that I happen to have a paper copy here 4 from back in 1974. I don't know whether I need to 5 offer that as an exhibit, or whether you can just 6 take administrative notice of that. 7 KATHLEEN BYRNE: I would actually go 8 ahead and include it -- 9 ROBERT HARRIS: Okay. 10 KATHLEEN BYRNE: -- as an exhibit, and I 11 will go ahead and add that as Exhibit Number 30. 12 (Exhibit 30 was marked for 13 identification.) 14 ROBERT HARRIS: Okay. 15 KATHLEEN BYRNE: And then, just from -- 16 and at the break, I'll make a copy of it -- 17 ROBERT HARRIS: Right. 18 KATHLEEN BYRNE: -- just for the record. 19 ROBERT HARRIS: Okay. 20 Secondly, in that regard, as you're 21 aware, this matter was considered by the Planning 22 Board two weeks ago --</p>
<p style="text-align: right;">14</p> <p>1 ROBERT HARRIS: -- with respect to 2 exhibits. As I indicated a moment ago, no 3 objection to the exhibits that you've got here, but 4 there are some that I think should be included 5 here, and we can provide them. 6 KATHLEEN BYRNE: Okay. 7 ROBERT HARRIS: At the same time, at 8 least one of these exhibits, you may be able to 9 take administrative notice of -- 10 KATHLEEN BYRNE: Okay. 11 ROBERT HARRIS: -- and that is -- there 12 is an existing special exception on the property. 13 KATHLEEN BYRNE: Uh-huh. 14 ROBERT HARRIS: CU 235; I think it is, 15 yes. Or S-235. 16 KATHLEEN BYRNE: Uh-huh. 17 ROBERT HARRIS: I'm sorry. Old special 18 exception. And that had to do with the power 19 plant. That is still in effect today, and one of 20 the parts of our application is that we're asking 21 that, that be removed from the part of the property 22 with which we're interested once our conditional</p>	<p style="text-align: right;">16</p> <p>1 KATHLEEN BYRNE: Uh-huh. 2 ROBERT HARRIS: -- and you have there, I 3 think, in the minutes here, their Planning Board 4 letter unanimously approving the conditional use, 5 Number 27. 6 KATHLEEN BYRNE: Uh-huh. 7 ROBERT HARRIS: They also approved a 8 forced conservation plan for the property, and I 9 have a copy of that resolution -- 10 KATHLEEN BYRNE: Okay. 11 ROBERT HARRIS: -- here that I would 12 like to include in the record again -- 13 KATHLEEN BYRNE: All right. 14 ROBERT HARRIS: -- after -- when we take 15 a break. 16 KATHLEEN BYRNE: Yep. That will be 17 Exhibit 31 -- 18 ROBERT HARRIS: Okay. 19 KATHLEEN BYRNE: -- and that will be the 20 approved forest conservation plan. 21 (Exhibit 31 was marked for 22 identification.)</p>

17
1 ROBERT HARRIS: Related to that, we had
2 to go through a very comprehensive natural resource
3 inventory and forest stand delineation, where the
4 engineers basically had to count every tree and
5 identify every tree on the entire 680 acres, and
6 that is in the record at the Planning Board.
7 It's not highly relevant here, but if
8 that would help you with the record, we can submit
9 that again today. We have hard copies where we can
10 submit it digitally. Whatever you think would be
11 best.
12 KATHLEEN BYRNE: Okay. If you could
13 give us a digital copy --
14 ROBERT HARRIS: Okay.
15 KATHLEEN BYRNE: -- of that, and that'll
16 be Exhibit 32.
17 (Exhibit 32 was marked for
18 identification.)
19 ROBERT HARRIS: Okay.
20 KATHLEEN BYRNE: I think it's better to
21 have the information than not have the information.
22 ROBERT HARRIS: Yes. That's my opinion,

18
1 yes. Okay. And then -- I lost track here. Where
2 am I? I think -- oh, and then, lastly, in a
3 moment, Mr. Ferrel is going to testify.
4 He has put together a PowerPoint
5 presentation that refers back to the exhibits that
6 are already in the record; but for ease of
7 reviewing the record, I would like the PowerPoint
8 to be included in the record as well.
9 KATHLEEN BYRNE: Absolutely. Do we have
10 a copy of that PowerPoint digitally that we can
11 pull up?
12 THE STAFF: Yeah. We (crosstalk) --
13 ROBERT HARRIS: Yes.
14 KATHLEEN BYRNE: Do you have that?
15 THE STAFF: -- up on (crosstalk).
16 KATHLEEN BYRNE: Okay.
17 THE STAFF: Yes, ma'am.
18 KATHLEEN BYRNE: All right. So we'll do
19 that as Exhibit 33. It will essentially be the
20 PowerPoint.
21 (Exhibit 33 was marked for
22 identification.)

19
1 ROBERT HARRIS: Oh, great. Thank you.
2 Okay. Now, with that tedium out of the way, I want
3 to make a brief introductory statement and then
4 want to jump right into this.
5 This is a unique and important case for
6 a number of reasons. It's unique and important
7 because what we have here, as the record indicates,
8 is a preexisting coal-fired power plant that's been
9 operating there for nearly 70 years.
10 The special exception to which I
11 referred is still in place, and we're going to be
12 taking that and converting it. It's -- and that
13 includes environmental cleanup. That is really
14 going to be very important.
15 Secondly, it's unique and important
16 because of the size of the property -- huge, 680
17 acres plus or minus. We're only going to be using
18 a small fraction of that. The way the conditional
19 use application is filed, I believe, it covers the
20 whole 680 acres, but a lot of that is agricultural
21 land, which we've agreed with the community will
22 not be part of the development.

20
1 And so it is huge; and because of that,
2 the location on the property where the data center
3 and battery storage facilities are going to be
4 located is very extremely well separated from any
5 neighboring properties, not only by distance but
6 also by the tree cover there.
7 Thirdly, we think it's important because
8 what this is going to lead to is the provision of
9 public services, data services, that everyone in
10 this room uses multiple times a day and as well as
11 a battery backup system to make sure the power
12 system in the region is satisfactory.
13 And then, lastly, the uniqueness and
14 importance of this is the extensive advance work
15 that the Applicant has done with the community,
16 with the county and state officials and with
17 federal agencies even.
18 And I want to extend a thank you to the
19 citizen witnesses who are here or are online,
20 because while I haven't been party to those
21 meetings, they have devoted a lot of time to
22 listening and asking questions, and you know, I

21

1 appreciate their commitment, and I hope to have
2 their support for this when we're done.
3 The record is very comprehensive now
4 through these 33 exhibits and the combination of
5 our application statement -- I'll call it a
6 statement of justification -- and then the pre-
7 hearing statement that we submitted a month or so
8 ago walk through all of the requirements for
9 approval of the conditional use and explain how
10 this application meets them.
11 So, you know, in theory at least, that
12 would cover the case. We're not going to leave it
13 at that because we want to be able to explain
14 things to satisfy the community, satisfy you as
15 well. But there is a very complete record in
16 support of this already, and that includes the
17 Planning Board and planning staff's support of
18 this.
19 The -- when we started the work on
20 preparing the application, we met with Park and
21 Planning staff. As you know, they're in charge of
22 intake even though it's a OZAH hearing, and they

22

1 provided us with the checklist as far as what we
2 needed to do.
3 We discussed with them at the time the
4 uniqueness of this application for the reasons I
5 stated already, and the fact that, in order to plan
6 specific buildings, specific footprints of them,
7 design the buildings, design the lighting, et
8 cetera, all of that takes many, many, many
9 thousands of dollars to do, hundreds of thousands
10 of dollars to do.
11 And the staff agreed that the best
12 procedure, rather than getting off into all those
13 details at the first step, would be to bifurcate
14 the conditional use application and start with a
15 broad application for the uses and cover the issues
16 to the extent we can at this point in time but
17 recognize that we would come back for effectively
18 an amendment to the conditional uses to deal with
19 the details.
20 This is something that, you know --
21 that, you know, the Planning Board does all the
22 time where they have a sketch plan --

23

1 KATHLEEN BYRNE: Uh-huh.
2 ROBERT HARRIS: -- and then come in
3 later with a site plan or preliminary plan. It
4 also happens, as you're aware, in rezonings where
5 --
6 KATHLEEN BYRNE: Uh-huh.
7 ROBERT HARRIS: -- you have a local map
8 amendment and a Development Plan, but then it's
9 followed up with more detailed site plans and et
10 cetera. And so that is the procedure that we're
11 proposing here, and it's explained in detail in our
12 submissions.
13 Let's see. Let's see. Finally, Mr.
14 Ferrel is going to walk you through, as I say, this
15 PowerPoint presentation. As I've listened to it, I
16 compare it to a Ken Burns Public Broadcasting
17 System documentary. It's not quite as
18 entertaining, but it is -- it is informative.
19 And, you know, we're not going to put
20 Ken Burns out of business, but I hope that the
21 community will see that we're addressing their
22 issues, and we hope to address your issues.

24

1 KATHLEEN BYRNE: Okay.
2 ROBERT HARRIS: So, with that said, I'll
3 turn it over to Jeff Ferrel to jump right in.
4 KATHLEEN BYRNE: I am going to ask you
5 one question.
6 ROBERT HARRIS: Yes, ma'am.
7 KATHLEEN BYRNE: Because I think it's
8 more appropriate for you. So the existing special
9 exception on the property -- you want it to remain
10 on the property? Is it going to be -- is it -- are
11 you requesting it essentially be bifurcated? Like
12 --
13 ROBERT HARRIS: That's an excellent
14 question to which I don't have an excellent answer.
15 KATHLEEN BYRNE: Okay.
16 ROBERT HARRIS: Staff at Park and
17 Planning is --
18 KATHLEEN BYRNE: Uh-huh.
19 ROBERT HARRIS: -- the one that they
20 said that was one of the conditions that they
21 wanted --
22 KATHLEEN BYRNE: Right.

25	1 ROBERT HARRIS: -- approved is to remove 2 that from our part of the property. As Mr. Ferrel 3 will explain, he bought -- his company bought -- 4 the 680 acres. 5 KATHLEEN BYRNE: Okay. 6 ROBERT HARRIS: FirstEnergy, Pepco, 7 whatever you want to call them, owned and still 8 owns more than that. Technically, I don't believe 9 they need the special exception anymore because the 10 special exception was for the operation of the 11 power plant. 12 KATHLEEN BYRNE: Right. 13 ROBERT HARRIS: But it's not for me to 14 say that they -- you know, to take it away from 15 them. Okay? 16 KATHLEEN BYRNE: Right. Because they 17 were the original applicant back in 1974. They 18 still own some of the land. Do they still own some 19 of the land that the special exception would cover? 20 JEFFREY FERREL: So, originally, the 21 property was significantly larger. It's been 22 broken up into smaller pieces --	27	1 JEFFREY FERREL: It rides with the land. 2 KATHLEEN BYRNE: -- it rides with the 3 land. It can go -- like, we don't have to ask them 4 to submit that. It can be -- it can be part and 5 parcel of it. 6 ROBERT HARRIS: Yes. And one point of 7 clarification. I mentioned 1974, and you -- 8 KATHLEEN BYRNE: Uh-huh. 9 ROBERT HARRIS: -- repeated it. That is 10 only the most recent -- 11 KATHLEEN BYRNE: Recent one. 12 ROBERT HARRIS: -- decision. There were 13 earlier decisions of that, and I don't -- it's been 14 there since the 1950s -- 15 KATHLEEN BYRNE: Right. 16 ROBERT HARRIS: -- and I don't -- 17 KATHLEEN BYRNE: Right. We'll take the 18 last one. I think that's probably good enough. It 19 probably encompasses all of it and -- 20 ROBERT HARRIS: I think so. 21 KATHLEEN BYRNE: Yeah. 22 ROBERT HARRIS: Yes.
26	1 KATHLEEN BYRNE: Okay. 2 JEFFREY FERREL: -- through the years. 3 So the area that the special exception was intended 4 to cover is the power plant and the activities to 5 make that go. That entire facility is on the 6 property which we now own which is -- 7 KATHLEEN BYRNE: Okay. 8 JEFFREY FERREL: -- so, although Pepco 9 and some other utility providers still own property 10 in the area that were part of the original 11 assemblage -- 12 KATHLEEN BYRNE: Uh-huh. 13 JEFFREY FERREL: -- the use that the 14 special exception was dedicated to is on our 15 property. 16 KATHLEEN BYRNE: Okay. All right. 17 ROBERT HARRIS: Does that -- does that 18 clear it up, right? 19 KATHLEEN BYRNE: That does, because 20 essentially, if that 1974 decision targeted the use 21 on this particular acreage, then abandonment of 22 that variance you, now, as the property owner --	28	1 KATHLEEN BYRNE: Okay. All right. That 2 -- because I wasn't -- I wasn't sure what the ask 3 was -- 4 ROBERT HARRIS: Right. 5 KATHLEEN BYRNE: -- if it was to, like 6 -- because if that was the case, then there'd have 7 to be some kind of delineation, you know? But, if 8 it's all on yours, then, it all goes away. 9 ROBERT HARRIS: Yeah. 10 KATHLEEN BYRNE: It would all -- 11 ROBERT HARRIS: Okay. 12 KATHLEEN BYRNE: -- have to go away. 13 ROBERT HARRIS: (Crosstalk). 14 KATHLEEN BYRNE: Okay. 15 ROBERT HARRIS: Okay. All right. 16 KATHLEEN BYRNE: All right. That -- 17 ROBERT HARRIS: So -- 18 KATHLEEN BYRNE: -- thank you for that. 19 ROBERT HARRIS: Thank you. 20 KATHLEEN BYRNE: Uh-huh. 21 ROBERT HARRIS: Thank you. 22 Mr. Ferrel, go ahead.

<p style="text-align: right;">29</p> <p>1 JEFFREY FERREL: Good morning. 2 ROBERT HARRIS: Did you identify 3 yourself for the record? 4 JEFFREY FERREL: Jeffrey Ferrel, vice 5 president, Terra Energy. 6 KATHLEEN BYRNE: And could you spell 7 your first and last name -- 8 JEFFREY FERREL: Yeah. 9 KATHLEEN BYRNE: -- for the court 10 reporter? 11 JEFFREY FERREL: J-e-f-f-r-e-y, Jeffrey. 12 Ferrel is F-e-r-r-e-l. 13 KATHLEEN BYRNE: All right. And can you 14 raise your right hand for me? 15 JEFFREY FERREL, WITNESS, SWORN 16 KATHLEEN BYRNE: All right. Thank you. 17 JEFFREY FERREL: Good morning. 18 Bob did a really good job introducing 19 the property. As he mentioned, I'm going to try 20 and walk through -- you know, it's been in the 21 county. The property has been there forever, but 22 this -- the former use has been there since the</p>	<p style="text-align: right;">31</p> <p>1 As Bob mentioned, it's approximately a 2 hundred and sixty acres of land, and it has split 3 zoning, which is about 239 acres of heavy 4 industrial, plus or minus, and about 239 acres of 5 remaining agricultural land or ag-reserve property. 6 So it's a -- not only is it a very large 7 property, but it's, you know, kind of rare to have 8 a split-zoned property anymore through -- you know, 9 running through time. 10 Next slide. 11 UNIDENTIFIED SPEAKER: That's four 12 hundred and twenty -- 13 ROBERT HARRIS: Yeah. 14 JEFFREY FERREL: I'm sorry. Four -- 15 yeah -- four hundred -- 16 ROBERT HARRIS: Four -- 17 JEFFREY FERREL: -- and thirty-nine. 18 ROBERT HARRIS: All right. 19 UNIDENTIFIED SPEAKER: (Indiscernible). 20 JEFFREY FERREL: So there -- 21 KATHLEEN BYRNE: Okay. 22 JEFFREY FERREL: -- on the -- on the</p>
<p style="text-align: right;">30</p> <p>1 mid-'50s, and it's a large and complicated 2 property, which I think is part of the story that 3 we're talking about today with the neighborhood and 4 the uses that are there. 5 So I'll try and move through it quickly, 6 but I wanted to make sure we're talking about the 7 specific property, the surrounding uses, the 8 neighborhood, and what is there today, and what 9 we're proposing to do. 10 So, if we could do the slideshow. And 11 I'll mention that all the slides -- or all the 12 exhibits in here are either just images from 13 online, or they're portions of exhibits that we've 14 already submitted and are in the record. 15 KATHLEEN BYRNE: Okay. 16 JEFFREY FERREL: Okay. So Slide 2. So 17 the subject parcel is in Dickerson, Maryland, 18 northwest quadrant of the county, all the way up 19 and borders the Potomac River on the west side. 20 And then there's some surrounding uses, including 21 agricultural reserve land north and east and some 22 more heavy intense uses to the south.</p>	<p style="text-align: right;">32</p> <p>1 screen there, you can see the red outline is the 2 single property which we're discussing today. The 3 gray area is overlaid -- is the heavy industrial 4 land. 5 You'll notice that most of that is on 6 our property. Some of that, as I mentioned, is on 7 the land owned by Pepco and another energy provider 8 that runs a facility there. So -- 9 KATHLEEN BYRNE: Okay. 10 JEFFREY FERREL: -- the Potomac River to 11 the west, and I've got a label on there. It's very 12 skinny, but the blue line there is the C&O Canal. 13 KATHLEEN BYRNE: Okay. 14 JEFFREY FERREL: So our boundary on the 15 west side is the river and the canal, National Park 16 land, and we'll go through the remaining uses. 17 Next slide. So I wanted to talk about 18 the neighborhood -- what's there. As Bob 19 mentioned, it's a unique property. There's a 20 tremendous amount of energy assets on the property, 21 along with things like rail lines and anything that 22 you'd need for -- to operate a heavy industrial</p>

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1 site.
2 The two yellow marks on the screen are
3 substations. They were built originally to provide
4 power or remove power from the power plant and set
5 them out to the grid, and then a second one was
6 established later for a gas turbine.
7 KATHLEEN BYRNE: So, just to clarify,
8 the red outline, everything within that red outline
9 is your property?
10 JEFFREY FERREL: Yes, ma'am.
11 KATHLEEN BYRNE: Okay. And then so
12 these yellow markings appear to be outside --
13 JEFFREY FERREL: Yes.
14 KATHLEEN BYRNE: -- of your property.
15 Okay. I just wanted to clarify that --
16 JEFFREY FERREL: Just (crosstalk) --
17 KATHLEEN BYRNE: -- in my brain.
18 JEFFREY FERREL: Yes.
19 KATHLEEN BYRNE: Okay.
20 JEFFREY FERREL: Just going to the
21 neighborhood. The first -- the first yellow box on
22 the --

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1 KATHLEEN BYRNE: Uh-huh.
2 JEFFREY FERREL: -- on the left-hand
3 side of the screen --
4 KATHLEEN BYRNE: Uh-huh.
5 JEFFREY FERREL: -- or on the west side
6 is a substation originally built to offtake from
7 the coal-fire power plant. It's 650 feet by 350
8 feet, or approximately five and a half acres. Just
9 wanted to give you some scale because it's -- kind
10 of lose it on the map there.
11 The one in the center of the screen was
12 built later to support a second energy use that was
13 built later after the original power plant. That
14 one is significantly bigger. It's a thousand feet
15 by four hundred and fifty feet or about ten acres.
16 So really large areas of land. What these
17 typically look like -- and you can go to the next
18 slide.
19 These are huge gravel lots. I think a
20 lot of people see these when they drive down the
21 road. Every once in a while you'll see one next
22 to, you know, a big industrial site but huge gravel

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1 lots, 12-foot-high fences, and just all the
2 electrical equipment you could think of.
3 So large transmission lines come in and
4 out of these sites, and what these sites really do
5 is, they take it from transmission level energy to
6 distribution level energy that would serve this
7 building or your home. The highway lines, the
8 transmission lines are at a significantly higher
9 voltage. So they come to these, and then they
10 distribute around.
11 Next slide. That's what one looks like
12 from the ground. This is directly adjacent or east
13 of the coal-fire power plant. And, just to give
14 you an idea, again, of scale, that's the one that's
15 about five and a half acres, and you can see the
16 transmission lines running from that substation off
17 and to the left. But just to give you an idea of
18 what it actually looks like on the ground.
19 So next slide. The next use I want to
20 talk about is that other energy asset that is still
21 operating.
22 ROBERT HARRIS: Excuse me one second.

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1 JEFFREY FERREL: Yep.
2 ROBERT HARRIS: So the slides that you
3 just showed -- those facilities will remain?
4 JEFFREY FERREL: Yes.
5 ROBERT HARRIS: Okay.
6 JEFFREY FERREL: Yeah. They're off --
7 they're off our property.
8 ROBERT HARRIS: Yeah.
9 KATHLEEN BYRNE: Right.
10 MR. FERREL: Just --
11 KATHLEEN BYRNE: Those --
12 JEFFREY FERREL: -- green --
13 KATHLEEN BYRNE: -- so those lots with
14 the transmission equipment is still -- is with the
15 owners of the other property?
16 JEFFREY FERREL: They are with the
17 owners of the other property.
18 KATHLEEN BYRNE: Okay.
19 JEFFREY FERREL: They'll be there
20 forever.
21 KATHLEEN BYRNE: Okay.
22 JEFFREY FERREL: Yeah.

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1 The -- and again, just making sure we
2 know what's the surrounding uses. So the green box
3 on the screen in between the two yellow boxes is a
4 natural gas or a dual fuel combustion turbine. And
5 if you can go to the next slide. It looks like
6 that from the ground, and you'll notice the
7 substation behind it.
8 This is a unit that burns a number of
9 different kinds of fuel. Generally, it runs on
10 natural gas. It has the ability to run on diesel.
11 It has the ability to run on oil. This creates
12 energy, distributes it to the grid, and this has
13 been operating for some 20 years and still operates
14 today.
15 So they typically aren't running 24
16 hours a day, 7 days a week. They run
17 intermittently during peak hours, hottest days of
18 the year, coldest days of the year, and times where
19 there's just a heavy energy load, middle of the
20 day.
21 KATHLEEN BYRNE: Do you know what the --
22 I mean, Mr. Harris might know this as well -- what

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1 the -- is there an underlying conditional use for
2 this, or was this -- are these permitted uses? Are
3 --
4 ROBERT HARRIS: I'm --
5 KATHLEEN BYRNE: I'm just -- I'm worried
6 about this abandonment of the --
7 ROBERT HARRIS: Yeah. And, when we
8 talked earlier about --
9 KATHLEEN BYRNE: Uh-huh.
10 ROBERT HARRIS: -- when we talked
11 earlier about that, too, I was scratching my head
12 because I've not studied the underlying approvals,
13 but I --
14 KATHLEEN BYRNE: Okay.
15 ROBERT HARRIS: -- believe these are
16 part of S-235.
17 KATHLEEN BYRNE: Okay.
18 ROBERT HARRIS: Okay? So, to clarify
19 further, what we're talking about is we would just
20 be asking --
21 KATHLEEN BYRNE: The abandonment --
22 ROBERT HARRIS: -- you to remove --

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1 KATHLEEN BYRNE: -- of the conditional
2 use --
3 ROBERT HARRIS: -- abandonment for --
4 KATHLEEN BYRNE: -- on the property.
5 ROBERT HARRIS: -- the red line --
6 KATHLEEN BYRNE: Okay.
7 ROBERT HARRIS: -- property.
8 KATHLEEN BYRNE: Right. I can't --
9 ROBERT HARRIS: Yes.
10 KATHLEEN BYRNE: -- like, I can't
11 wholesale throw it out the window.
12 ROBERT HARRIS: No. Exactly, yeah.
13 KATHLEEN BYRNE: All right. Thank you.
14 ROBERT HARRIS: Exactly. Thank you.
15 KATHLEEN BYRNE: Okay.
16 JEFFREY FERREL: So these units have the
17 ability to create a tremendous amount of energy,
18 approximately 330 megawatts, of electricity in
19 every instant that they're running. They typically
20 don't run -- again, as I mentioned -- they don't
21 run all the time.
22 They run when it's sort of -- the market

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1 needs it, times of great demand of energy. I
2 always think of, you know, 4 p.m. on a hot day in
3 August when everybody's air conditioning is
4 running, and the kids are home from school --
5 things like that -- really cold days when people
6 are running their heat and things like that.
7 So it does run. You can see the
8 substation in the background. Again, just making
9 sure we have a good visual of what the site looks
10 like.
11 Next slide. Just a side view of that,
12 and you can -- you'll notice, in the background,
13 there's obviously a lot of -- a much bigger
14 facility. We'll get to that one. That's a waste-
15 to-energy facility also just off property.
16 KATHLEEN BYRNE: Okay.
17 JEFFREY FERREL: Okay. Next slide.
18 Continuing the tour, here, there's a orange box on
19 your screen now, and that's going to be on the
20 right-hand side of the -- of the image and on the
21 east side of -- just east of our property in the
22 agricultural reserve.

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1 I'll note that the two previous uses the
2 substations and the natural gas turbine are both on
3 heavy industrial land. This is a natural gas
4 facility and holding tank, which is just off our
5 property in the agricultural reserve.
6 Next image. So much like the
7 transmission lines run electricity almost like a
8 highway that then you have to get off of to be able
9 to distribute, natural gas has the same function as
10 a commercial natural gas line that transports gas
11 in great lengths at high pressure, and then
12 occasionally, there has to be a station to be able
13 to take it off that line and slow it down and hold
14 it and then distribute it.
15 So this facility is -- that area is
16 about a 15-acre plot. The holding tank holds
17 liquid natural gas, and that's there to serve the
18 natural gas turbine that we just talked about and
19 also the waste-to-energy facility operated by
20 Covanta and owned by the County to the south.
21 So this is a use that's used all day
22 long. Not only is it used for the uses here, but

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1 it's also sort of a transmission point where you
2 can get effectively on and off the gas highway,
3 right? It does continue north and south.
4 Next slide. Big pink box on the bottom
5 of the screen. Again, this is going to be sort of
6 south and east of our property. You can hit the
7 next slide. This is a Montgomery County -- that's
8 like a green waste facility. They take brush,
9 leaves, you know, all the green waste yard
10 trimmings that come from homes, and it gets
11 transported up here, and they do a really good job
12 making effectively a soil additive or a topsoil
13 nutrient rich.
14 And this is where all the green waste in
15 the county goes. It comes up here by rail and by
16 truck and goes here. Now, I show the image with
17 the tractor, because what they do there is, they
18 take these things, and they let them compost.
19 Gets really, really hot, and they rotate
20 them and water them and rotate them and water them
21 until you go from green waste that you would see on
22 the curb into a product that gets sold retail to,

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1 like, places like Home Depot.
2 They make effectively topsoil out of
3 this, and it covers a really large space. It's
4 like a hundred and twenty acres of land, and again,
5 this is just to the south. It's a County facility.
6 Manages MSW or manages solid waste, in this case,
7 green waste.
8 So next slide. And then purple box just
9 to the west of that facility and to sort of the
10 south and east of us is the County's waste-to-
11 energy facility.
12 Next slide. So the County hauls all MSW
13 from all residences and businesses from homes here.
14 They go to Derwood by way of, you know, trucks that
15 pick things up at the curb. Contractors drop
16 things off at that main mixing facility in Derwood,
17 and then all of the waste for the County goes north
18 on rail up through the County and then comes back
19 down into this facility.
20 The rail lines go through our property.
21 They go through from the north. They come down on
22 a CSX line, and then they have -- on a private

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1 rail, which we own, and go to the Covanta facility
2 owned by the County.
3 And what they do there -- this has been
4 there for dozens of years -- and what they do
5 effectively is, they burn the waste. So anything
6 that can't be recycled or can't go to that green
7 facility comes here.
8 They ignite it, they use the natural
9 gas, and they basically ignite all of it, and it
10 burns to -- burns, makes steam, which is from the
11 river. The water is from the river. They make
12 steam that turns turbines, and they make energy
13 here.
14 Approximately 52 megawatts is the -- is,
15 like, the nameplate capacity for it, which is, you
16 know, obviously a lot less than that gas turbine,
17 but it's nonetheless valuable, and they run
18 somewhere around 1500 tons a day.
19 And what this really looks like, if you
20 go up there, you can see on the image that is on
21 the bottom and the left, you see a row of rail
22 cars. And what they do is a -- is an engine pulls a

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1 row of rail cars at about two, three miles an hour
2 very slowly through the north part of the county
3 into this property, and they bring all that waste
4 in, and then they process it, mix it, clean it, and
5 then they burn it.
6 And this is something that happens, you
7 know, 24/7 all the time. So it creates a lot of
8 energy, but you know, the County has to dispose of
9 waste in some -- in some way. So this is the way
10 they do it today. So, again, that's just off our
11 property.
12 So last slide, last couple of slides,
13 touring the neighborhood here. Those rail lines I
14 referenced are the blue lines going north and
15 south. Okay? There's -- the rail was originally
16 built not for that waste to energy facility. It
17 was built for the -- for the former use on our
18 property.
19 So it would be used to transport coal in
20 and waste material out, and we'll cover that a
21 little bit more on the next couple of slides. But
22 -- and then you see it goes down and around through

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1 into that -- into that purple property where the
2 waste facility is, and that's where those rail
3 lines go today.
4 Today, we're not using the rail line at
5 all. We have -- we have salvaged most of the -- of
6 the lines that are on the west-hand side near the
7 C&O Canal. We're salvaging them, you know,
8 basically as quickly as we can.
9 No intention of using the rail. We are
10 obligated to keep it open for the County's use
11 until they're done doing that --
12 KATHLEEN BYRNE: (Crosstalk) --
13 MR. FERREL: -- which at this point,
14 looks like it's going to be at least another decade
15 or so.
16 KATHLEEN BYRNE: Okay.
17 JEFFREY FERREL: So the yellow lines
18 going again north-south, east-west, you'll notice
19 that they touch the yellow boxes that we first
20 talked about. These are transmission line
21 easements.
22 So Pepco, FirstEnergy, all the power

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1 companies, have these transmission lines. There's
2 approximately seven of them that crisscross the
3 county or crisscross this property.
4 So we've got three that come from the
5 north, and they go south. There's a -- two 230-KV
6 lines -- that's 230-kilovolt lines -- a 500-
7 kilovolt line that goes from the north into the
8 substations, and they hit both of them. And then
9 there's the one going east from these substations,
10 and that is four 230-KV lines. So it's a much
11 bigger transmission going east.
12 And then, again, south, we have another
13 three which are two 230-KV lines and a 500-KV line.
14 There are some ancillary additional heavy lines
15 that run throughout the property to serve and work
16 in between the substations. It's a couple of 69-KV
17 lines, 4-KV line.
18 These are what you call station
19 services, but there's transmission lines, towers
20 that run from substation to substation, from the
21 waste-to-energy facility to the substation from the
22 former power plant. So there's just a

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1 crisscrossing of this electrical infrastructure
2 that has been there and will continue to be there.
3 ROBERT HARRIS: Mr. Ferrel, may I
4 interrupt for a moment? Is there also a fiber
5 optic line there? And, if so, where is that, and
6 what is the function of that?
7 JEFFREY FERREL: So there is an easement
8 on the yellow line effectively running north to
9 south. It leaves our property down next to the
10 waste-to-energy facility, and it leaves the
11 property on that north corner.
12 There's a fiber loop being constructed
13 from, you know, I would say from here, but it goes
14 through here up to Frederick, around over the
15 river, down through Loudoun County and back under
16 the river.
17 I -- we're not building that fiber line.
18 If I had to estimate, I'd say it's 90 percent
19 complete. The run through our property is -- I
20 think, they're cleaning up -- but I believe the run
21 is complete through our property.
22 KATHLEEN BYRNE: Uh-huh.

<p style="text-align: right;">49</p> <p>1 MR. FERREL: And that will run 32 2 conduits that are two inches in size, and each one 3 of those is capable of having somewhere around 60 4 strands of fiber. So it's built as one of the 5 largest fiber projects on Earth, and it runs right 6 through under the utility lines on this property. 7 ROBERT HARRIS: And will your proposed 8 use take advantage of that? 9 JEFFREY FERREL: Yes. If approved, the 10 conditional uses would connect to that. 11 ROBERT HARRIS: Thank you. 12 JEFFREY FERREL: Next slide. Those are 13 just a look at the rail lines, substations, 14 transmission lines. Obviously, the side -- the 15 right-hand side -- you can see towers like that 16 everywhere on the property, and you can see it 17 above on the substation on the upper left-hand 18 image. 19 You can see them running from the 20 substation east, and then, of course, there's rail 21 lines. You can see those are the rail lines that 22 go from the north into the waste-to-energy</p>	<p style="text-align: right;">51</p> <p>1 45 acres of land, and you can see in the background 2 here on the right-hand side of the screen, north 3 right, is the waste-to-energy facility. 4 KATHLEEN BYRNE: Okay. 5 JEFFREY FERREL: So this is the waste 6 burning facility, and you'll see -- you can kind of 7 draw a line across the screen, and you can actually 8 see railcars, which is why I use this image. You 9 can see all the train cars coming in, and they go 10 this direction. That's how the waste gets to that 11 facility. 12 And, formerly, it's how those rail lines 13 -- and you can see them here -- delivered coal to 14 the power plant when operating. You can see here 15 the combustion turbines that we just spoke about -- 16 KATHLEEN BYRNE: Uh-huh. 17 JEFFREY FERREL: -- the substation 18 adjacent, the gas facility. Way back in here is 19 that green waste facility where they make the 20 Leafgro. And so you can just sort of see all these 21 things are formally on one campus. It was all -- 22 it was all on one plot of land. It was one campus.</p>
<p style="text-align: right;">50</p> <p>1 facility. But those are on our property. 2 So I've taken you on a reasonable tour 3 around the neighborhood, which I think is kind of 4 important to set the -- set some understanding of 5 what's there. This is obviously a large image of 6 the property from the Virginia side, and you can 7 see there this is three or four years ago when the 8 plant was still operating. 9 You can see the smoke coming out of the 10 one stack to the right, which was the only one in 11 operation at the end of the life. Now, you know, 12 probably actually a good chance for me to stand up 13 and point if it's okay. 14 KATHLEEN BYRNE: Sure. (Crosstalk) -- 15 JEFFREY FERREL: Yeah. So we looked at 16 everything from above. 17 KATHLEEN BYRNE: Okay. 18 JEFFREY FERREL: And so, now, we can 19 look at the same uses that we just talked about, 20 you know, from a horizontal view. So this is 21 obviously the power plant. 22 This is (background noise) approximately</p>	<p style="text-align: right;">52</p> <p>1 And so you can see all that there. 2 These are stormwater management ponds that manage 3 all the stormwater from the entire site. And I'll 4 just draw your attention to this thing right here 5 along the water's edge, just in the image south of 6 the plant. 7 This is a water intake facility, and 8 here's a discharge facility for when water was 9 withdrawn, and it's still being withdrawn by 10 adjacent uses, but withdrawn originally for steam 11 for the power plant and then discharged along this 12 channel back to the canal or back to the Potomac 13 River. 14 So that sort of takes everything we 15 talked about and gives you a view and how they -- 16 close they are in proximity. You know, the land in 17 that image that we're speaking of is probably, you 18 know, 800 acres of space. So to say that it's all 19 really close together isn't entirely true, but with 20 the uses being this size, they're pretty darn close 21 together. 22 Next slide. So we just went through</p>

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1 this on the other one, but I wanted to show you it
2 on Plan View -- some things about the former use.
3 So the -- just under the thing that says, Exhibit
4 3, you'll see, Main power plant and scrubbing
5 facility. Those are both the most recent --
6 they're included in the most recent coal-fire power
7 plant.
8 So the power plant -- the main building
9 is where the coal burning, boiling combustion
10 turbines work. The scrubbing facility was built on
11 or about 2002, as regulations were getting a little
12 bit tighter on, you know, coal burning.
13 They've spent about 6- or \$700,000 --
14 I'm sorry -- million dollars on a scrubbing
15 facility at this site. They did it at a number of
16 power plants. But, here at this site, around \$680
17 million to scrub the flue gas.
18 So what they effectively did -- and you
19 may care or not, but it's rather interesting --
20 they brought in limestone on rail. They crushed it
21 into a fine powder. They liquefied it with some
22 water, and all the flue gas ran through a sheet of

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1 liquid limestone, and that caught the carbon, so
2 that the emissions were cleaner.
3 And then the byproduct would dry, and it
4 made synthetic gypsum. So, for, you know, 20 years
5 here, they would take that byproduct, put it on
6 rail, and they would ship it back out, and it was
7 sent to New York, and they made drywall with it.
8 So just kind of an interesting thing.
9 But all those facilities, all the conveyor belts,
10 all that stuff, it's all there, and it's on that
11 portion of the property.
12 The coal storage yard, sort of at twelve
13 o'clock on your image -- we saw on the rail car
14 image in the previous one, a fairly large plot of
15 land. They used about 35 acres of it for coal
16 storage, and it would dump.
17 They -- rail car would come in. There's
18 a tipping facility there. It's still there. Tip
19 the car over, goes through a conveyor system, and
20 dumps it onto a big plot of land, and then later,
21 bulldozers come and push it into a different
22 conveyor system, and then it would conveyor over to

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1 the plant.
2 All those facilities are still, you
3 know, partially decommissioned or all
4 decommissioned, partially demolished. But all of
5 that is -- you know, the land is still there. And
6 then, on the north, maybe at one o'clock is the
7 maintenance facility.
8 So, obviously, with a plant of this
9 size, you can imagine the amount of equipment,
10 bulldozers, excavators, trucks, and then big, big
11 supply lines, like, rolls and spools of wire,
12 cable, sheets of metal, all the things that you
13 would need to take care of a facility like this.
14 The big stock was stored there. Then
15 we had 12 warehouses up on that north side. There
16 was another warehouse for, I call it, like, the
17 hardware store they had. When we bought it, it was
18 as though they walked away. It'd be like walking
19 into a true value. They had, you know, every bolt,
20 nut, and all this stuff was all there.
21 So they really -- sort of everything
22 that they needed to operate, fix, repair --

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1 everything was all built and developed on this
2 property.
3 And then the last thing I wanted to
4 point out, you'll see, Gravel storage yard. The
5 note is at about four o'clock, and the arrow goes
6 up into that sort of the middle open area. In that
7 area, there's a really, really large parking lot,
8 basically.
9 It's a gravel lot. It's starting to get
10 overgrown now with grass and things like that, but
11 that was a staging area and a parking lot. When
12 they were doing expansions for the plant, they
13 didn't have any place to park anybody, and they
14 didn't have any place to lay down material.
15 So they cleared, like, you know, maybe a
16 hundred and thirty acres, hundred and twenty acres
17 in the middle, made it a gravel lot, and that's
18 where they stored all the material, equipment, and
19 then had a parking lot for staff.
20 Because, you know, at any given time
21 during construction, there'd be 250 people working
22 at this facility, both operating the plant and

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1 building that scrubbing plant. So obviously they
2 built a huge lot there to park, and that's right
3 there in that middle area.
4 Next slide. Without -- we'll go through
5 these next ones because I don't want to exhaust
6 everybody's patience, but I just wanted to show
7 sort of, you know, from above, you can see all
8 these facilities. You can keep going. This is the
9 backside of the plant where the plant -- the side
10 away from the Potomac River.
11 And I wanted to give you a little bit of
12 a sense of scale. I think most people in the
13 county have never seen this. You -- maybe you see
14 the smokestacks occasionally, but most people have
15 never been on the property here. You can see, on
16 the bottom right-hand corner, there's a parking
17 lot. Those are cars.
18 And that building that it's parked in
19 front of is a three-and-a-half story building. So
20 three and a half stories tall, and obviously, it's
21 dwarfed by the rest of the site.
22 The main building with sort of that

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1 green line around the top -- you're looking at,
2 from the parking lot up to that, is about seven and
3 a half stories. And then on the river side, it's
4 an 11-story building.
5 So just -- it's a massive area and the
6 inside space of that -- of that sort of green
7 rimmed top building -- that's the main plant
8 building, the combustion turbine floor, and there
9 were three units that created energy.
10 The main area of that is almost, like --
11 I mean, you could pick up a high school football
12 stadium and put it inside that space. You know,
13 we're not talking about a college stadium with the
14 bleachers and -- but a football and track and
15 everything you could put it inside that building
16 without touching any walls. And I only say that to
17 give you some sense of scale about what's there.
18 Next slide. I just wanted to give you a
19 look at that coal field when it was operating, and
20 there was still material there. Again, fairly
21 large amount of space. Also, all has been cleared
22 since the mid-'50s, and we'll talk about

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1 decommissioning here in a little bit.
2 Next slide. That's that parking lot I
3 mentioned. Big space. You know, I want to say
4 it's somewhere between 80 and 90 acres. Next
5 slide. Warehouses, maintenance buildings that I
6 referenced in the first image. This was, like,
7 their shop. This is where they fixed, repaired,
8 and stored equipment.
9 Next slide. And then that's the last
10 one for this one. Continue along. So water intake
11 -- I mentioned it when I stood up. There's -- the
12 plant has been intaking water since it began
13 operations.
14 And how coal plants actually work is,
15 you know, burn the coal to heat the water. The
16 water makes steam, the steam turns the turbines,
17 and that's what makes electricity.
18 So this is -- this was built when the
19 plant was built. It's three stories above grade,
20 and it's about two stories below ground so under
21 the water. Water came in, goes under -- you know,
22 it sort of goes under that wall that you see, and

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1 so nothing can get into the building.
2 And then water pumps -- there are three
3 pipes that are six feet in diameter that go
4 underneath the ground, underneath the canal, and
5 come up inside of the former plant building.
6 And so water was pumped into the plant.
7 It was used. It was recycled inside the plant. It
8 created steam, and then the byproduct or the
9 wastewater would be discharged into the canal.
10 Next image. And that canal is there on
11 the right. Now, both of these facilities are still
12 there. That discharge canal on the right is about
13 1400 feet. It was used for many decades.
14 Somewhere around 1990, 1991, they identified the
15 need to make some repairs.
16 And so they partnered with a local
17 vendor, local concrete company, and the U.S.
18 Olympic Team, and they created -- when they redid
19 it, they put boulders in and created a
20 kayaking/canoeing course that was used for a long
21 time to train Olympic teams, particularly, in the
22 '90s, where they were dedicated to be here, and

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1 then later, it was used by local people and more,
2 like, hobby paddlers.
3 And it was used because you could use it
4 year-round because the water that came out of the
5 plant was very warm, and so even in February, you
6 could very comfortably, you know, practice and get
7 ready.
8 So those are just sort of an interesting
9 side story, but it's a really long canal, and
10 again, you notice that discharges directly into the
11 Potomac.
12 Next slide. So just, again, you know,
13 sort of final walkthrough. Those are all the -- of
14 the surrounding uses, and then now, we know where
15 the -- where the plant itself is.
16 Next slide. I did want to note -- so
17 the application covers our entire property. You'll
18 see in the record we have created, through the
19 forest conservation plan and our exhibits, a -- an
20 LOD. And after working with --
21 ROBERT HARRIS: Excuse me.
22 MR. FERREL: Yeah.

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1 ROBERT HARRIS: Explain LOD.
2 JEFFREY FERREL: So, after working with
3 the County Planning Office, going through the
4 forest conservation plan, NRI, FSD, talking to the
5 community members, it was sort of overwhelming that
6 nobody wanted any activity outside of the
7 industrial area.
8 So we created an LOD or limits of
9 disturbance, so all development activity would
10 happen inside of the LOD, which happens to align
11 almost on top of the heavy industrial land in it --
12 in its total.
13 There are three areas that are heavy
14 industrial that are outside the LOD, and they're
15 highlighted on your screen in yellow. Those yellow
16 areas are industrial land, which is outside of the
17 LOD. Okay?
18 These are areas that we don't believe
19 that we can or would touch or develop. And you can
20 understand, you know, up in the upper screen,
21 there's some topography up there. There's some
22 rail line things there. There's just no use for

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1 that land.
2 Then there's that long skinny finger
3 that comes out. That's actually sort of, like, a
4 stormwater ditch area. We're just -- these are
5 areas that we're just never going to touch. So we
6 withdrew them from the application.
7 So, again, that LOD is on top of only
8 industrial land, and then we have a couple of areas
9 of industrial land that's outside. So this is the
10 area that we've committed to be building within and
11 in no other place.
12 I wanted to go through some distances,
13 and that's the big screen. I just wanted to be
14 able to show you. And, when we get -- don't go to
15 the next slide yet -- but the next slide, we'll be
16 able to zoom in.
17 And this is distances not from our --
18 you know, not from, you know, things on our
19 property, but from the LOD edge, from the limits of
20 disturbance edge to the adjacent residential or
21 agricultural property is a huge distance.
22 Huge distance that's all also completely

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1 full of mature forest, and so, you know, because of
2 our limitation on size and what we've done to
3 reduce the development area, we have these huge
4 natural buffers that were -- we want to put into a
5 preservation easement to keep the ag land as ag
6 land with the existing forest.
7 So, if we go to the next slide. So, on
8 the right-hand side -- and I'll just get up because
9 I can't read those numbers.
10 KATHLEEN BYRNE: Uh-huh.
11 JEFFREY FERREL: So on -- you know, this
12 is the property line to the north. This is our
13 neighbor, Mr. Magliado (phonetic), who, as a side
14 note, is supportive of our project. We have 2,551
15 feet from the closest point here to this, 2462 from
16 here to here, and 2800 from here to here.
17 Now, I'll note, that's from the LOD
18 edge. That's not -- there's not going to be a
19 building on that. We'll still have setbacks, and
20 it's more likely than not that there's going to be
21 road and security fence.
22 So the actual improvement, you know,

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1 building would be even further from that. So, in
2 many cases, we're talking about a half mile away
3 through 70-foot -- the existing forest.
4 And I'm sorry. If you can go back one.
5 I didn't talk about -- so the one -- the image on
6 the left-hand side --
7 KATHLEEN BYRNE: Uh-huh.
8 JEFFREY FERREL: -- there's a national
9 forest owned by the federal government, which is
10 our borders to the south, and these are our
11 neighbors that aren't some sort of a heavy use, as
12 we described earlier, and that's almost 700 feet at
13 its nearest point. And, again, that's from the
14 LOD, not from where a building would likely occur.
15 Next slide. So our Development Plan,
16 which I'll get into the specific uses here in a
17 moment, but our development land for -- as we
18 worked with planning staff -- they felt it was
19 easier to divide this into three land bays.
20 It's -- obviously, there's no single
21 person that's going to come through and develop all
22 of these uses at one time. So we've got partners

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1 that we're working with for each of these areas to
2 construct them within their own permitting
3 timeline.
4 As Bob described, applicants will have
5 to come back with all of the detail, site plan,
6 full building approval -- all those things -- to
7 make sure that we're being compliant and legal with
8 the Code and any restrictions that are placed on
9 them.
10 So there are three land bays. These
11 land bays are completely within that LOD area. So
12 no proposed site plan would even show land outside
13 of the LOD or industrial land.
14 Next slide. The first use that I'd like
15 to talk about is battery energy storage so commonly
16 referred to as a BESS. And I just want to talk a
17 little bit about what it is because they're not
18 really something that is common or normal unless
19 you live in, you know, the energy world.
20 So the United States Energy Grid is --
21 does not have a storage component. We're starting
22 to, which is why we're applying for this. There

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1 isn't any ability to store. So, at your house, in
2 this building, this building may have a generator,
3 but the electricity that's making the screens work
4 and the lights work -- right now, something is
5 making energy to make this work. There's no
6 storage.
7 You're starting to see small pockets of
8 storage projects around, you know, 10 megawatts, 50
9 megawatts here and there but nothing of real scale.
10 And so the best way I can explain it is that, in
11 order for the lights to always stay on, we have to
12 have an infrastructure built to generate enough
13 power for the most demanding days.
14 So, when I explain this to people, I
15 always think water is easier to understand or waste
16 water. But, you know, a wastewater treatment plant
17 has got to treat all the water that comes in,
18 whether it wants to or not.
19 And so they design these things for what
20 they call the Super Bowl effect, which is, at the
21 Super Bowl, everybody goes up and all the toilets
22 in the world flush in the United States, and all

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1 the water rushes, and they have to deal with that
2 huge surge.
3 And the grid is not any different than
4 that. So all of the power plants around, whether
5 they be making energy by burning coal, gas,
6 nuclear, wind, solar, hydro -- whatever it is --
7 they have to make enough energy at any given time
8 for the absolute peak of demand.
9 So that means we have huge power plants
10 all over the place that are running at, most of the
11 time, 20 percent of their capacity, and then they
12 ramp up when they're needed.
13 So battery is a -- it's a newer
14 technology. Storage is not a new technology, but
15 it's been difficult to get the technology to make
16 it financially feasible to make work. So battery
17 projects -- effectively they're -- it's a battery.
18 Okay?
19 It downloads energy, and then it
20 releases it later, and what this allows things to
21 do is, it allows that peaking valley phase of the
22 energy grid to be more leveled off, which means, as

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1 batteries are added to the grid, new power plants
2 that are built are going to be built at a smaller
3 scale because you can make 50 megawatts all day,
4 use 20, or use 70, if you're paired with a battery
5 and just run sort of slow and steady all day long,
6 and the batteries can deal with the peaks.
7 So it's good for traditional uses like
8 that. It's also really good for renewable sources,
9 intermittent energy sources like solar, wind, and
10 even like tide and hydro, which are a little bit
11 less consistent, a little bit more intermittent.
12 You know, what do you do with the energy
13 that you're getting from solar at night? Well,
14 what you would do, if you had a battery, is you
15 would make 10 megawatts during the day, and then
16 you'd disperse that evenly throughout the entire
17 day.
18 So it makes the projects like solar and
19 wind and more intermittent uses a little bit more
20 reliable, more financially feasible, and it makes
21 them a better asset to the grid.
22 So batteries are like the complement to

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1 all generation, and it allows things to be done at
2 a lower level more consistently. It sort of
3 flattens that energy curve.
4 So, at this site, what we actually mean
5 are -- and you can hit the next slide. So this is
6 just an image, and this is part of the record. I'm
7 not sure we want to go through it today. But,
8 effectively, it's showing their wind and solar as
9 the energy being created, goes into the -- goes
10 into a transformer and then into the batteries.
11 They charge over a period of three or
12 four hours when the sun is at its greatest, you
13 know, 9 a.m., 10 a.m. Nobody's using a lot of
14 electricity. They store it up, and they can
15 disperse it three, four, five, six o'clock or save
16 for an overnight disbursement.
17 They can charge multiple times during
18 the day and distribute multiple times during the
19 day.
20 KATHLEEN BYRNE: So how does it get to
21 the battery?
22 JEFFREY FERREL: So it -- the energy --

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1 KATHLEEN BYRNE: How does the energy get
2 to the battery?
3 JEFFREY FERREL: Through transmission
4 lines.
5 KATHLEEN BYRNE: So those same
6 transmission lines that exist for the old coal-fire
7 plants will now be able to be accessed from --
8 like, it will be -- flow back and forth?
9 JEFFREY FERREL: Yes, ma'am. So,
10 effectively, at the scale that this battery project
11 is, it's a replacement of the power plant.
12 KATHLEEN BYRNE: Okay.
13 JEFFREY FERREL: Okay. So it doesn't
14 create energy, but it downloads it when there's too
15 much and then disperses it when there's not enough.
16 KATHLEEN BYRNE: (Crosstalk). Okay.
17 JEFFREY FERREL: And it uses the same
18 resources, same assets that are there. All those
19 transmission lines, substations -- that will all be
20 in use.
21 Next slide. So you can see there's the
22 most recent layout of the BESS site. You know,

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1 those -- each one of those little rectangles which
2 are hard to see on the screen, but you know, this
3 is a 40-acre site. It's approximately 27 or 28
4 acres of used space.
5 They'll have a, you know, 12-foot-high
6 fence around it. And what you're really looking at
7 -- and if you want to go to the next slide -- what
8 you're really looking at is rows and rows of
9 effectively shipping containers is what they'll
10 look like to somebody who doesn't know what a
11 battery is.
12 They look like rows and rows of shipping
13 containers, and then they'll be transformers and
14 inverters and then a gravel lot and a -- and a --
15 and a -- basically a chain link fence for security.
16 Next slide. And, as you rightly pointed
17 out, I have a slide here to help you understand
18 that we're going to be --
19 KATHLEEN BYRNE: Uh-huh.
20 JEFFREY FERREL: -- using all those same
21 transmission lines, substations -- all those
22 things.

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1 Next slide. And, you know, one of my
2 favorite parts is that we're placing this on top of
3 what was formerly a coal pile. Okay? So this is
4 where we were burning -- you know, placing coal to
5 be burned.
6 Now, we're going to place that with
7 battery. And I'll just take a moment, even though
8 I'm a little bit outside of, you know, cycle or
9 plan here, but it doesn't look like that now.
10 Okay?
11 So, when the plant was decommissioned,
12 we went through a number -- and we'll talk -- we
13 can talk about this more later -- but that whole
14 field -- all of the coal was removed. MDE does an
15 oversight, and we have, you know, three engineers
16 on site making sure that everything gets done.
17 But basically all the coal was removed.
18 All of the soil was removed down to a testing level
19 where it was clean soil, and then it was filled
20 back in, and there's grass growing and trees
21 growing and things like that, little shrubs and
22 stuff like that.

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1 So that's where the battery will go
2 because it's really the best possible use for that
3 land. You can't build a house on it. I can't
4 build anything with a basement on it. I can't draw
5 water in there. I can't do anything really with
6 the land, but I can put things on top of it.
7 So it's sort of, like, people would
8 treat a landfill. It's sort of cleaned, and it's
9 capped, and we don't want to dig too far deep into
10 it. So we just -- we're going to put the batteries
11 on top of it. A great reuse of the land.
12 Next slide. And just another look at a
13 potential layout, and you know, may be a good time
14 to talk about why we don't have what is, you know,
15 full detailed site plan.
16 We're still trying to figure out exactly
17 how -- there's a level -- there's a number of
18 permits that have to be grabbed for this, and we're
19 still figuring out the exact orientation that's the
20 most efficient -- uses the least amount of land.
21 Next slide. Next slide. So just wanted
22 to mention, again, so there's the battery site.

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1 You sort of know the boundaries now, and you know
2 your way around. It's a very small percentage of
3 the overall LOD and then even smaller when you look
4 at the size of the entire property.
5 So you're looking at about 27 acres of
6 development on a 40-acre land bay on a 680-acre
7 site. So, by scale, it's a very small portion of
8 the project.
9 Okay. Next use is a data center. You
10 can go ahead hit the next slide. So what's a data
11 center? I think -- you know, Bob introduced this a
12 little bit. There's multiple different kinds of
13 data centers, but effectively, all of them perform
14 some idea of the same thing, which is storage.
15 A lot of people don't realize, like,
16 what the cloud is. I save all my family photos
17 from my phone. They go up into the air. I don't
18 know really what happens to them. I mean, I do,
19 but they go into storage.
20 And so all of the online uses --
21 everything that you save online, everything that
22 you stream when you watch TV, all the documents

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1 that you save on your computer -- almost all of
2 them are stored off site, now, not on your
3 computer, and they're stored in data centers, and
4 that's only a small percentage of what they're used
5 for.
6 So, in addition to that, I always think
7 of medical because it's something that, you know,
8 is close to home in my family, but you know, all
9 medical records are now online, you know, eMAR
10 systems. They're all electronic medical records,
11 which is why I can go to a doctor in Tennessee and
12 have an MRI and then go be treated at Johns
13 Hopkins.
14 And all the information is there. It
15 follows you. It goes to the pharmacy. It goes to
16 your practice, or you know, your general
17 practitioner. It goes to your specialist. It goes
18 to your surgeon, and all the records follow you. I
19 mean, 20 years ago, you'd carry a manila envelope
20 with x-rays in it.
21 Now, all these things are instantly
22 available to everybody, anywhere, as long obviously

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1 -- if you're a provider. And that's because
2 they're stored and -- stored and shared online, and
3 they're stored in data facilities.
4 So almost every function of, like, our
5 modern life has something happening where
6 information is here. And it's not just that
7 storage element; it's also processing. If I want
8 to find out, you know, how things are working in my
9 own company, I get online, and we run software in
10 the background.
11 You know, a lot of people use Outlook.
12 Outlook a lot of times is online. Web-based
13 applications to run businesses are all hosted. The
14 software, not just the documents, but the software
15 itself is actually online and running, which is why
16 I can get to software for my company on my phone.
17 I can get to it on my laptop. I can be
18 on vacation, and I can get to it all without being
19 connected to my office. And so modern life is just
20 sort of a requirement to have these. And I know,
21 you know, there's a lot of articles in the paper.
22 There's a lot of data centers.

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1 Particularly, in Virginia, there is a
2 lot, and it's expected that these are going to grow
3 in number. There's going to be a lot of them, and
4 it's just because most of our lives and most of our
5 functions are shifting towards digital, and there's
6 always going to be a function of that that's needed
7 -- that needs storage and processing.
8 So that's a really quick look at what
9 they're for. Hit the next slide. Actually, go
10 back one. I'm sorry. So what do they look like?
11 They look like a giant warehouse, you know, no
12 windows, couple of doors. It's really the bare
13 minimum to be able to get access in and out.
14 There's never any windows.
15 And what they really are is a giant
16 warehouse with computer equipment and cooling.
17 That's it. I mean, there's a bathroom, there's an
18 office and a break room, but it's basically --
19 think of, like, a Sam's Club or a Costco with just
20 rows and rows of food. Instead of rows and rows of
21 food, it's rows and rows of computer servers.
22 And there's a couple of different kinds

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1 of them. There's an air cooled one which is most
2 traditional, and what you see almost everywhere,
3 and they use air to cool. There's a hybrid system
4 which uses sort of, like, a misting, so it's a
5 combination of air cooled and misting.
6 Best way I can explain it is, every once
7 in a while, you've been somewhere where they've got
8 the big fan that shoots -- it's like that. Okay?
9 And then there's a fully liquid cooled, which is a
10 newer technology, and it cools at, you know, four
11 to six times the rate of anything else, which means
12 less energy, less air, and a significantly more
13 efficient site, which is really our target here at
14 this site.
15 Next slide. So data would be located on
16 land bays 1 and 3. 3 is the one sort of right in
17 the center of the screen. It is just to the west
18 of the electrical transmission lines and the fiber
19 easement, where the fiber lines run. So it's just
20 to the west of that and just to the east of those
21 rail lines that I mentioned really early, which
22 goes north and south.

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1 So it's approximately a hundred and ten
2 acres of land. The majority of that is unforested,
3 previously cleared, and previously used land. And,
4 as we mentioned in the earlier tour, just sort of
5 surrounded -- it's on industrial land -- and it's
6 sort of surrounded by energy assets, transmission
7 lines, all the stuff that you really need to make
8 one of these things work.
9 And then -- and that would be the first
10 area of construction. The land bay 1, which is
11 where the current plant is, would be our
12 theoretical second phase, and that's just because
13 we have to demolish the plant.
14 KATHLEEN BYRNE: So which one is phase 1
15 then? (Crosstalk) --
16 JEFFREY FERREL: Phase -- yeah. Up on
17 top --
18 KATHLEEN BYRNE: Oh, land bay --
19 JEFFREY FERREL: -- of the hill.
20 KATHLEEN BYRNE: -- 1 where --
21 JEFFREY FERREL: Land bay 3 --
22 KATHLEEN BYRNE: -- it's -- or land bay

<p style="text-align: right;">81</p> <p>1 3 where it's open space? 2 JEFFREY FERREL: Yes. 3 KATHLEEN BYRNE: Okay. 4 JEFFREY FERREL: And then I -- we were, 5 you know, committed to taking down the former power 6 plant, smokestacks -- all that stuff -- to get rid 7 of the eyesore. We're committed to doing that. 8 And then, following a compliant demolition of that 9 site, we would develop in land bay 1. 10 KATHLEEN BYRNE: So the entire plant as 11 -- that we saw in the prior, where we had 12 essentially the three-story, the eleven-story, and 13 then those three stacks -- that would all go? 14 JEFFREY FERREL: All go. 15 KATHLEEN BYRNE: Okay. 16 JEFFREY FERREL: Yes, ma'am. 17 Next slide. So just wanted to give you 18 a closer in look. We've been looking at the site 19 from kind of really far away. There's land bay 1, 20 and I'm just going to stand up, so I can point at a 21 couple -- 22 KATHLEEN BYRNE: Sure.</p>	<p style="text-align: right;">83</p> <p>1 JEFFREY FERREL: Yeah. Next. Yeah. 2 They'll be connected to fiber optic and power. 3 KATHLEEN BYRNE: And power? 4 JEFFREY FERREL: Yeah. 5 KATHLEEN BYRNE: Okay. 6 JEFFREY FERREL: And potentially water 7 for cooling as well. 8 KATHLEEN BYRNE: Okay. 9 JEFFREY FERREL: Okay? 10 KATHLEEN BYRNE: So power for the energy 11 source, water for the cooling, the fiber optic for 12 the transfer -- 13 JEFFREY FERREL: (Crosstalk) -- 14 KATHLEEN BYRNE: -- of the information? 15 ROBERT HARRIS: Uh-huh. 16 MR. FERREL: Yes, ma'am. 17 KATHLEEN BYRNE: Okay. 18 JEFFREY FERREL: So land bay 3 -- as I 19 mentioned earlier, it's about a hundred and ten 20 acres, but it's all this area. This line here is 21 that transmission line and fiber corridor I 22 mentioned, rail lines going through here. This is</p>
<p style="text-align: right;">82</p> <p>1 JEFFREY FERREL: -- of things. So we 2 show a number of buildings on top of, you know, the 3 -- what is sort of shaded in the background is the 4 old plant. You can see the outline of that. You 5 know, it's really this entire area here. There's a 6 couple of warehouses down here. 7 And it's -- really, this whole area is 8 currently power plant. Okay? So, following a 9 demolition there, then we'd be placing buildings 10 down here, sort of, you know, in this direction, in 11 line and being able to withdraw from the river and 12 run through the facility. 13 So directly connected to, like, this POI 14 here, substation here, there's also transmission 15 lines that come down through here that interconnect 16 to the other substation but sort of have all assets 17 directly next to or on our property. 18 KATHLEEN BYRNE: So is that -- so the 19 data center -- is that what's going to be connected 20 to the fiber optic? 21 JEFFREY FERREL: Yes. 22 KATHLEEN BYRNE: Okay.</p>	<p style="text-align: right;">84</p> <p>1 the battery facility -- 2 KATHLEEN BYRNE: Uh-huh. 3 MR. FERREL: -- directly adjacent. 4 So a hundred and ten acres, again, most 5 of which has already been cleared. And we show a 6 array of buildings really just to be able to 7 demonstrate how much can be there. 8 Again, there's a hundred and ten acres. 9 It's a big property. And, again, with the 10 exception of a couple of edges of topography 11 through here and down here, it's relatively flat. 12 Okay. 13 Next slide. So, again, just showing you 14 the scale. I mean, we've seen this image a couple 15 of times. But, you know, we're talking about for 16 land bay 1, which is down by the river, 17 approximately 60 acres of 680 and then the 110 18 acre, which is land bay 3. Again, 110 acres of a 19 680-acre site. 20 Next slide. So I just wanted to show 21 you, again, there's land bay 3 and sort of an array 22 of buildings that, you know, so you know the level</p>

<p style="text-align: right;">85</p> <p>1 of density. You know -- you know -- you know, a 2 lot of the area is already cleared. Our plan would 3 be to, you know, reforest what we can, and you 4 know, new roads and all that stuff. 5 Next. You can keep going. So just 6 another and final image of the plan. Next slide. 7 I'm not sure where we are. Oh, sorry. I've lost 8 my place on this. So land bay 1 -- I did want to 9 just talk about power connection and water and 10 cooling. 11 You mentioned earlier -- 12 KATHLEEN BYRNE: Uh-huh. 13 JEFFREY FERREL: -- they're going to 14 connect to the data or fiber lines. They're going 15 to connect to power. They're going to use water. 16 That's -- under an ideal situation, that's exactly 17 how it would work. 18 So this land bay 1 is directly adjacent 19 to the substation, which is largely unused since 20 the power plant is no longer there. And then you 21 can see the blue oval. 22 KATHLEEN BYRNE: Uh-huh.</p>	<p style="text-align: right;">87</p> <p>1 other kind of state regulation? (Crosstalk) -- 2 JEFFREY FERREL: We can talk -- 3 KATHLEEN BYRNE: -- for that -- 4 JEFFREY FERREL: -- we can talk about 5 that now -- 6 KATHLEEN BYRNE: Okay. 7 JEFFREY FERREL: -- (crosstalk) there's 8 -- 9 KATHLEEN BYRNE: Why don't -- I don't -- 10 stay -- stick with the plan. 11 JEFFREY FERREL: Okay. 12 KATHLEEN BYRNE: Stick with the plan. 13 Because I -- 14 JEFFREY FERREL: Okay. 15 KATHLEEN BYRNE: -- I mean, I think it's 16 good to have the flow but just -- 17 JEFFREY FERREL: Yep. 18 KATHLEEN BYRNE: -- I appreciate the 19 orientation and understanding that before anything 20 can happen. 21 JEFFREY FERREL: Yeah. 22 KATHLEEN BYRNE: Obviously, before</p>
<p style="text-align: right;">86</p> <p>1 JEFFREY FERREL: The blue oval, just 2 from a proximity standpoint -- that is the water 3 intake station, and the lines that go under the C&O 4 Canal go directly from there, directly towards that 5 yellow box in that direction. 6 And then, again, to orient you, that 7 blue line going sort of, you know, southwest -- 8 that's the discharge channel. And so purpose of 9 this slide is to demonstrate where those data 10 centers are proposed to be and how close they are 11 to water for cooling and substation for energy. 12 KATHLEEN BYRNE: So all of that -- we 13 are -- we do have a bit of a chicken and an egg 14 situation, right? So you have to understand what 15 the underlying use is. But, obviously, the 16 construction, the permitting, the access -- all of 17 that would go through the other regulatory 18 channels, whether it be -- 19 JEFFREY FERREL: Yeah. 20 KATHLEEN BYRNE: -- MDE or EPA -- 21 JEFFREY FERREL: Yes. 22 KATHLEEN BYRNE: -- you know, and any</p>	<p style="text-align: right;">88</p> <p>1 anything is constructed, you would have to get all 2 of those regulatory approvals. 3 JEFFREY FERREL: Yes, ma'am. 4 KATHLEEN BYRNE: And I would -- I would 5 -- so -- and because we're doing this overlay 6 before you make those choices where those buildings 7 are going to be, you know, that would be the 8 subject of potentially the -- like, a condition for 9 an amendment that would come in. 10 JEFFREY FERREL: Yeah. 11 KATHLEEN BYRNE: And we do that with 12 every other conditional use. You have to adhere to 13 all county, state, and federal regulations, and you 14 have to get all those permits; and you know -- 15 JEFFREY FERREL: Yes, ma'am. 16 KATHLEEN BYRNE: -- if you don't, then 17 you're in violation of the conditional use. So 18 just -- 19 JEFFREY FERREL: Yes, ma'am. 20 KATHLEEN BYRNE: -- but because we're 21 not there yet -- right -- you're giving me that 22 overview of what it would look like, but with the</p>

<p style="text-align: right;">89</p> <p>1 understanding that all of those dominoes would have 2 to fall in place in order -- 3 JEFFREY FERREL: On order to do that. 4 Yes, ma'am. 5 KATHLEEN BYRNE: Okay. All right. 6 JEFFREY FERREL: Yes. 7 ROBERT HARRIS: You said it better than 8 I could. That's exactly right, yes. 9 JEFFREY FERREL: Yes. 10 You can just hit the next slide. 11 ROBERT HARRIS: Oh, by the way, back to 12 that slide. That water intake and the water 13 discharge -- are -- those are in place now and were 14 used by the power plant? 15 JEFFREY FERREL: Yes. 16 ROBERT HARRIS: Yeah. Okay. 17 JEFFREY FERREL: Yeah. 18 You can hit the next one. Okay. So I 19 put a break in here on purpose. I wanted to talk a 20 little bit about the permitting. 21 KATHLEEN BYRNE: Okay. 22 JEFFREY FERREL: We've gotten a pretty</p>	<p style="text-align: right;">91</p> <p>1 there's a number of these RTOs across the country. 2 But what they effectively do is, they manage the 3 grid. Okay? So Pepco -- and there's a -- there's 4 a number of companies on here, you know, Dominion, 5 Pepco, FirstEnergy, like, Appalachian Power. 6 There's a number of not only generators, 7 but providers that are all in the grid, and they're 8 all required to adhere to PJM's requirements, which 9 means we need to know exactly what you're building, 10 how you're building it, where you're building it, 11 and everything has to be approved well in advance 12 of anything being done. 13 So, in that case, since Dominion is the 14 biggest, you know, blue blob on there, Dominion 15 can't build or amend or change anything on the grid 16 without approval through PJM. 17 And they do that so that PJM is -- the 18 whole point of an RTO is to keep the grid safe, 19 regulate it, make sure things are being done fair 20 and equitable, and to make sure that, not only they 21 know everything that's happening, but they know 22 when it's happening, and that there will be no</p>
<p style="text-align: right;">90</p> <p>1 good tour; I think. You know -- 2 KATHLEEN BYRNE: Right. 3 JEFFREY FERREL: -- I mean, I'm happy to 4 answer any and all questions that you got, but I 5 wanted to take a minute at the end here to talk 6 about the permitting process. 7 KATHLEEN BYRNE: Okay. So we were 8 there. 9 JEFFREY FERREL: Yeah. We were there. 10 KATHLEEN BYRNE: Okay. 11 JEFFREY FERREL: Just didn't realize it. 12 There is -- I think, two slides ahead, there's 13 probably two blanks, and then there's a -- so just 14 talk -- let's talk about electricity for a moment. 15 Okay? 16 So this is a image of the PJM Grid. 17 This is the largest grid in the United States. 18 And, just from a little bit of an educational 19 background, some of this information was submitted 20 to you -- the permitting process and things. 21 So PJM is the RTO, which is regional 22 transmission organization. So they're a body, and</p>	<p style="text-align: right;">92</p> <p>1 impacts to other projects, current users, you know, 2 the whole gambit of things that you would -- you'd 3 be worried about. So there's a regulatory process 4 to do that. 5 ROBERT HARRIS: Excuse me one second. 6 So I'm aware of this, but I want to make sure the 7 record is clear. So these power providers that are 8 identified here within the PJM grid -- they 9 effectively share electricity throughout the grid 10 as someone in one location needs it. It may come 11 from another provider in there? 12 JEFFREY FERREL: Yep. So there's 13 approximately a hundred -- a hundred and eighty 14 gigawatts of energy generated on this grid. So 15 that's obviously a lot of energy, and it's used in, 16 you know, basically south of New York. There are 17 some areas as far east as, you know -- or as far 18 west as eastern Tennessee, parts of Ohio, parts of 19 Illinois. 20 So it's a huge grid. Energy created 21 anywhere on here sort of goes into a bucket and 22 then gets assigned out where it's needed. That's</p>

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1 why there's transmission lines everywhere -- the
2 energy -- and I mentioned, if these lights are on,
3 somebody is likely either burning something or wind
4 is turning something or solar is working, although
5 maybe not today.
6 So the energy is created, and it's sort
7 of shared and distributed around the grid, and
8 there's actually a market to be able to buy and
9 move the stuff around because there's transmission
10 and generation, which is one part of the grid, and
11 then there's distribution.
12 So, you know, the big, huge power lines,
13 those transmission lines -- they don't -- you don't
14 see them in neighborhoods. They sort of pass by
15 everything, and they go to a substation, and then
16 the power poles come off and get to the
17 neighborhoods and the buildings and the areas.
18 So all those -- all -- everything that
19 ends up at a house has been sort of bought and sold
20 in PJM and distributed to -- in the case of a
21 couple -- in a lot of the county, it's FirstEnergy,
22 or Potomac Edison. In some places, it's Pepco. In

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1 Virginia, its Dominion, or at my house, it's --
2 yeah -- Appalachian Power.
3 So those people are basically moving
4 energy throughout the grid and using it to meet
5 their needs. And, when you do a -- when you do a
6 permit for a large either generation plant, or in
7 this case, like, the battery project, there is a
8 year's long exhaustive permitting process to make
9 sure that, when the project is built, that the grid
10 wants it to happen, that it would serve a good
11 purpose, and that the people building that are
12 required to do everything needed to make the
13 project work safely, cleanly -- all the things.
14 So that's sort of an exhaustive process.
15 And, while we're talking about permits, that's a
16 permit through PJM -- okay -- which has input from
17 all of the energy companies that have assets along
18 the grid.
19 So they all have to chime in because we
20 have to connect to areas of -- and portions of land
21 that they own, substations that they own, and so
22 it's all regulated by PJM. So it's an exhaustive

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1 permitting process that takes many years.
2 So solar project, wind project, nuclear
3 power plant, anything -- or a battery project --
4 goes through that, and that's not singular to PJM.
5 It's for any RTO. There's a permitting process.
6 So, when it comes to energy use for the
7 data centers, there's a similar but different
8 process, in that, they have to apply to do a load
9 study with the power provider.
10 So, in our case, it's FirstEnergy, and I
11 know you've got the exhibit that shows that
12 process; but since we're talking on the record,
13 we'll talk about it. And, effectively, they're
14 required to demonstrate exactly what load they want
15 and then an adopted schedule for when they would
16 take the energy. Okay?
17 So this is obviously a large
18 development. It's going to take a number of years
19 to build those buildings, finish them, and have
20 them ready for energy. So they put a load study
21 together. How much load? What voltage?
22 I'm getting outside of my scope but --

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1 and so then they're provided an answer from the
2 energy company that says, We can provide you this
3 much at this time and in this -- in this way. And
4 then they have to build it. Not the power company.
5 The applicant has to build it.
6 To bring it a little bit closer to
7 something that's more relatable. If you build a
8 new house, you call the power company, and you say,
9 I need an electric meter for my house. I need a
10 400-amp service. And they put it on the side of
11 the house, and it happens in a couple of weeks.
12 This happens in a different timeline but
13 -- and it's because the load is larger. Any big
14 company, large meter, is going to have to go
15 through the process, whether it be a big factory,
16 you know, your Costco, your big office buildings --
17 things like that -- need to go through a load
18 study.
19 Houses -- you know, houses don't because
20 there's sufficient energy on the grid, and it's
21 really not about whether or not there's capacity.
22 It's really about doing it in the correct way --

<p style="text-align: right;">97</p> <p>1 timing, being built right, and whether or not they 2 can serve in the -- in the correct way. 3 So that's how the electrical permitting 4 works. You mentioned, you know, EPA, MDE. So MDE 5 we deal with on a regular basis. When we purchased 6 the property, we entered it into the voluntary 7 cleanup program. 8 So, luckily for us, a lot of the 9 decommissioning and environmental mitigation was 10 completed before we acquired, but we did have to 11 deal with a few items which we worked with MDE, 12 entered into the voluntary cleanup program, and did 13 additional testing, sampling, and reporting to 14 close out the last couple of permits, which are all 15 closed to date. There are no open environmental 16 permits. 17 So our ongoing work with MDE will be 18 permitting the demolition of the plant, and so 19 they'll monitor that to make sure we're doing it 20 compliantly, making sure anything that's in that 21 plant still is dealt with correctly. 22 So there'll be a permit and some</p>	<p style="text-align: right;">99</p> <p>1 little delta; and in the winter, it's a big one 2 because the river's colder. So they would 3 discharge in addition to temperature, again, pH 4 changes, and you know, chemical additives, 5 suspended solids -- things like that. 6 So what we're proposing to do, and we've 7 met with them about, is effectively a zero- 8 consumption closed system, where water comes in 9 from the river and goes back into the river without 10 leaving a pipe. So it runs through a system where 11 effectively one pipe lays on top of another. 12 I'm really simplifying it, but it -- 13 KATHLEEN BYRNE: Uh-huh. 14 JEFFREY FERREL: -- never leaves the 15 pipe. This pipe cools this pipe, and this pipe 16 cools the data center, and so zero consumption, 17 zero additives, zero refrigerants, really, zero 18 change to the water molecule at all. It doesn't 19 have an opportunity because it never leaves the 20 pipe, but the only change is temperature. 21 And, where the average before was at 27 22 degrees F, we're talking about single-digit numbers</p>
<p style="text-align: right;">98</p> <p>1 oversight with respect to those activities, and 2 then we'll go through a water withdrawal and 3 discharge permit. There's two permits. 4 KATHLEEN BYRNE: Uh-huh. 5 JEFFREY FERREL: So how do we withdraw 6 the water, and how do we discharge it? And so we 7 have met with them about our proposed plan. 8 They're amenable to it because of the way in which 9 we're proposing to do it. 10 The former plant withdrew hundreds of 11 thousands of gallons a minute. They used 12 approximately, you know, 30 percent of it, meaning, 13 they evaporated a lot of it through steam, and it 14 was in the plan. 15 So changes in pH, changes -- chemical 16 changes to it and an extreme change in temperature, 17 as we mentioned earlier about the kayaking course. 18 So what they discharged was compliant under their 19 permits which were revised many times, but they 20 were compliant, but it was a 27-degree annual delta 21 in temperature. 22 So, in the -- in the summer it's a</p>	<p style="text-align: right;">100</p> <p>1 between 2- and 7-degrees F, depending on how MDE 2 would like it to be done because it will be their 3 permit that'll issue it. 4 So we'll, of course, be going through 5 that process, and I'll mention regarding the 6 technology, which I know we've submitted 7 information for you, so I don't know if you want to 8 go through the technical workings of it, but it's a 9 -- it's a bill that has been built -- or it's a 10 technology that has been built. 11 It's under construction in a couple of 12 places outside the U.S. today. It's currently 13 being used and operated compliantly in, I believe, 14 Northern California or Mid-California on a 15 waterway. So it's passed through all federal and 16 state agencies of California and all federal 17 agencies to be operating. 18 So you can imagine very stringent 19 requirements for environmental regulation. 20 KATHLEEN BYRNE: For the data center? 21 JEFFREY FERREL: For cooling data 22 center.</p>

<p style="text-align: right;">101</p> <p>1 KATHLEEN BYRNE: Oh, cooling data 2 center. Okay. 3 JEFFREY FERREL: Yes, ma'am. 4 So, as you mentioned, there's a 5 significant permitting process that we still need 6 to go through, and the -- and the reason that the 7 site plan is not, like, detailed out is, because 8 depending the outcomes of those permits, will 9 change the scope, scale, and dimension requirements 10 of the building -- 11 KATHLEEN BYRNE: Right. 12 JEFFREY FERREL: -- to be able to 13 accommodate the different types of cooling. 14 KATHLEEN BYRNE: Okay. 15 JEFFREY FERREL: So -- and we're more 16 than happy, obviously, to come back and go through 17 all the regular permitting activities when we have 18 some of those answers. 19 KATHLEEN BYRNE: Okay. 20 JEFFREY FERREL: Okay. So I think that 21 sort of concludes my prepared remarks. 22 ROBERT HARRIS: Yeah. Ms. Byrne, it may</p>	<p style="text-align: right;">103</p> <p>1 opportunity for -- yeah -- for you to come on up, 2 and we can have you sit (crosstalk) -- 3 ROBERT HARRIS: And I may have -- I may 4 have exaggerated. It wasn't exactly Ken Burns, but 5 it was equally informative. 6 KATHLEEN BYRNE: I learned new things 7 today. So I'm always happy to learn new things. 8 CAROLINE TAYLOR: So for the record, my 9 name is Caroline Taylor, C-a-r-o-l-i-n-e 10 T-a-y-l-o-r. I'm here today first with questions 11 on behalf of two nonprofits, Montgomery Countryside 12 Alliance and Sugarloaf Citizens Association. 13 So thank you, Jeff, for that 14 presentation. I do have a couple of questions. 15 When you refer to, Data center, how many data 16 centers are we talking about? 17 JEFFREY FERREL: Do I answer directly? 18 KATHLEEN BYRNE: You do. 19 JEFFREY FERREL: Okay. 20 KATHLEEN BYRNE: You just go ahead and 21 answer just like a conversation? 22 JEFFREY FERREL: Okay.</p>
<p style="text-align: right;">102</p> <p>1 be appropriate now for the audience, Caroline 2 Freeman (phonetic) -- Taylor, I mean -- to ask any 3 questions, if we can, so we know whether to dig 4 more deeply. I don't want to -- 5 KATHLEEN BYRNE: Sure. 6 ROBERT HARRIS: -- burden things -- 7 KATHLEEN BYRNE: Right. 8 ROBERT HARRIS: -- but I want to -- 9 KATHLEEN BYRNE: No. I -- 10 ROBERT HARRIS: -- make sure -- 11 KATHLEEN BYRNE: -- I think that's -- 12 ROBERT HARRIS: -- she's comfortable. 13 KATHLEEN BYRNE: That was a lot of 14 material. 15 JEFFREY FERREL: Sorry. 16 ROBERT HARRIS: Yeah. 17 KATHLEEN BYRNE: No. But that's 18 important. It was important for me to hear the 19 process, to understand the location, to understand 20 the history, and how the uses work, and I think 21 it's important for you as well. 22 So I think it's probably a good</p>	<p style="text-align: right;">104</p> <p>1 So I will say it depends. The land use 2 density is extreme in heavy industrial, and we are 3 -- we would not propose to do anything close to 4 that. I think the deciding factor is going to be 5 capacity of, not only the energy which we've 6 applied for, but also potentially cooling -- and 7 the water for cooling. 8 So one thing -- we talked about those 9 two permits independently, but they very much 10 depend on each other. And, what I mean by that is, 11 when you use liquid cooling, you use significantly 12 less electricity. So liquid cooling, less 13 electricity, means that you can do more data within 14 the same footprint. 15 So it depends on what those regulatory 16 agencies issue us in terms of capacity. I would 17 say the number is likely to be - and again, it 18 depends, because if the buildings -- if they're big 19 buildings, they'll be less. If they're little 20 buildings, they'll be more. 21 But I would say, generally, like, 22 between seven and ten is sort of the numbers that</p>

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1 we throw around. But, again, that really -- to
2 say, Building is difficult because I could -- you
3 could do many small buildings or very few big ones.
4 It depends.
5 KATHLEEN BYRNE: And I think -- I think
6 that one of the difficulties is that, that would be
7 an amendment, right?
8 ROBERT HARRIS: Yep.
9 KATHLEEN BYRNE: So, when they come
10 back, where they were placed, the square footage,
11 the number of people, the number of, you know,
12 like, all of that, we don't know yet.
13 CAROLINE TAYLOR: No.
14 KATHLEEN BYRNE: Right.
15 CAROLINE TAYLOR: We don't. And so
16 then, if we were looking at seven to ten,
17 potentially, data centers, is there a notion of how
18 many square foot of imperviousness would be created
19 by those data centers?
20 JEFFREY FERREL: Again, highly depends
21 on -- and it's not just on, you know, the energy
22 capacity, but also, the water because you can do

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1 more with less footprint, with water cooling.
2 They're significantly more efficient.
3 And so, you know, what we're -- what you
4 look at is, is, if you have a certain amount of
5 energy, and you're issued a certain amount of
6 water, then what you may end up with is seven, you
7 know, medium size but really efficient data
8 centers, and maybe, that's 50 employees, and then
9 the parking is done to suit.
10 But, because -- you know, so there's --
11 the mix of water and power will decide the eventual
12 footprint, but any footprint that we could conceive
13 would be, like -- I don't want to nail myself to a
14 number -- but like, 25 percent of the actual, like,
15 FAR because it's such a huge site.
16 So what we're talking about is, like, if
17 you were to do it as an industrial development, you
18 would develop 262 acres. What we're really talking
19 about is, like, a -- I think the footprint for the
20 -- for the -- I can say the battery project is a
21 footprint of somewhere around 27 to 30 acres of
22 improved land --

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1 CAROLINE TAYLOR: Yeah.
2 JEFFREY FERREL: -- on a 40-acre site.
3 The data -- I just -- again, I don't know because
4 it'll either be, you know, a couple of big
5 buildings, many small ones, and it just depends on
6 the -- on the mix from those utility companies.
7 CAROLINE TAYLOR: And those would be
8 potentially different companies for each data
9 center, not a single user or have you pinned that
10 down?
11 JEFFREY FERREL: So our hope is to have
12 one company develop the entire property.
13 CAROLINE TAYLOR: Uh-huh.
14 JEFFREY FERREL: There are almost --
15 there are very few data centers that have a single
16 user. So, as an example, one of the -- you know, a
17 big tech company probably develops and owns and
18 operates their own facilities. Okay?
19 Most of the data developers that are out
20 there are building for effectively everyone else.
21 So they contract Rackspace for a number of users
22 and maybe this row of racks is for a medical

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1 system, and this row of racks is for a university.
2 This row of racks is for, you know, Facebook or
3 something like that.
4 And so it's -- they're selling unit
5 space inside the building, but they operate the
6 building.
7 CAROLINE TAYLOR: Uh-huh. You talked
8 about the grid and its review, the regulatory
9 review. I was interested that it seems that, that
10 was a sufficient process that data centers have
11 been accommodated without issue. How is that going
12 in Northern Virginia? Because isn't there a new
13 power line that's now being required to accommodate
14 all of that additional energy consumption?
15 JEFFREY FERREL: So, be perfectly clear,
16 I don't know because I don't build data centers for
17 a living. So I focus specifically on this project.
18 What makes this project different than almost
19 everything else is where it is and what's there.
20 So, when you look at Northern Virginia,
21 and if you -- if we all leave in the car right now
22 and drive over there, what you see is a

<p style="text-align: right;">109</p> <p>1 subdivision, a Hardee's, a data center all co- 2 mingled together, all in the same land space, along 3 with shipping and receiving buildings, along with, 4 you know, hotels. They're all together. 5 And I'm not advocating that it should be 6 done that way at all. Okay? That's -- it's sort 7 of a land use mess. So they just put everything 8 right in the middle of it. So what that means, 9 when you're in Northern Virginia, is that you have 10 to build -- every time you build a data center, you 11 need to build a substation. You need to drive 12 power there. 13 Every single 20-, 50-, 30-acre lot 14 requires a full-scale development. Largely what 15 we're going to accomplish, you know, here for a 16 whole campus, they have to do with each data 17 center. 18 So there's some efficiencies to where 19 and how you locate these things. So yes. In 20 Northern Virginia, I'm sure they're driving 21 transmission lines and new power lines all over the 22 place because of the way they've developed it.</p>	<p style="text-align: right;">111</p> <p>1 want to look at, and we can hide it behind a half 2 mile of trees on an industrial property with all 3 developing assets already existing. 4 So it's in complete contrast to -- it's 5 not even really fair to compare it to -- 6 CAROLINE TAYLOR: So, mainly -- 7 JEFFREY FERREL: -- the way it's done -- 8 CAROLINE TAYLOR: -- I was referring to 9 the grid there, as opposed to the totality of the 10 project benefits. But, with regard to the possible 11 number of data centers, what is the anticipated 12 distance setback from the C&O Historic Park asset 13 and the river? How many feet? 14 JEFFREY FERREL: So I'll start because I 15 know the answer for the -- for the BESS, where the 16 batteries are. There's approximately 75 feet of ag 17 reserve forested between the edge of the LOD and 18 the edge of the canal. 19 Down where the former plant is, there's 20 approximately, I want to say, about 400 feet, where 21 the plant goes right up to about maybe 40 feet from 22 the canal, and then there's a 40-foot strip of</p>
<p style="text-align: right;">110</p> <p>1 Now, in contrast, what we're doing is, 2 we're saying, We need to locate this where we have 3 to do almost no work. So do we need a new 4 transmission line? No, we do not. The 5 transmission line paths are there. The substations 6 are there. 7 And, not only is there a transmission 8 line, but there's, like, seven of them. So there's 9 redundant power, there's redundant infrastructure, 10 and we're placing the asset that requires those 11 things directly next to it. 12 And, again, in complete contrast to how 13 things were developed in Northern Virginia. And I 14 think the conversation surrounding -- arounding 15 (sic) projects like this, not necessarily this one, 16 is do we need them? The answer is yes, and it's 17 really about how they get done. 18 And, Caroline, you and I have talked 19 about this. Is this a good place for a data 20 center? Yes, it is. And the reason is, is because 21 we can -- we can take something that most people 22 aren't going to want to live near, aren't going to</p>	<p style="text-align: right;">112</p> <p>1 vegetated -- of vegetated area, with the exception 2 of the area where you actually cross the canal. 3 So what we would be proposing, and it 4 may actually be helpful if we can put a slide back 5 up just so we can talk specifically about it. And, 6 if you can -- if you can go to the fourth slide, if 7 it's possible, all the way back to the beginning 8 and go to number 4, that shows the canal, the 9 property line, and the -- and the heavy industrial 10 land. And I'll just -- if it's okay, I'll get up 11 because this -- 12 KATHLEEN BYRNE: Uh-huh. 13 JEFFREY FERREL: -- is a small sheet. 14 So what you have now is, you have -- and again, I 15 want to note that this is a really big property and 16 a little small image. 17 KATHLEEN BYRNE: Right. 18 JEFFREY FERREL: So what you have is -- 19 practically, is right here is a crossing. Okay? 20 We come down here, and we go through, and we cross 21 here. Inside of the industrial area, here, are a 22 couple of warehouse buildings. Okay? And then</p>

113	<p>1 there's a hill here with a great number of trees on 2 it, but it's on -- it's on a slope. 3 So what we would be doing is, coming in 4 -- and there is a strip of ag reserve land in 5 between. Okay? So what we would be doing is, 6 again, we'd be staying inside the industrial. We'd 7 be meeting setback requirements. 8 But, practically, it's not going to be, 9 you know, ten feet from the property line because 10 there's so much topography, you know, sort of where 11 my pen is, where this warehouse is and this 12 warehouse. 13 This warehouse right here floods. So 14 we're going to have to get off the river in far 15 enough to make sure that the building is not at 16 risk from the Potomac. 17 So another way to explain that is, like, 18 this one right here, which is at the same elevation 19 as the water intake, the water intake building is 20 built to flood three stories tall, submarine doors 21 on it because they had to operate the plant whether 22 it was flooding or not.</p>	115	<p>1 have you provided the information on what that 2 system is, how it -- 3 JEFFREY FERREL: Yeah. 4 CAROLINE TAYLOR: -- loses zero percent 5 of water -- 6 JEFFREY FERREL: Yes. 7 CAROLINE TAYLOR: -- and no 8 evapotranspiration, et cetera? 9 JEFFREY FERREL: Yes. 10 CAROLINE TAYLOR: So that's provided? 11 JEFFREY FERREL: Yep. 12 CAROLINE TAYLOR: And your temperature 13 rise -- that is something that has been studied in 14 relationship to that particular system? 15 JEFFREY FERREL: Yep. 16 CAROLINE TAYLOR: I'll wait for my 17 further comments on that during -- whenever I 18 present my comments. Okay. That's all my 19 questions for now. 20 KATHLEEN BYRNE: All right. Thank you. 21 CAROLINE TAYLOR: Do you want me to just 22 sit down and come back when it --</p>
114	<p>1 So there is an area down here that's 2 going to have to be buffer, not necessarily because 3 it's not industrial land, but practically, we can't 4 build there because it would be a flood risk. 5 I don't know what that distance is. I 6 mean, it's one of those things I could certainly 7 provide. We can go back to the topography and find 8 out what that is, but I would say it's probably 9 somewhere around 50 feet. 10 CAROLINE TAYLOR: Okay. Thank you for 11 that. 12 JEFFREY FERREL: Yeah. 13 CAROLINE TAYLOR: And then the last few 14 -- if it's all right -- 15 KATHLEEN BYRNE: Sure. 16 CAROLINE TAYLOR: --the last several 17 questions I have relate to the water cooling, which 18 -- 19 JEFFREY FERREL: Uh-huh. 20 CAROLINE TAYLOR: -- you know, has been 21 an issue throughout for me. So the system that you 22 cited that has been put in place in California --</p>	116	<p>1 KATHLEEN BYRNE: That would be great. 2 CAROLINE TAYLOR: Great. 3 KATHLEEN BYRNE: Thank you. 4 CAROLINE TAYLOR: Yeah. 5 ROBERT HARRIS: Thank you. 6 KATHLEEN BYRNE: All right. 7 JEFFREY FERREL: Thanks, Caroline. 8 KATHLEEN BYRNE: So let me -- let me 9 just. All right. So the variance or the old 10 special exception, you know, that question's been 11 answered. 12 And then, when I looked at the different 13 mappings in the staff report, I noticed -- so, 14 like, I just had to dig a little deeper to see the 15 -- like, because they didn't -- 16 JEFFREY FERREL: Their staff report 17 draws a much larger line that is not our property 18 line, which is why -- 19 KATHLEEN BYRNE: Right. 20 JEFFREY FERREL: -- we tried to clarify 21 the record up front, and everything in our 22 application is correct. Everything that --</p>

<p style="text-align: right;">117</p> <p>1 KATHLEEN BYRNE: Okay. 2 JEFFREY FERREL: -- you've gotten from 3 us is correct. That staff report draws the line 4 way off of our property. 5 KATHLEEN BYRNE: Right. And that -- 6 JEFFREY FERREL: Yeah. 7 KATHLEEN BYRNE: -- was leading me a 8 little bit to confusion because I was -- 9 JEFFREY FERREL: Yep. 10 KATHLEEN BYRNE: -- having a hard time 11 determining where the ag line and the industrial 12 line was based on where the -- where the 13 development was going to be. But, based on your 14 testimony and this -- 15 JEFFREY FERREL: Yep. 16 KATHLEEN BYRNE: -- everything that's 17 going to be developable is in the industrial -- 18 JEFFREY FERREL: In the industrial -- 19 KATHLEEN BYRNE: -- zone? 20 JEFFREY FERREL: -- land, on our 21 property. 22 KATHLEEN BYRNE: On your property?</p>	<p style="text-align: right;">119</p> <p>1 commercial wells -- 2 KATHLEEN BYRNE: Okay. 3 JEFFREY FERREL: -- for potable water, 4 and they had a waste treatment plant that 5 discharged into the Potomac. 6 KATHLEEN BYRNE: Okay. 7 JEFFREY FERREL: It's -- we -- it's been 8 decommissioned. We've taken that offline. So one 9 of the reasons that we like this use to do here, in 10 contrast to a heavy industrial uses, is because you 11 can keep the employee count so low. 12 KATHLEEN BYRNE: Uh-huh. 13 JEFFREY FERREL: So it's a positive 14 impact by comparison to -- for all things, like, 15 including traffic and all that -- 16 KATHLEEN BYRNE: Right. 17 JEFFREY FERREL: -- and light noise -- 18 all those things. But the other reason is because 19 we're going to have to provide our own potable 20 water and septic. 21 KATHLEEN BYRNE: Okay. 22 JEFFREY FERREL: So that means on site,</p>
<p style="text-align: right;">118</p> <p>1 JEFFREY FERREL: Yes, ma'am. 2 KATHLEEN BYRNE: Okay. All right. So 3 that's checked. And, again, there's some 4 information -- and maybe you're not the right 5 person to talk about this -- public water and sewer 6 -- is that coming later? Can we talk about -- is 7 that -- 8 ROBERT HARRIS: We -- and Jeff can talk 9 -- 10 JEFFREY FERREL: We can do it right now. 11 ROBERT HARRIS: -- about that now, if 12 you want. 13 KATHLEEN BYRNE: Great. Because I know 14 there's no access to public water. It says there's 15 no access to public water and sewer at the 16 property. Is it -- is it well and septic right now 17 to -- for -- 18 JEFFREY FERREL: So it's -- 19 KATHLEEN BYRNE: -- maintenance for 20 workers? 21 JEFFREY FERREL: So, historically -- so, 22 historically, the plant operated on several</p>	<p style="text-align: right;">120</p> <p>1 and so we have met with the county office regarding 2 that. And, effectively, what they're -- what 3 they've told us is, you know, You're going to have 4 to go through -- You're going to have to go through 5 a permit, and it goes back to how -- 6 KATHLEEN BYRNE: Uh-huh. 7 JEFFREY FERREL: -- many employees are 8 we going to have? Now, I will mention because you, 9 you know, the staff report and what the Planning 10 Board recommended approval to your office had a cap 11 on the number of employees -- 12 KATHLEEN BYRNE: Right. 13 JEFFREY FERREL: -- which seems very 14 low, but it's -- we are more than comfortable with 15 that. 16 KATHLEEN BYRNE: I think it was -- was 17 it 85? 18 ROBERT HARRIS: Yes, ma'am. 19 KATHLEEN BYRNE: Right. And that was my 20 other question -- is that, that number, that 85 21 number, would be for a maximum number for all uses. 22 JEFFREY FERREL: All uses.</p>

<p style="text-align: right;">121</p> <p>1 KATHLEEN BYRNE: Okay.</p> <p>2 JEFFREY FERREL: And so that sort of</p> <p>3 does go back to how I answered Caroline's question,</p> <p>4 you know, in a side way, which is, we can build a</p> <p>5 campus here, which means potentially shared staff,</p> <p>6 shared parking, shared substations, and it allows</p> <p>7 us to do this, you know, really, really efficiently</p> <p>8 because we have, like, a blank canvas to work on in</p> <p>9 contrast to where they're being developed in other</p> <p>10 places.</p> <p>11 KATHLEEN BYRNE: Okay. It's -- that was</p> <p>12 one of my other questions --</p> <p>13 JEFFREY FERREL: Yeah.</p> <p>14 KATHLEEN BYRNE: -- was -- and then, in</p> <p>15 the statement of justification, I think you had</p> <p>16 hours of operation -- all of that. Nothing has</p> <p>17 changed in that if it were --</p> <p>18 JEFFREY FERREL: (No audible response).</p> <p>19 KATHLEEN BYRNE: Okay. Let me see one</p> <p>20 -- and you talked about demolition, but that would</p> <p>21 be Phase 2?</p> <p>22 JEFFREY FERREL: Provided this is a</p>	<p style="text-align: right;">123</p> <p>1 JEFFREY FERREL: -- was built after</p> <p>2 2000.</p> <p>3 KATHLEEN BYRNE: Right.</p> <p>4 JEFFREY FERREL: And so what we would</p> <p>5 effectively do is immediately go out -- we have</p> <p>6 several contractors that are giving us final</p> <p>7 proposals to demo the original plant site and take</p> <p>8 down the towers and all that stuff, and we would --</p> <p>9 we would start that as soon as we were reasonably</p> <p>10 able to.</p> <p>11 This is a really big bill, so I can't do</p> <p>12 it until we have some sort of an outcome here.</p> <p>13 KATHLEEN BYRNE: Right. Right.</p> <p>14 JEFFREY FERREL: So just --</p> <p>15 KATHLEEN BYRNE: I understand.</p> <p>16 JEFFREY FERREL: -- because of the</p> <p>17 environmental --</p> <p>18 KATHLEEN BYRNE: Yeah.</p> <p>19 JEFFREY FERREL: -- review and</p> <p>20 mitigation, the actual demo work itself. That main</p> <p>21 -- those towers are hundreds of feet tall.</p> <p>22 KATHLEEN BYRNE: Right.</p>
<p style="text-align: right;">122</p> <p>1 successful application --</p> <p>2 KATHLEEN BYRNE: Uh-huh.</p> <p>3 JEFFREY FERREL: -- we are already -- so</p> <p>4 I want to be very clear. We have been demolishing</p> <p>5 portions of the plant, meaning, salvaging things</p> <p>6 like copper.</p> <p>7 KATHLEEN BYRNE: Right.</p> <p>8 JEFFREY FERREL: You know, sort of the</p> <p>9 non-ferrous valuable --</p> <p>10 KATHLEEN BYRNE: Uh-huh.</p> <p>11 JEFFREY FERREL: -- metals. And we've</p> <p>12 been going through and harvesting things really to</p> <p>13 be able to continue to work and pay for the</p> <p>14 property through this time period we've been doing</p> <p>15 planning.</p> <p>16 So there has been some demolition</p> <p>17 activity that is not -- and we do have a demo</p> <p>18 permit, but these are the new areas of the plant --</p> <p>19 KATHLEEN BYRNE: Uh-huh.</p> <p>20 JEFFREY FERREL: -- you know, the stuff</p> <p>21 that --</p> <p>22 KATHLEEN BYRNE: Right.</p>	<p style="text-align: right;">124</p> <p>1 JEFFREY FERREL: Yeah. So just --</p> <p>2 KATHLEEN BYRNE: Okay. I think that --</p> <p>3 because all of the other questions -- and I think</p> <p>4 Caroline alluded to that -- is, like, those are</p> <p>5 going to be part of the amendments, like, the</p> <p>6 normal things that I would ask for, the water and</p> <p>7 the sewer, the car trips, the floor area ratio, you</p> <p>8 know, all of that.</p> <p>9 We just, you know, how you get in and</p> <p>10 out the different bays and the sites. But none of</p> <p>11 that can be determined yet until you know the</p> <p>12 location of the structures, the buildings, how</p> <p>13 many. Okay.</p> <p>14 ROBERT HARRIS: And we'll -- sorry.</p> <p>15 JEFFREY FERREL: What I will say is</p> <p>16 that, you know, one of the reasons why I spent an</p> <p>17 exhaustive amount of time sort of showing you</p> <p>18 around --</p> <p>19 KATHLEEN BYRNE: Right.</p> <p>20 JEFFREY FERREL: -- is because you have</p> <p>21 to keep in mind that this was an operating plant</p> <p>22 with no less than a hundred and forty people on</p>

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1 site at all times.
2 KATHLEEN BYRNE: Right.
3 JEFFREY FERREL: Trucks, semi-trucks,
4 dump trucks, just everything running through here.
5 So, with regard to access, with regard to, you
6 know, all of the development requirements, our
7 scale is going to be so much smaller than the land
8 would normally permit.
9 We have, you know, really no concern
10 with being able to do it. It's more about exactly
11 where it will be located --
12 KATHLEEN BYRNE: Right.
13 JEFFREY FERREL: -- and so I just -- I
14 wanted to make that note.
15 KATHLEEN BYRNE: And you have the
16 infrastructure. So you've got most of the roads
17 and the driveways, and --
18 JEFFREY FERREL: Yep.
19 KATHLEEN BYRNE: -- it's going to be
20 changes to that based on how each section is
21 developed after demolition?
22 JEFFREY FERREL: Yeah. And the reality

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1 is, is the roads are already there. It's a matter
2 of widening them to county requirements for
3 emergency, safety, and again --
4 KATHLEEN BYRNE: Uh-huh.
5 JEFFREY FERREL: -- this was an
6 operating plant two and a half years ago. So they
7 were already required to -- you know, if the fire
8 trucks got to get there, they've got to get there.
9 KATHLEEN BYRNE: Right. Right.
10 JEFFREY FERREL: So most of those things
11 are already in place. It's a matter of extending
12 them, cleaning them up, getting them to new today
13 standards, rather than standards from what likely
14 was the '70s --
15 KATHLEEN BYRNE: Okay.
16 JEFFREY FERREL: -- when they redid
17 this.
18 KATHLEEN BYRNE: All right. That's
19 helpful. Thank you.
20 ROBERT HARRIS: Back to one question
21 that Caroline asked about stormwater management.
22 Is it your understanding that you will go through a

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1 full stormwater management approval process? But
2 what -- and what have you done about stormwater
3 management analysis so far?
4 JEFFREY FERREL: Sure. So, of course,
5 we'll have to go through the whole planning
6 process. So these -- and I'm going to answer, but
7 I'm also going to go back to permitting. This is
8 not something that we'll come through and do all
9 six, seven, eight, nine, ten buildings all at one
10 time.
11 So it would be a round of permits. So
12 there'll be a number of, you know, updates to the
13 details here. But -- so what we did originally to
14 make sure that we felt like we could get the
15 buildings located, and the volume and positioning
16 that roughly would work is, we took a data center
17 building that we knew, a known quantity, from a
18 company that we were working with at the scale and
19 size that we're thinking is going to be right.
20 And so then we placed a number of them
21 across the property, got the impervious
22 calculation. This is all part of the --

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1 KATHLEEN BYRNE: Uh-huh.
2 JEFFREY FERREL: -- part of the record.
3 And our civil engineer did the analysis to make
4 sure that we had enough volume and holding and
5 treatment and mitigation, BMPs, to deal with what
6 was going to be coming off of the roof in the
7 parking lot areas based on a plan that had been
8 previously built and approved, although not in
9 Montgomery County.
10 So apply Montgomery County Stormwater
11 Regulations to a known quantity building, so that
12 we can demonstrate how much space that we'll need
13 surrounding the building to deal with that. Now,
14 stormwater regulations change constantly.
15 So, when we did the analysis, it was
16 based on, you know, your one building. All your
17 stormwater is going to be dealt with right there.
18 It's my understanding the regulations have changed
19 a little bit, where we may be able to do a little
20 bit more of a campus and be a bit more efficient,
21 but we have enough room and space within our
22 envelope to do either way.

129	1 KATHLEEN BYRNE: Okay. All right. 2 Thank you. 3 ROBERT HARRIS: I know we've reserved 4 two days for this. 5 KATHLEEN BYRNE: Uh-huh. 6 ROBERT HARRIS: You know, I -- Mr. 7 Ferrel has done, you know, a very comprehensive job 8 here. I hope that we've answered the community's 9 comments. I'm happy to, you know -- 10 CAROLINE TAYLOR: I have not finished my 11 comments. I (crosstalk) -- 12 ROBERT HARRIS: Oh, okay. 13 CAROLINE TAYLOR: -- ask questions. 14 ROBERT HARRIS: Okay. Fine. 15 KATHLEEN BYRNE: Yeah, yeah, yeah, yeah. 16 CAROLINE TAYLOR: Just to be clear. 17 ROBERT HARRIS: Okay. 18 KATHLEEN BYRNE: Right. 19 ROBERT HARRIS: Fine. 20 KATHLEEN BYRNE: Yeah. She's not done. 21 ROBERT HARRIS: Fine. Well, then we'll 22 -- yeah. Okay. I didn't --	131	1 KATHLEEN BYRNE: Okay. 2 ROBERT HARRIS: -- the record, including 3 the planning staff and the Planning Board's 4 analysis of that shows that the findings that you 5 will need to make -- 6 KATHLEEN BYRNE: Uh-huh. 7 ROBERT HARRIS: -- can be made. In 8 fact, the Planning Board has already made them in 9 their mind, and so I think the record stands. 10 KATHLEEN BYRNE: Okay. All right. 11 Then, Ms. Caroline, I'll have you come 12 back on up, and we'll swear you in. Can you raise 13 your right hand? 14 CAROLINE TAYLOR, WITNESS, SWORN 15 KATHLEEN BYRNE: Okay. Thank you. What 16 would you like to say? 17 CAROLINE TAYLOR: Okay. And do I need 18 to repeat my name for the record or -- 19 KATHLEEN BYRNE: You're good. Yeah. I 20 think we have it. Thank you. 21 CAROLINE TAYLOR: Okay. Great. 22 As a introduction, I would like to
130	1 CAROLINE TAYLOR: But you won't need two 2 days. 3 ROBERT HARRIS: No. I don't -- 4 KATHLEEN BYRNE: Okay. 5 ROBERT HARRIS: -- I don't believe we 6 need to put anything more out there, now, but we 7 certainly would want to, you know, help answer -- 8 KATHLEEN BYRNE: Okay. All right. 9 ROBERT HARRIS: -- your questions -- 10 CAROLINE TAYLOR: (Crosstalk) -- 11 ROBERT HARRIS: -- or comments. 12 KATHLEEN BYRNE: So -- 13 CAROLINE TAYLOR: You can ask me 14 questions. 15 ROBERT HARRIS: Okay. 16 KATHLEEN BYRNE: Yeah. Do you have any 17 other witnesses then? 18 ROBERT HARRIS: No. We have -- we have 19 engineers who have worked with us on it -- 20 KATHLEEN BYRNE: Okay. 21 ROBERT HARRIS: -- but I think Mr. 22 Ferrel has explained it adequately, and I think --	132	1 remind you that I'm testifying on behalf of two 2 401(c)(3)s or 501(c)(3)s, and that is Montgomery 3 Countryside Alliance and Sugarloaf Citizens 4 Association. Sugarloaf Citizens Association has 5 been in existence for 51 years. Montgomery 6 Countryside Alliance 23. 7 I was taken back in looking at the 8 images that Jeff had provided in his PowerPoint to 9 see the history of this rural area of Montgomery 10 County and how it has accommodated a number of uses 11 that the County wanted further away, away from 12 people, away from, you know, sight, sound. 13 You saw a power plant that dated back to 14 the 1950s, the wisdom of which placing it next to 15 the river could be questioned. Now, you see a 16 trash-to-energy facility, which now, there are 17 questions about the air emissions that exist with 18 that. 19 You see a -- all of the yard trim, as 20 you pointed out, being processed there, and of 21 course, you know, the infrastructure from the power 22 plant. This was a rural community that in -- that

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1 had this thrust upon them.
2 Back in the 1950s, there wasn't much of
3 a process for people to evaluate these things in
4 terms of the effect on human health, et cetera, but
5 there they are, and that is the zoning, and that's
6 what you have to work with, and I get that. We get
7 that.
8 However, I don't think it is appropriate
9 to judge this land use in the context of a previous
10 land use in terms of inherent and non-inherent
11 effects. I think we have to look at its scale, its
12 scope, its consumption by today's standards and on
13 its own merits.
14 And what we are concerned about -- and
15 as I said, we're not necessarily, you know, here to
16 have full throated opposition, but we have
17 articulated our concerns throughout with regard to
18 the effect on certain resources, namely, and I've
19 said the river.
20 And I should note my background is that
21 I worked for the general counsel in Environmental
22 Quality for National Wildlife Federation on, among

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1 other things, water-related issues.
2 So, whether or not -- and this is when I
3 refer to past uses -- whether or not it was wise
4 for the Potomac River to be taken in and discharged
5 at 27-degree Fahrenheit raised temperature
6 previously, you know, as a -- as a barometer of
7 whether or not raising it six degrees now is okay
8 as far as stream biology, as far as algal blooms
9 and other things, as far as, you know, the overall
10 uses along the river, that remains to be seen.
11 And I fully understand, and ma'am, you
12 have stated that there are other regulatory reviews
13 that will take place, but I want us to make sure
14 that we have an idea of the scale of this use.
15 We have a general use that's being asked
16 for. We don't know. It depends, I guess was the
17 answer in terms of the number of data centers, and
18 therefore, the amount of withdrawal of water.
19 I do want to point out that this is on a
20 federally designated sole source aquifer as well.
21 So the ability for the aquifer to be recharged is
22 important. I applied -- I wrote and applied for

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1 that designation in 1993. It was granted by EPA
2 Region 3.
3 So we have concerns to make sure that
4 the integrity of the aquifer is maintained. Was
5 the aquifer better managed with the power plant
6 there? Power plant, clearly not. But we have an
7 opportunity to do this as well as we can do, and
8 the details will matter.
9 With regard to the resource of the C&O
10 Canal, which is, you know, 4.5 million annual
11 visitors, an economic engine of \$96 million a year,
12 what would be the impacts of all -- what -- however
13 many data centers, their noise, or what have you
14 within -- I don't remember how many feet you said,
15 but it wasn't a lot of feet -- perhaps two --
16 potentially two building structure, two data center
17 noise or whatever.
18 I would like to think that this body
19 would make sure in whatever, if they approve, that
20 there are certain conditions placed that do the
21 best that we can by that resource in terms of
22 distance to the C&O Canal.

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1 With regard to the good conversations,
2 and we had many with regard to the AR, the ag
3 reserve portion, I would like to think that, if
4 we're not going to -- you're not going to violate
5 that area. That could be a condition of the use to
6 make sure that, that does not happen in the future.
7 I want to be clear, and I was when we --
8 when I testified before the Planning Board that the
9 BESS, the public utility structure, receives full
10 throated support from both organizations. This is
11 an excellent use. It seems to be more well defined
12 in terms of size, and we believe that that's an
13 excellent component of this.
14 Are we saying that data centers are not
15 a good use of the property? No. But we do believe
16 that the details matter. I think, here, I want to
17 look at a couple of other notes here. There were
18 other conditions that we were hopeful, as I
19 mentioned but no diesel backup generator.
20 I don't know if you followed the large
21 data center complex in Frederick County, which
22 proposed to use diesel power to back up their

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1 center, you know, all of their data centers there.
2 And then legislation was passed at the state level
3 that would allow the -- that they didn't have to
4 get approval from the Public Service Commission.
5 Operating a lot of diesel there, in
6 terms of air quality, in combination with the other
7 uses there, we believe would not be something that
8 should be allowed.
9 We've talked about stormwater
10 management. I gather, that's going to be a review.
11 Sorry. I want to just look at my notes here and
12 make sure I've gotten everything else. So I just
13 want to be clear. I'm sure I'm getting back to
14 water again.
15 Thermal pollution is a thing, and it
16 should be contemplated in terms of this use. I
17 understand what you're saying, Jeff, about it's
18 less energy to use water, but I think great care
19 needs to be employed, especially, since the
20 Interstate Commission on the Potomac River Basin
21 just had a big report and press conference within
22 the last week, indicating that we potentially have

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1 some problems with regard to the river being able
2 to supply drinking water to 5.3 or more million
3 residents and businesses in the years ahead.
4 They are looking for alternative water
5 supplies, and they are looking at the Army Corps of
6 Engineers to conduct that study. The Interstate
7 Commission on the Potomac River Basin anticipates
8 by 2030, I believe, that we will have on an annual
9 average from that source, 35 -- or from all water
10 sources -- 35 percent less water available to us
11 annually.
12 I'll just repeat that. On an annual --
13 on an average, 35 percent less water available to
14 us. That means, without alternative water
15 supplies, we will not be able to supply potable
16 water to the residents in the greater Washington,
17 DC area.
18 So water is a thing. Thermal pollution
19 is a thing, and withdrawal should be something that
20 is undertaken extremely carefully in terms of the
21 numbers of data centers, and what they require for
22 cooling, and I just want to keep this brief.

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1 So I will say, if the record is open,
2 and I would ask how long the record will be open,
3 I'll submit a couple of things in writing, one of
4 which I was a little disappointed to see that the
5 planning staff said there was no correspondence
6 from the public.
7 Well, we provided a number of things to
8 the planning staff and met with them with our
9 concerns in terms of whether or not this
10 application met the requirements of conditional
11 use, in terms of all the things that are legally
12 required, and that it was asking for a general
13 approval.
14 We had questions about that. I don't
15 know under what section of the Code it falls that
16 you can get a general approval and then do the
17 details later, but that was a question we asked the
18 staff.
19 So, with all of that -- and again,
20 trying to keep in mind time, if it's all right, I
21 would like to --
22 KATHLEEN BYRNE: Uh-huh.

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1 CAROLINE TAYLOR: -- submit some things
2 in writing, and I really appreciate the time.
3 KATHLEEN BYRNE: All right.
4 CAROLINE TAYLOR: Thank you.
5 KATHLEEN BYRNE: Yeah. The record
6 generally is open for ten days after --
7 CAROLINE TAYLOR: Okay.
8 KATHLEEN BYRNE: -- because we get a
9 transcript that's generated. If you did submit
10 documents to Planning, I will go ahead; and if you
11 want to email them to OZAH, O-Z-A-H --
12 MR. TAYLOR: Uh-huh.
13 KATHLEEN BYRNE: -- @MontgomeryCounty --
14 CAROLINE TAYLOR: I've got it.
15 KATHLEEN BYRNE: -- MD (crosstalk) us.
16 CAROLINE TAYLOR: I've wrote --
17 KATHLEEN BYRNE: Yes. Yeah.
18 CAROLINE TAYLOR: -- you before.
19 KATHLEEN BYRNE: Send them to us.
20 CAROLINE TAYLOR: Thank you.
21 KATHLEEN BYRNE: And make sure you copy
22 the Applicant as well --

<p style="text-align: right;">141</p> <p>1 CAROLINE TAYLOR: Yep. 2 KATHLEEN BYRNE: -- so that they have 3 those documents. So I will go ahead and take 4 those. 5 ROBERT HARRIS: Excuse me. One -- on 6 that point. 7 KATHLEEN BYRNE: Uh-huh. 8 ROBERT HARRIS: I have no problem with 9 her submitting additional material to the record -- 10 KATHLEEN BYRNE: Uh-huh. 11 ROBERT HARRIS: -- and obviously, I 12 would like to see it. 13 KATHLEEN BYRNE: Uh-huh. 14 ROBERT HARRIS: Will there be an 15 additional opportunity after the ten days for us to 16 respond to whatever she submits? 17 KATHLEEN BYRNE: Yes. 18 ROBERT HARRIS: Okay. 19 KATHLEEN BYRNE: So if, like, the sooner 20 you can get it would be great. 21 CAROLINE TAYLOR: Sure. 22 KATHLEEN BYRNE: And then, if you let me</p>	<p style="text-align: right;">143</p> <p>1 give me -- 2 KATHLEEN BYRNE: Sure. 3 CAROLINE TAYLOR: -- one second that, 4 when I began my testimony at Planning, I said, We 5 find ourselves evaluating a use with which there's 6 no regulatory framework when data centers are new. 7 KATHLEEN BYRNE: Uh-huh. 8 CAROLINE TAYLOR: So it's a disservice 9 to you all, to decision makers, and to the public, 10 not to have that in place, but that is where we 11 find ourselves, and so I hope you can appreciate -- 12 KATHLEEN BYRNE: Uh-huh. 13 CAROLINE TAYLOR: -- our concerns and 14 trepidation. 15 KATHLEEN BYRNE: Right. One of the 16 difficulties, I think, and maybe this is something 17 that you guys can address is, she discussed 18 inherent and non-inherent adverse impacts. And, 19 because we don't know size, scale, and scope yet -- 20 right -- that could vary. 21 But, generally, data centers -- what's 22 the noise component? Is there, you know, any kind</p>
<p style="text-align: right;">142</p> <p>1 know if you'd like time to -- like, if you have no 2 response -- 3 ROBERT HARRIS: Yeah. 4 KATHLEEN BYRNE: -- or if you would like 5 to respond, then we can keep the record open for 6 that response as well. 7 ROBERT HARRIS: Right. I -- and from 8 what I'm hearing from Caroline, here, I'm pretty 9 confident that, you know, there would be a short 10 reply that, yes. All of these issues about the 11 water temperature, the quantity, et cetera -- 12 KATHLEEN BYRNE: Uh-huh. 13 ROBERT HARRIS: -- will be studied and 14 reviewed in detail by MDE, EPA, the County, et 15 cetera. And so, you know, I'm confident that the 16 regulatory system and our current regulations, 17 irrespective of whatever may have applied to the 18 Pepco plant, but our current regulations will give 19 you the confidence you need and the protection. 20 CAROLINE TAYLOR: I trust that's true. 21 ROBERT HARRIS: Yeah. 22 CAROLINE TAYLOR: I will say, if you'll</p>	<p style="text-align: right;">144</p> <p>1 of air pollution? Is there -- you know, how do you 2 handle those backup situations? 3 JEFFREY FERREL: We can go through that 4 sort of one at a time. 5 KATHLEEN BYRNE: Okay. 6 JEFFREY FERREL: So I always call these, 7 like, the impacts of the development, right? And, 8 because data centers are nonpublic facing -- right 9 -- there's no retail, there's no customer service 10 portion -- there's no need to have a tremendous 11 amount of light. 12 You know, so we're going to do the very 13 bare minimum that they'll let us get away with. 14 You know, there's no signs on the outside of the 15 building telling you who owns it. None of those 16 things. 17 So, with regard to light, there'll be 18 very little light, and we did agree to DarkSky 19 compliant. So I would say as little as the County 20 will let us get away with -- 21 KATHLEEN BYRNE: Okay. 22 JEFFREY FERREL: -- will be the lighting</p>

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1 situation.
2 So, with respect to noise, so we feel
3 comfortable -- and one of the reasons why I keep
4 saying, It depends -- air-cooled data centers are
5 louder than liquid cooled. Liquid cooleds
6 effectively have almost no noise.
7 You could be 40 feet away and likely not
8 hear anything at all. And it's because they don't
9 have the big air handlers on the roof, you know?
10 So heat has to go somewhere.
11 With air cooling, they go through a
12 system where eventually they exhaust into the air.
13 You know, every commercial building you've ever sat
14 in has got a chiller unit with a big fan on it, and
15 it -- that's where the heat goes.
16 So air cooled is a louder building.
17 Liquid cooled is nearly silent. So one of the many
18 reasons why we're hoping to do liquid cooled. What
19 I can say is that we'll -- we can meet the County
20 noise ordinance --
21 KATHLEEN BYRNE: Uh-huh.
22 JEFFREY FERREL: -- because of the

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1 distance that we have from effectively everything.
2 So, you know, we put that distance up as 2400 feet,
3 2500 feet from any residence, we can, you know,
4 definitely meet that, even the reduced volume at
5 night.
6 Certainly meet that because we can do
7 some things with the building orientation.
8 Depending on if it's liquid or air cooled, we can
9 orient the building in those cooling assets so that
10 they're behind a wall, behind a barrier, facing
11 internal to the development, rather than external
12 -- all those things.
13 And we would be required to give you
14 that information, but we can commit that we would
15 be under the County noise ordinance required for
16 for development.
17 ROBERT HARRIS: Excuse me. On that, we
18 would plan to do a particular noise analysis once
19 we figure out what buildings --
20 KATHLEEN BYRNE: Right.
21 ROBERT HARRIS: -- are there.
22 KATHLEEN BYRNE: And that would be a

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1 requirement at a later time.
2 ROBERT HARRIS: Yes.
3 KATHLEEN BYRNE: And, I mean -- and then
4 I know. It's new, right? And it's -- but know
5 that, right?
6 ROBERT HARRIS: Well --
7 KATHLEEN BYRNE: Whether it's major or
8 minor as the amendment comes --
9 ROBERT HARRIS: Uh-huh.
10 KATHLEEN BYRNE: -- it is the discretion
11 of the hearing examiner that receives it to make
12 that determination. All of that would have to be
13 input, satisfy all of that development, every other
14 section, you know, in the ordinance, whether it's
15 the noise ordinance, the light ordinance, any kind
16 of additional landscaping that would be needed.
17 And all of that would -- so while you
18 have this --
19 ROBERT HARRIS: Overarching.
20 KATHLEEN BYRNE: -- over --
21 ROBERT HARRIS: Yeah.
22 KATHLEEN BYRNE: -- you know, if we move

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1 forward on this, and you get this overarching
2 approval, size, scale, and scope of what's proposed
3 may or may not have certain conditions, certain --
4 like you said, certain orientations and things like
5 that.
6 JEFFREY FERREL: So, if I can --
7 KATHLEEN BYRNE: We'll let him finish.
8 JEFFREY FERREL: So, if I can just make
9 a comment to that, so I'm being very clear. We are
10 asking for a conditional use and no other
11 exceptions variances -- anything to the standard
12 development requirements.
13 KATHLEEN BYRNE: right.
14 JEFFREY FERREL: So completely
15 understood that we're going to have to have
16 everything reviewed and submitted, and we've got to
17 be compliant with all laws --
18 KATHLEEN BYRNE: Right.
19 JEFFREY FERREL: -- and codes. What I
20 -- what I will say regarding the difference between
21 a data center, which is not in -- you know, not
22 explicitly governed any differently than, you know,

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1 a warehouse or anything else --
2 KATHLEEN BYRNE: Uh-huh.
3 JEFFREY FERREL: --what I will say is
4 that this is industrial land, and that we're going
5 to be required to adhere to effectively the same
6 requirements as other industrial developments.
7 KATHLEEN BYRNE: Other industrial uses,
8 right.
9 JEFFREY FERREL: And so which are going
10 to be far -- those would be far more impactful than
11 anything we're proposing to do, so -- and I do want
12 to make sure that we're -- that it's very well
13 understood, and I'm saying it for the record. This
14 is heavy industrial property with heavy industrial
15 (indiscernible) uses.
16 We are -- we are -- what we're
17 effectively asking for is to be able to do a less
18 impactful, less dense development, and it's done
19 through a conditional process, because as you know,
20 it's traditionally done in land use. It's
21 conditional because it's so rare, you're not sure
22 exactly what the standard development would be.

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1 KATHLEEN BYRNE: Uh-huh.
2 JEFFREY FERREL: So we sort of come up
3 with some -- a game plan as you go because of the
4 rarity of the use. So we are -- we have met
5 regularly, not only with planning staff, but Carol
6 and I have had a number of coffees and phone calls
7 --
8 KATHLEEN BYRNE: Uh-huh.
9 JEFFREY FERREL: -- and things like
10 that. And we've tried to accommodate to the extent
11 possible. The conditional uses that we're applying
12 for are conditionally allowed in effectively all
13 zoning districts.
14 And so what we've done is, we've self-
15 imposed. Because we want to be, you know, good
16 neighbors, and we want to do this the right way, we
17 self-imposed restrictions to scale this all the way
18 back down to what we have because we feel like
19 meeting the development requirements within a
20 significantly reduced footprint is a good thing.
21 And, you know, there is -- there -- I've
22 said this a number of times to almost everybody I

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1 talked to -- there is a right way and a wrong way
2 to do things. And I believe what we're trying to
3 do here is take an old historic, you know, coal-
4 fire power plant use with all the property and all
5 the impacts, and we're -- and its infrastructure --
6 and we're replacing that old dirty infrastructure
7 with new clean digital and energy infrastructure.
8 And it's -- it is different than me
9 building a factory. And so we're trying to recycle
10 what we can, reuse what we can, clean an old use
11 and replace it with what will be the -- in a
12 hundred years, there's going to be somebody else
13 sitting at a desk similar to me saying that we
14 should get rid of these things and put new stuff
15 there.
16 ROBERT HARRIS: Caroline, I think you
17 had a question or (crosstalk) --
18 CAROLINE TAYLOR: A procedural question.
19 KATHLEEN BYRNE: Sure.
20 CAROLINE TAYLOR: When you refer to,
21 should this move forward and then have these other
22 layers of your review, minor, major amendments --

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1 KATHLEEN BYRNE: Uh-huh.
2 CAROLINE TAYLOR: -- whatever -- is the
3 public -- do they have to request to be able to be
4 party to that, or is that closed within your --
5 KATHLEEN BYRNE: So what the -- what the
6 Code says is that an applicant, after approval, can
7 come back and ask for a minor amendment, and a
8 minor amendment is defined specifically, and the
9 hearing examiner will make a determination whether
10 they believe it's minor or major, and they'll ask
11 Planning to review it as well and say, Hey, do you
12 think this is minor or this is major?
13 Minor amendments a lot of times happen
14 because, say, someone submitted a landscaping plan,
15 and they were going to do X, Y, and Z trees here.
16 They're going to do this there. Then, after they
17 get on site, things change. They find things --
18 topography -- that kind of stuff. Typical minor
19 amendment -- right? Come in. Okay. We're not
20 going to do those trees here. You're going --
21 CAROLINE TAYLOR: Sure.
22 KATHLEEN BYRNE: -- to change the

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1 topography. Those kinds of --
2 CAROLINE TAYLOR: Right.
3 KATHLEEN BYRNE: -- things pretty much
4 handled minor amendments. We had one minor
5 amendment where the building was going to be two
6 stories scaled back to one story.
7 CAROLINE TAYLOR: Sure.
8 KATHLEEN BYRNE: Right? So it was --
9 CAROLINE TAYLOR: That's kind of --
10 KATHLEEN BYRNE: -- it was less --
11 CAROLINE TAYLOR: -- in-house -- in-
12 house, yeah.
13 KATHLEEN BYRNE: -- in-house, less --
14 CAROLINE TAYLOR: Yeah.
15 KATHLEEN BYRNE: -- intense. Major
16 amendments, changing an entrance point, access
17 point, from a main road -- that would potentially
18 throw off number of cars, traffic --
19 CAROLINE TAYLOR: Right.
20 KATHLEEN BYRNE: -- things like that.
21 That would be more of a major amendment. So the
22 applicant will submit what they believe it to be

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1 either major or minor. The hearing examiner will
2 make a determination which bucket it falls in.
3 If it falls in a minor amendment, they
4 will go through. There's a long -- they'll write
5 an opinion that says, I believe this is a minor
6 amendment. Here's why I believe it's a minor
7 amendment. I will approve these X, Y, and Z
8 changes. Usually, a site plan change is involved.
9 If -- and that's posted -- if someone
10 doesn't believe it's a minor amendment as part of
11 the public, they can appeal the hearing examiner's
12 decision that --
13 CAROLINE TAYLOR: (Crosstalk) --
14 KATHLEEN BYRNE: -- it was a minor
15 amendment and ask for a public hearing on whether
16 it was major or minor.
17 There's that process.
18 CAROLINE TAYLOR: Uh-huh.
19 KATHLEEN BYRNE: If it comes in as a
20 major amendment, it's just like this.
21 CAROLINE TAYLOR: Okay.
22 KATHLEEN BYRNE: There is a public

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1 hearing. They go through those particular plans,
2 and we talk about it. We get to see things on the
3 scale --
4 CAROLINE TAYLOR: Right.
5 KATHLEEN BYRNE: -- and then it's a
6 major amendment.
7 CAROLINE TAYLOR: Right. So --
8 ROBERT HARRIS: Could --
9 CAROLINE TAYLOR: I'm so sorry.
10 ROBERT HARRIS: I'm sorry.
11 KATHLEEN BYRNE: Yeah.
12 ROBERT HARRIS: I was just going to say,
13 we know full well your commitment to the Upcounty
14 and your interest. There is zero chance that you
15 won't be notified of anything that we submit and
16 (crosstalk) --
17 CAROLINE TAYLOR: But, like, the site
18 plans. I mean, wouldn't that be a major?
19 KATHLEEN BYRNE: You know, it's -- like,
20 the interesting thing is, like, I don't have those
21 distances from buildings. What I have is that
22 everything will be contained within the limits of

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1 disturbance and that the limits of disturbance meet
2 the minimum requirements for the setbacks, right?
3 So I think it depends. Like, I don't
4 know what I'm going to see until I see it, if that
5 makes sense.
6 CAROLINE TAYLOR: Is this something that
7 usually has happened in the past, that someone has
8 sought this kind of approval and then provided site
9 plans and things later?
10 KATHLEEN BYRNE: This -- well, this is
11 -- I've seen comes -- things come in with site
12 plans, and they hundred and eighty degrees after,
13 and they come in for a major modification, and we
14 make those changes because I think we -- there is
15 enough information for a general approval, and the
16 reason being is because this is industrial land,
17 and that's different than if this was residential
18 land or if this was commercial land, that looking
19 at what's been submitted, they meet the minimum
20 requirements under the general development specs
21 looking at -- and that's why I asked the question
22 -- and staff identified as what are normal impacts

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1 for this type of use.
2 And they have access road, temporary
3 construction noise, generator noise, exhaust fans,
4 traffic, industrial appearance. If something comes
5 in that could change based off what we hear, then
6 that would be a major amendment because they're
7 going to modify this going forward.
8 So I think it's -- we don't know what we
9 don't know until we see it whether it's going to be
10 major or minor. This is -- this is new for me not
11 to have a site plan for buildings. I will say
12 that.
13 But we do have a lot of information that
14 it's going to be contained within this X area.
15 There's no internal setback from building to
16 building, right? So some of that analysis and
17 review that we would look at on a normal project we
18 don't see because it's not in the middle of Silver
19 Spring. It's not -- it's not in a residential
20 district.
21 CAROLINE TAYLOR: Thank you.
22 ROBERT HARRIS: Yeah. One brief thing I

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1 mentioned earlier on the topic of this two-part
2 approval process. I mentioned some examples within
3 Park and Planning. Coincidentally, the S-235
4 special exception -- one of the conditions was that
5 they -- subsequent to the conditional use approval,
6 they would then go through a site plan process with
7 respect to the details of what --
8 KATHLEEN BYRNE: Uh-huh.
9 ROBERT HARRIS: -- they were proposing.
10 So that's kind of the model that we're following.
11 KATHLEEN BYRNE: Right. And not to say
12 that it's -- it's just not common, and I think it's
13 just based on the use and based on the location.
14 And this, I'll be honest with you, is something
15 that we hearing examiners do struggle with because
16 we do have to put that overlay on top, and we do it
17 with local map amendments all the time, right?
18 So you have to --
19 ROBERT HARRIS: Yeah.
20 KATHLEEN BYRNE: -- look at what's going
21 to be, and they -- and you get this overall
22 projection of, These are going to be the streets.



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1 These are going to be the buildings. This is how
2 it's going to go. And then it gets to preliminary
3 plan approval, and it could all change, right?
4 So then they would have to potentially
5 come back. So, most of the time, what an applicant
6 is going to do is, they're going to ask for the
7 maximum and then be able to scale back so that's
8 not a-- that piece of it is not unusual.
9 ROBERT HARRIS: Okay. We proposed in
10 the filing of this a number of conditions that we
11 thought would help to address --
12 KATHLEEN BYRNE: Uh-huh.
13 ROBERT HARRIS: -- those issues and
14 others. Park and Planning, I think, added maybe
15 one more. We are fine with both the conditions
16 that we proposed and Park and Planning's additional
17 one. And, you know, you may have something else --
18 KATHLEEN BYRNE: Right.
19 ROBERT HARRIS: -- that you feel is
20 appropriate.
21 KATHLEEN BYRNE: Just another quick
22 question for -- the statement of justification, the

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1 prehearing statement -- did you have an opportunity
2 to review both of those documents before they were
3 submitted?
4 JEFFREY FERREL: It's probably been a
5 week or two.
6 KATHLEEN BYRNE: All right. But you
7 did?
8 ROBERT HARRIS: Yep.
9 JEFFREY FERREL: Yeah.
10 KATHLEEN BYRNE: Right. And you
11 understand and agree with all of the contents of
12 both documents?
13 JEFFREY FERREL: Yes.
14 KATHLEEN BYRNE: Okay.
15 ROBERT HARRIS: Yep. Thank you for
16 clarifying that. Yes. I should --
17 KATHLEEN BYRNE: All right.
18 ROBERT HARRIS: -- have done that at the
19 outset.
20 KATHLEEN BYRNE: All right. Okay.
21 That's all right. You know, we lawyers, we think
22 we know everything.

161	1 ROBERT HARRIS: Okay. Okay. 2 KATHLEEN BYRNE: All right. So I guess 3 -- 4 CAROLINE TAYLOR: I'll send in what I 5 referred to earlier. 6 KATHLEEN BYRNE: All right. Sounds 7 good. 8 Mr. Harris, anything else? 9 ROBERT HARRIS: No. I don't think so. 10 I think, you know -- 11 KATHLEEN BYRNE: Okay. 12 ROBERT HARRIS: -- Ken Burns did a good 13 job, and Caroline helped ask the appropriate 14 questions, so -- 15 KATHLEEN BYRNE: All right. 16 ROBERT HARRIS: -- thank you. 17 KATHLEEN BYRNE: Okay. All right. So 18 this now concludes the hearing. Let me make sure I 19 get all my -- so we've added Exhibit 30, which is 20 the old 1974 decision for the special exception, so 21 I'll make a copy of that before we leave; Exhibit 22 31, the approved forest conservation plan; Exhibit	163	1 KATHLEEN BYRNE: That way, we give 2 ourselves -- so we'll leave the record open for 17 3 days. 4 JEFFERY FERREL: May I ask a question? 5 KATHLEEN BYRNE: Sure. 6 JEFFREY FERREL: So, when the record is 7 open, are we leaving it open specifically for our 8 -- 9 KATHLEEN BYRNE: Yes. 10 JEFFERY FERREL: -- interaction? 11 KATHLEEN BYRNE: No. 12 JEFFERY FERREL: Or is this just open -- 13 KATHLEEN BYRNE: Just for this. 14 JEFFERY FERREL: Okay. 15 KATHLEEN BYRNE: I'm leaving it open 16 specifically for the creation of the transcript, to 17 receive the documents that we just discussed, and 18 for the Applicant's response to those documents 19 that are going to be received. 20 And then each one, as they come in, will 21 be identified as an exhibit. They will be scanned, 22 uploaded onto our website, so you'll be able to see
162	1 32, you're going to email me the digital copy of -- 2 was the forest stand delineation? I think that was 3 -- 4 JEFFREY FERREL: Yeah. 5 KATHLEEN BYRNE: -- that was it -- 6 ROBERT HARRIS: Yeah. 7 KATHLEEN BYRNE: -- and then Exhibit 33 8 is the PowerPoint. 9 (Exhibits 30, 31, 32, and 33 admitted.) 10 KATHLEEN BYRNE: And so the record will 11 be left open for a period of ten days. I'm going 12 to receive documents via email, and they will be 13 added individually as exhibits as they come in. 14 Let's see. And then, depending on when 15 they come in, Mr. Harris, I'll leave -- how long do 16 you think you would need to respond to her 17 exhibits? 18 ROBERT HARRIS: A week if that -- if 19 that's appropriate. 20 KATHLEEN BYRNE: All right. So we'll do 21 -- we'll do ten days plus seven, just in case. 22 ROBERT HARRIS: Yep. Okay.	164	1 it. Nothing else will -- I'm not accepting 2 anything else, any other information. 3 ROBERT HARRIS: Okay. 4 JEFFERY FERREL: Thank you. 5 KATHLEEN BYRNE: All right. 6 ROBERT HARRIS: So I have -- one of 7 these four additional exhibits -- I have a copy 8 that I could leave with you, but it strikes me it 9 probably would be more efficient for me to submit 10 all of them at (crosstalk) -- 11 KATHLEEN BYRNE: Electronically would be 12 great. 13 ROBERT HARRIS: Yeah. That's fine. 14 KATHLEEN BYRNE: So, that way, we don't 15 have to stop, make copies -- 16 ROBERT HARRIS: Okay. And Caroline -- 17 KATHLEEN BYRNE: - and then -- 18 ROBERT HARRIS: -- we have -- I'll 19 submit that information -- 20 CAROLINE TAYLOR: Oh, very good. 21 ROBERT HARRIS: -- to you as well. 22 CAROLINE TAYLOR: And I'll copy --

<p style="text-align: right;">165</p> <p>1 KATHLEEN BYRNE: All right. 2 CAROLINE TAYLOR: -- you as well. 3 ROBERT HARRIS: Okay. 4 KATHLEEN BYRNE: All right. So we'll 5 get all four from the Applicant electronically. 6 Ms. Caroline, we'll get all of your 7 exhibits electronically. We'll, like I said, mark 8 them, label them, upload them on the website. 9 We'll leave the record open for a period 10 of 17 days. Ten days for the -- I don't want to 11 call you the opposition -- the concerned citizen 12 exhibits. 13 CAROLINE TAYLOR: The non-profits -- 14 KATHLEEN BYRNE: The non- -- 15 CAROLINE TAYLOR: -- the local groups. 16 KATHLEEN BYRNE: Right. 17 JEFFREY FERREL: Caroline. 18 KATHLEEN BYRNE: Caroline's exhibits. 19 We'll leave them open for ten days for Caroline's 20 exhibits and then another seven days for the 21 Applicant to respond to those exhibits. 22 CAROLINE TAYLOR: Appreciate it. Thank</p>	<p style="text-align: right;">167</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Brendon Cuenca, the officer before whom the 3 foregoing proceedings were taken, do hereby certify 4 that any witness(es) in the foregoing proceedings 5 were fully sworn; that the proceedings were 6 recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14  15 _____ 16 BRENDON CUENCA, Notary Public 17 for the State of Maryland 18 19 20 21 22</p>
<p style="text-align: right;">166</p> <p>1 you. 2 ROBERT HARRIS: Okay. 3 KATHLEEN BYRNE: All right. 4 CAROLINE TAYLOR: If I may thank your 5 staff as well for their work. 6 KATHLEEN BYRNE: Oh, sure. Yeah. 7 ROBERT HARRIS: Okay. 8 KATHLEEN BYRNE: So that is it. Open 9 for a period of 17 days. The hearing is now 10 closed, and then a written decision will be 11 rendered 30 days after the record closes. 12 CAROLINE TAYLOR: Okay. 13 KATHLEEN BYRNE: So 47 days essentially 14 from now is when the decision will be rendered by. 15 Okay? 16 JEFFREY FERREL: Okay. 17 KATHLEEN BYRNE: All right. Thank you 18 all. 19 (Proceedings concluded at 11:44 a.m.) 20 21 22</p>	<p style="text-align: right;">168</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Sabrina Havard, do hereby certify that this 3 transcript was prepared from the digital audio 4 recording of the foregoing proceeding; that said 5 transcript is a true and accurate record of the 6 proceedings to the best of my knowledge, skills, 7 and ability; and that I am neither counsel for, 8 related to, nor employed by any of the parties to 9 the case and have no interest, financial or 10 otherwise, in its outcome. 11  12 _____ 13 SABRINA HAVARD, AAERT CET-1290 14 DATE: October 9, 2024 15 16 17 18 19 20 21 22</p>

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