

Citizens for the Preservation of Middletown Valley
www.cpmv.org
March 18, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Re: FERC Process Improvements

Secretary Bose:

We represent the "Citizens for the Preservation of Middletown Valley" (CPMV). The CPMV has been active in spreading the word to the community about Dominion Transmission Inc.'s (DTI) proposal to build a natural gas compressor station in the Middletown Valley of Maryland (Docket No. PF07-12-000).

The CPMV is on record opposing DTI's selected Middletown Valley site, however the purpose of this letter is to make suggestions about ways to improve the Federal Energy Regulatory Commission (FERC) process which would better support the development of our nation's critical energy infrastructure in Maryland and throughout the United States.

The current FERC process enabled DTI to select one of the most inappropriate parcels of land in Frederick County for the type of facility they are proposing to build. Once the community and our City, County, State and Federal representatives were made aware of DTI's plans, the opposition to the DTI proposed project was overwhelming. On very short notice, over 350 citizens attended the scoping meeting on February 6, 2008 in Middletown, MD. To date, over 152 stakeholders have submitted comments to the FERC opposing this site for this type of facility. See "Attachment 1" for a brief summary of some of the key opposition points.

DTI is currently in the FERC's "pre-application" stage of the site selection process. We have been told by a FERC representative that the "pre-application" stage is relatively new to the FERC. We believe that there are several ways that this process should be improved to:

- minimize local opposition to critical energy infrastructure projects,
- make it easier and less expensive for the nation's critical energy infrastructure to be built,
- involve local stakeholders in the process, without suffering delays, and
- select appropriate sites for energy infrastructure projects.

The FERC's "pre-application" process should require "due diligence" on the part of an energy company that requests to build any energy transmission project. In the current FERC "pre-application" process, "due diligence" is not required. The FERC "pre-application" process that DTI followed for the Middletown Valley site was:

1. DTI determined the need for a gas compressor station along their pipeline that runs through Frederick County, MD and notified the FERC of their intentions.
2. DTI optioned the agriculturally-zoned, historic land along Marker Road in Middletown Valley. (Note: Local, State and Federal government have already invested over \$20 million dollars to preserve this area; however it is apparent this was given no consideration.)
3. DTI informed the community of their intentions and began performing site-qualifying surveys on the Marker Road site.
4. During the "scoping" phase:
 - The FERC received significant opposition to the chosen site from the community.
 - DTI admitted they have not looked at any alternate sites. (Over a single weekend, a private citizen found several potential alternate sites (see "Attachment 2", FERC submission). CPMV does not specifically endorse any one of these alternate sites; however, the sites identified by this individual

- have direct access to DTI's gas pipeline. Some are industrially zoned, with less potential for significant environmental risk, and are currently for sale.)
5. The FERC notified DTI that in order to proceed to the "Application" phase on the Marker Road site, DTI must consider and reject, alternate sites and engineering alternatives (loops).
 - Since DTI has already put significant effort into the Marker Road property as their primary site, DTI's search for alternatives at this stage of the process has the potential to be less than adequate.

Following are our recommendations on how we believe the FERC process for critical energy infrastructure projects should be improved:

- FERC's "pre-application" process should first require "due diligence" on site selection:
 - An energy transmission company should be required to work with local land use experts (local Planning & Zoning departments) to identify industrially zoned or other land that is acceptable for the company's energy infrastructure project.
 - The energy transmission company should be required to select a primary site and multiple potential alternate sites.
 - If the above two steps have been followed, the energy transmission company could then proceed to the FERC's "pre-application" process on their chosen primary site.
- The "open house" is the energy companies opportunity to introduce the project and their plans to the community:
 - The company should be required to send notice of the "open house" to residents within a several mile radius of their proposed site.
(Currently only residents within ½ mile of the chosen site are notified. In a rural area, ½ mile is totally inadequate. Projects like this impact the entire rural community.)
 - The FERC should require that the notice for the "open house" event be designed to get the maximum attention of the recipient. The front of the notice envelope should be clearly marked with the site location information and the project description so that it is less likely to be dismissed as junk mail.
(At CPMV we have received numerous complaints about DTI's notification letter. Overwhelmingly, residents saw the correspondence from Dominion, knew that they had no business relationship with this out of state company, and discarded the envelope without opening it, believing that it was junk mail.)
 - The FERC should require that there are "take aways" at the "open house" event that are specific to the proposed project and site. The "take aways" should include FERC POC contact information, State and local POC's, and a clearly written, understandable explanation of the FERC process.
- The FERC "Notice of Intent" should be designed to inform as many stakeholders a possible.
 - The "Notice" should be sent to residents within a several mile radius of their proposed site.
 - The company should be required to purchase full-page ads in local newspapers advertising the "Notice of Intent" and scoping period.
 - The company should be required to purchase a full-page ad in local newspapers advertising the times and locations for the site tour and scoping meeting the day prior to the meeting.
 - The FERC "Notice of Intent" should be re-designed to include clear, easy to follow instructions for filing comments online. There are several errors and omissions in the current document.

We believe these suggested improvements to the FERC "pre-application" process will help to involve key stakeholders earlier in the process, will get local land use experts engaged in the project at the beginning, and will ultimately allow energy companies to select sites that are appropriate and acceptable to the local community for critical energy infrastructure projects.

Citizens for the Preservation of Middletown Valley

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Albert R. Wynn, 4th Congressional District
Steny H. Hoyer, 5th Congressional District
Roscoe G. Bartlett, 6th Congressional District
Elijah E. Cummings, 7th Congressional District
Christopher Van Hollen, Jr., 8th Congressional District
Governor Martin O'Malley
Lieutenant Governor Anthony G. Brown
Senator David R. Brinkley
Senator Alex Mooney
Delegate Paul S. Stull
Delegate Joseph R. Bartlett
Delegate Galen Clagett
Delegate Sue Hecht
Delegate Richard Weldon
Delegate Don Elliott
Frederick County Board of County Commissioners
The Honorable John D. Miller, Burgess of Middletown
David Hanobic, FERC
Carolyn Moss, Dominion Transmission Inc.
Ronald A. Hart, County Manager
Barry Stanton, Assistant County Manager
John Mathias, County Attorney
Richard McCain, Assistant County Attorney
Eric Soter, Director, Planning Division
Janet Davis, Historic Preservation Planner, Comprehensive Planning
Rich Brace, Principal Planner, Zoning Administration

**Citizens for the Preservation of Middletown Valley
March 18, 2008**

Summary of Key Opposition Points

- The proposed project site is *rural and agricultural* with much of the surrounding land in the Mid-Maryland Frederick County Rural Legacy Area. The Rural Legacy Program was formed to protect cultural and historic as well as agricultural and natural resources. The project has the potential to permanently damage and thus jeopardize several farming operations in the area.
- The proposed project site is surrounded by the history of the Civil War. The battles of South Mountain and Fox Gap were fought in this area, and in fact it is likely the house on the corner of the sited land was a Civil War Field Hospital. In earlier times, the house was a tavern visited by George Washington during the Revolutionary War. Numerous protected battlefields surround the area which include Antietam National Battlefield Park, Gathland Park, and South Mountain Battlefield (which is listed by the Civil War Sites Advisory Commission as a Priority 1 Battlefield). To build this site on land of such rich historical significance would be devastating to future generations.
- The proposed project will significantly impact the viewshed of the surrounding area, an invaluable natural and visual resource that cannot be replaced. Sited on a natural rise in the land, the facility will be visible from the top of Braddock Mountain to the top of South Mountain where the Appalachian Trail follows the ridge of South Mountain.
- Leaks, water and soil contamination are genuine causes of concern. Once the environment has been contaminated with highly toxic materials, no amount of clean up can replace what is harmed. Dominion has a history of careless environmental accidents.
- The surrounding communities depend upon their wells for a source of water. Wetlands run through the bottom of the project site. The water is not only used for human consumption, but the water is used to feed the farm animals and water the crops. The water eventually flows to the Chesapeake Bay and could eventually contaminate an already endangered body of water.
- There may be a significant air quality impact to the Middletown Valley. The valley has many pockets as well as being a large bowl that may hold air particulate pollution during many atmospheric conditions. The combustion from a 14,000 hp gas turbine engine will significantly impact air quality.
- Public safety and potential hazards of a natural gas compressor station are of significant concern. Middletown is supported by a volunteer fire department and two Sheriff's Deputies. Who will protect the community should an environmental accident occur?
- The roads are not designed for significant use by construction vehicles for ongoing construction. There is a 90 degree turn at the corner of Marker and Bolivar Roads where construction vehicles will need to turn. There are no shoulders on the roads as they twist and turn over the hills and around the bends. School buses traverse these roads every morning and evening and children are picked up and dropped off at the bottom of their driveways. Their safety would be in significant jeopardy.

February 18, 2008

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Re: Docket No. PF07-12-000

Dear Ms. Bose and Commissioners of the Federal Energy Regulatory Commission,

As a landowner affected by Dominion Transmission, Inc.'s (Dominion's) proposed Storage Facility Project ("Project"), I am hereby submitting comments to the scoping portion of the Environmental Assessment ("EA") being prepared by FERC (Project Docket No. PF07-12-000). The Project being proposed by Dominion is massive in scope and has immense potential for environmental impact and I urge you to conduct a comprehensive Environmental Impact Study ("EIS") prior to any final FERC Project determinations. In addition, I would like to encourage further diligence in consideration of alternate sites. Only by understanding the significant differences in the sites available as alternatives can the FERC come to a thorough decision relative to the Marker Road Site.

Alternative Site Study:

FERC may not be directly tasked with identifying alternative sites. However, the alternative sites identified in this document should be especially relevant since the Environmental Impact Study will show that placing a pumping station at the Marker Road Site will have an adverse effect in many respects. From noise and light pollution to significantly impacting view sheds. Given, the significant investment already made by the State and County (\$10's of Millions in just this portion of Frederick County) toward preserving historic and agriculturally significant lands it will be important to show that reasonable and superior alternatives do exist. The Marker Road site is very close to the middle of the pipeline as it runs from the Turkeyfoot pump station near Chambersburg, Pa to the Watson Road Pump station near Leesburg Va. (almost exactly half way). Yet, I was able to identify three sites within five miles North of the Marker Road site that arguably are superior. In addition, I was able to identify one site within 5.5 miles South of the Marker Road Site and another two sites within 12 miles South of the Marker Road Site that are also arguably superior. I have numerous facts which clarify my argument of "superior" but unfortunately I have not been provided enough information from Dominion Transmission to support any argument for why the Marker Road Site may be superior (other than the more central location).

Three of the alternate sites I have identified are for sale currently. Two of the sites are owned by commercial businesses who would likely be interested in dealing with Dominion Transmission since they have partnered with Dominion in the past. The sixth site is probably the least viable based on size and slope but may become available with some coaxing. In all six cases, these sites are far superior to the Marker Road site based on many factors which have been identified in each site assessment provided in this paper.

Dominion Transmission has published that this overall project (as currently described) will likely exceed \$1B in spending. The Pump Station on Marker Road is initially estimated to cost approximately \$45M of that total (or 4.5%). Dominion Transmission is a subsidiary of Dominion Resources (who recently reported record earnings in 2007). DR is one of the larger Energy Companies in America and is currently attempting to develop a Coal Fired Power Plant in central Virginia which is estimated to be a \$4.5B project. In the larger scheme of things it would seem as though Dominion could easily afford to build multiple pump stations for this project or spend additional funds on any single site. Adding \$10 Million to this project amounts to a 1% overrun. So, I hope we can maintain a view of the larger picture. At the same time, it is not surprising that Dominion would want to optimize their spending on all portions of every project they sponsor. However, it remains incumbent on the Federal Energy

Regulatory Commission to insist that Dominion be responsible. The lack of diligence and/or the lack of openness by Dominion around identifying and pricing alternative sites is at least irresponsible on the part of Dominion (in my view) and approaching, if not exceeding, unethical. Based on the information I have been provided to date, it is hard to imagine that the Dominion HUB I site selection process involved more than a map, a ruler and the Real Estate section of the Frederick News-Post.

I have had the opportunity to see a number of FERC submissions related to this project already. Therefore, I am concentrating my efforts around an area where I have seen less focus: Alternative Sites. I am familiar with the many significant and relevant concerns being raised and I certainly associate myself with those concerns. In fact, I own land within half a mile of the Marker Road Site. Several years ago I placed this land into the Rural Legacy preservation program. Together, my family (parents, brother and myself) have placed over 100 acres into the program. As a child I actually played in the trenches dug to place the current pipeline across approximately 500 yards of our family farm. Now, I find myself forced to stand up and challenge what is clearly a bad choice of location for a necessary evil. There are outstanding alternative sites available that are more appropriate. Not slightly better, or even significantly better but there are several sites available that are overwhelmingly better and more appropriate. The historic significance of the Marker Road site (eg South Mountain Battlefield and Fox's Tavern) should be more than enough to trump the Dominion "central argument". Once you add in the Rural Legacy Program Area, the density of surrounding preserved easements of land and their associated taxpayer investments, and then touch on the Appalachian Trail, South Mountain Greenway, George Washington Monument State Park, Reno Monument and Gathland Parks, National Road, view shed access and more this should be a slam dunk "NO!". Why would FERC ever do an Environmental Assessment if this one doesn't come out with a resounding "NO, go back to the drawing board Dominion and give me a responsible set of alternatives to consider!" "Dominion, go get your act together and show FERC your alternatives and include backup on your rationale and cost basis for each alternative! You've already wasted our time with this irresponsible submission, now, go back and do your homework this time. We will accept nothing less here at the Federal Energy Regulatory Commission!."

I am a reasonable man. I have worked for a Fortune 100 Company for over 20 years and I appreciate the "bottom line". I also realize that somehow we must provide solutions for our energy needs and this comes at a price. Nevertheless, there are many ways to solve problems and sometimes it takes a little creativity, hard work and a good kick in the butt for someone to get to "the right place". This is what needs to happen here.

Therefore, I have spent several days researching these alternative sites. I have walked these properties. I have spoken with the owners in several cases and I have measured their relative location on the pipeline. To do this I mapped the entire pipeline from Turkeyfoot near Chambersburg to Watson Rd near Leesburg. I estimated the total length of the line to be 64 miles. I tried to consider the shifting directions of the pipeline and allow for extra length for slopes. I'm probably a little bit off but I suspect I am close to having accurate Pipeline lengths. I used GoogleEarth to capture photo's and I took on-site photo's. Then, I provided you with a summary of relevant information about each site. Pardon the number of pictures. But, as they say "a picture is worth a thousand words" so, I'm replacing a long diatribe with lots of photo's. I hope this helps FERC feel more confident in pushing back on Dominion relative to Marker Road. They do have other options which I believe are more appropriate and still very affordable. If denying Dominion the option of building at Marker Road creates a challenge on the timing of the project please remember that Dominion brought this on themselves by cutting corners on due diligence by selecting the Marker Road site in the first place.

Thank you for your consideration and I trust that you will do the right thing.

Regards,

Brad Considine
7207 Dogwood Lane
Middletown, Md 21769
Landowner on Marker Road

Option: Baltimore National Pike (Rt 40 near Myersville)

My Rating: **** (5 stars is Optimal / 1 star is SubOptimal)

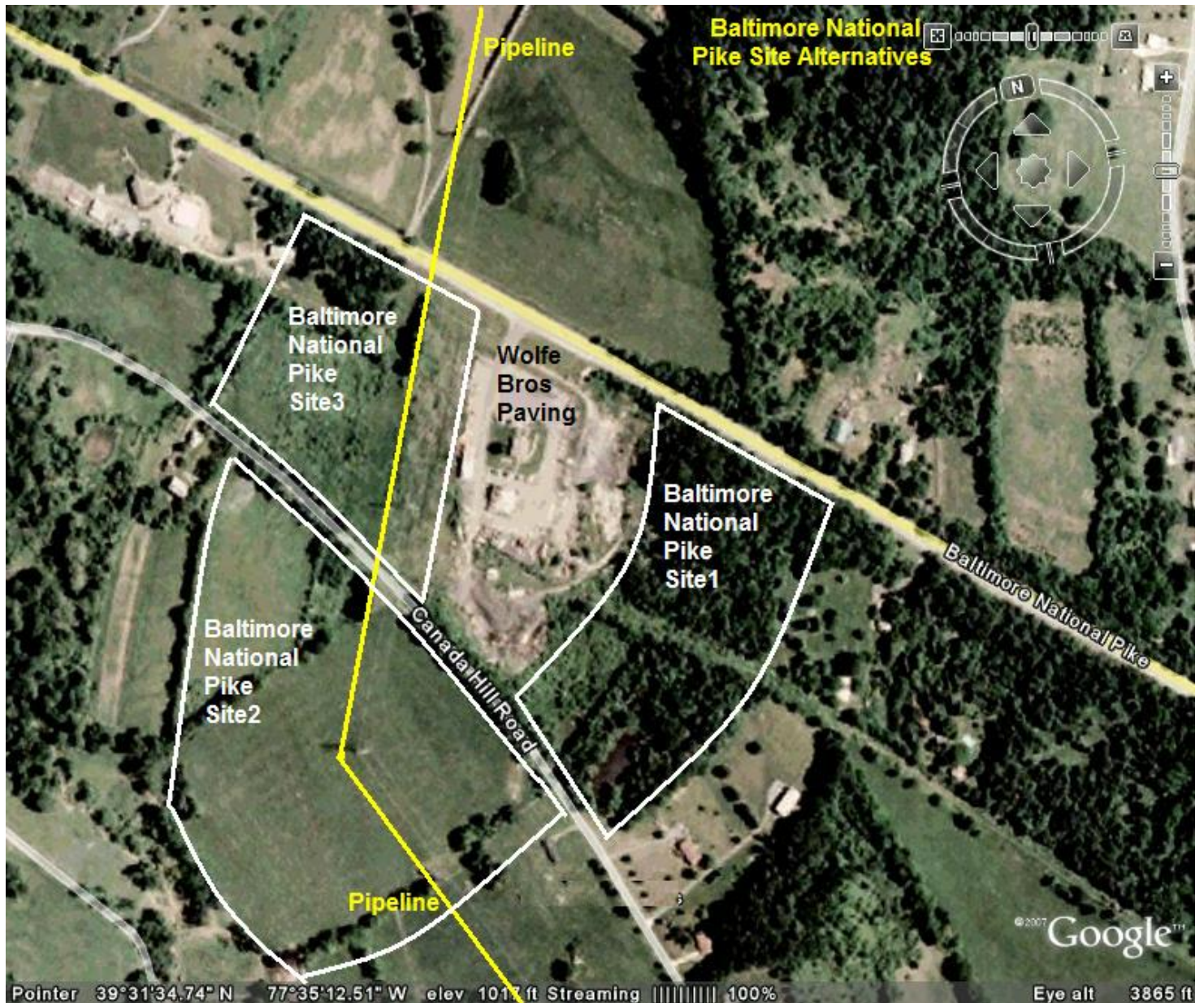
Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 26.8 miles

Pipeline distance North of Leesburg/Watson Rd pumping station: 37.2 miles

Elevation: 950 Feet

Location Details:

- a.) Pipeline runs through property
- b.) Adjacent to Rt 40, land runs 20-50 feet lower than roadway and 100 feet lower than across roadway
- c.) Adjacent to Wolfe Bros Construction Industrial facility (20-30 acres)
- d.) Noise pollution from roadway already in place
- e.) Excellent access for construction, maintenance, emergencies
- f.) Outside Rural Legacy Program Area
- g.) Low/no density Land preservation areas



Option: Monument Road

My Rating: **

Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 27.9 miles

Pipeline distance North of Leesburg/Watson Rd pumping station: 36.1 miles

Elevation: 660 Feet

Location Details:

- a.) One tenth of mile North-West of Pipeline
- b.) Adjacent to I-70 Highway, yet 30-70 feet below grade of highway and out of sight
- c.) Sight is more narrow and hilly than the Mt Tabor Rd, yet still viable
- d.) Noise pollution from highway already in place
- e.) Excellent access for construction, maintenance, emergencies
- f.) Just inside border of Rural Legacy Program area
- g.) Low density of Land Preservation Area nearby

Option: Mt Tabor Road

My Rating: ***

Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 28.2 miles

Pipeline distance North of Leesburg/Watson Rd pumping station: 35.8 miles

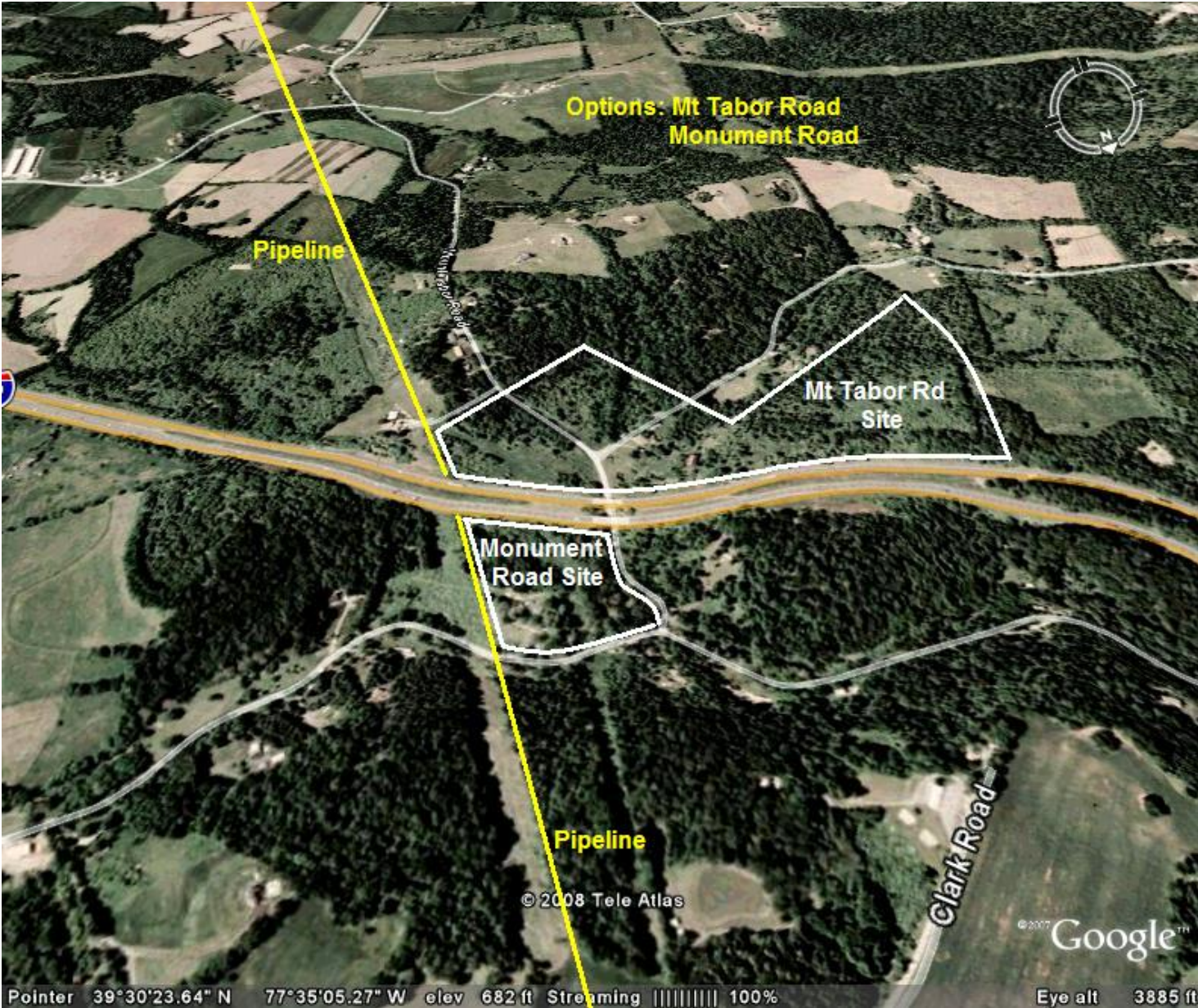
Elevation: 680 Feet

Location Details:

- a.) One tenth of mile from pipeline North-West of Pipeline
- b.) Adjacent to I-70 Highway, yet 30-70 feet below grade of highway and out of sight
- c.) Large blocks of land for sale currently
- d.) Noise pollution from highway already in place
- e.) Excellent access for construction, maintenance, emergencies
- f.) Just inside border of Rural Legacy Program area
- g.) Low Density of Land preservation Area nearby



Mt Tabor Road Site looking North West toward Route 70.



Options: Mt Tabor Road
Monument Road

Pipeline

Mt Tabor Rd
Site

Monument
Road Site

Pipeline

Clark Road

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Pointer 39°30'23.64" N 77°35'05.27" W elev 682 ft Streaming ||||| 100%

Eye alt 3885 ft

Option: Milt Summers Road

My Rating: *****

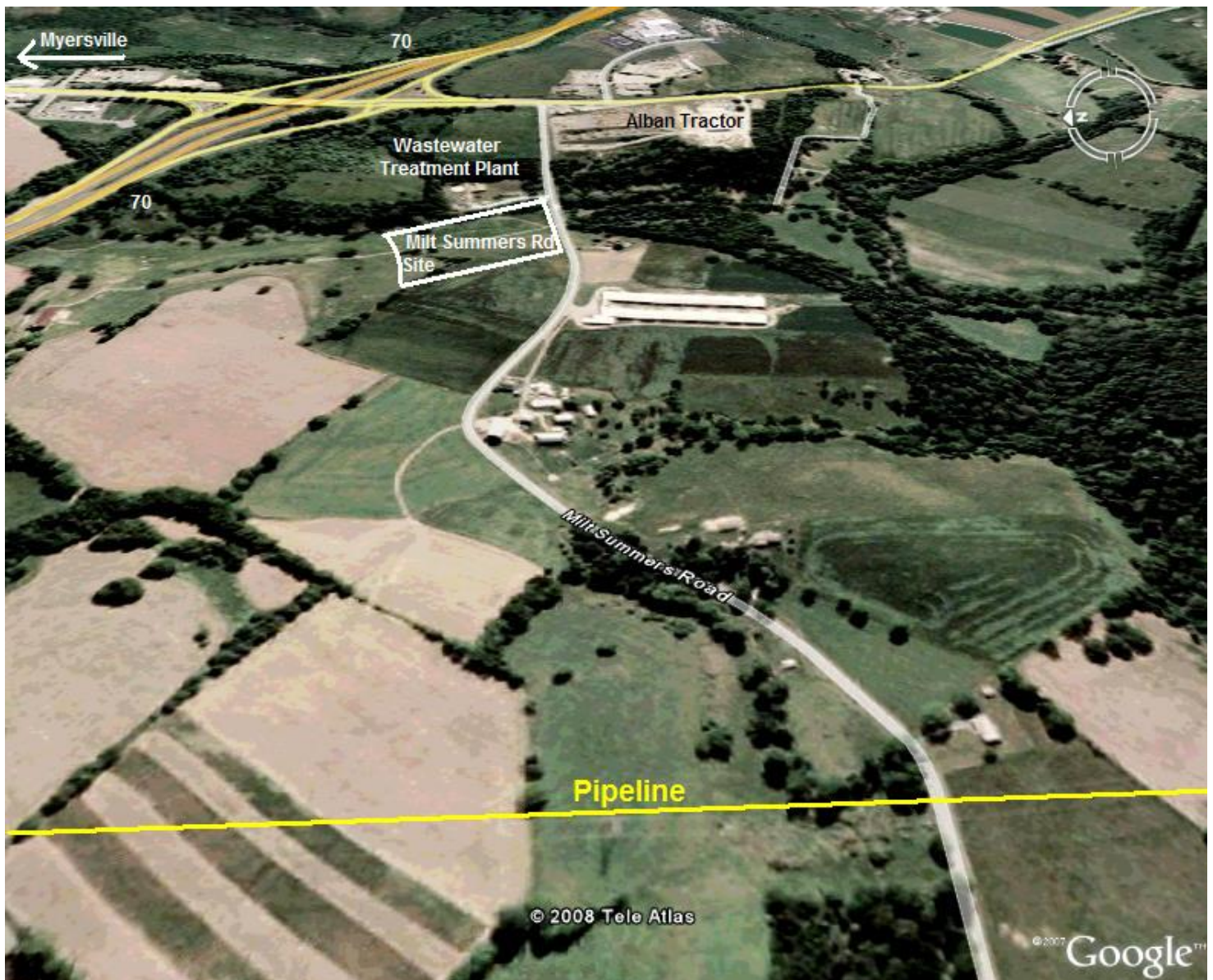
Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 28.8 miles

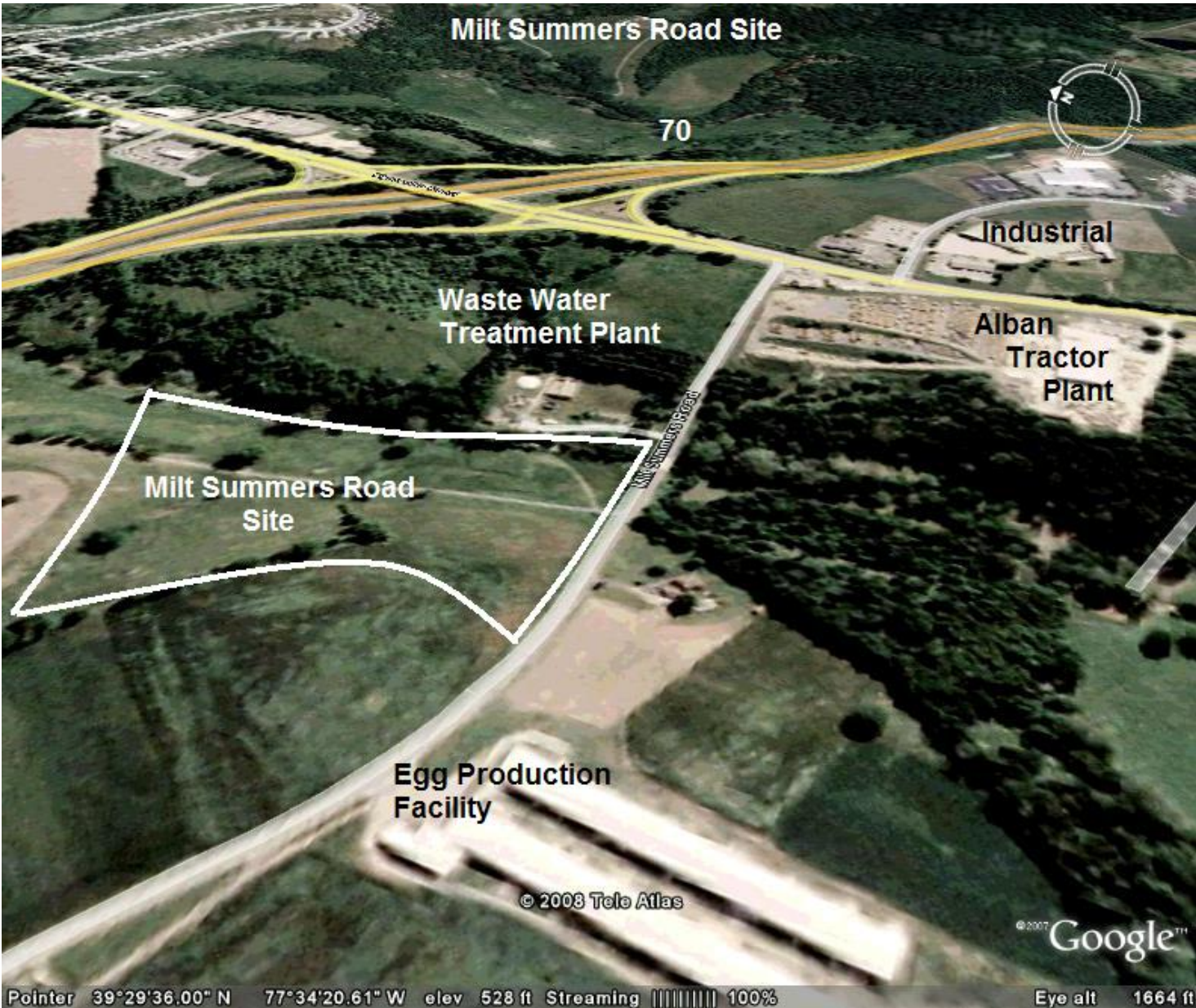
Pipeline distance North of Leesburg/Watson Rd pumping station: 35.2 miles

Elevation: 515 Feet

Location Details:

- a.) Half mile due East of pipeline
- b.) Adjacent to Water Treatment Plant
- c.) Within tenth of mile of Alban Tractor Facility, gas station, I-70 Highway Interchange, other industrial facilities
- d.) Noise pollution from highway already in place
- e.) Excellent access for construction, maintenance, emergencies
- f.) Just inside border of Rural Legacy Program area
- g.) Low Density of Land preservation Area nearby





Milt Summers Road Site

70



Industrial

Waste Water Treatment Plant

Alban Tractor Plant

Milt Summers Road Site

Milt Summers Road

Egg Production Facility

© 2003 Tele Atlas

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Pointer 39°29'36.00" N 77°34'20.61" W elev 528 ft Streaming | 100%

Eye alt 1664 ft

Option: Marker Road

My Rating: (*) parenthesis indicate negative

Pipeline Distance South of Chambersburg/Turkeyfoot pumping station: 31.7 miles

Pipeline Distance North of Leesburg/xxxx pumping station: 32.3 miles

Elevation: 675 Feet

Location Details:

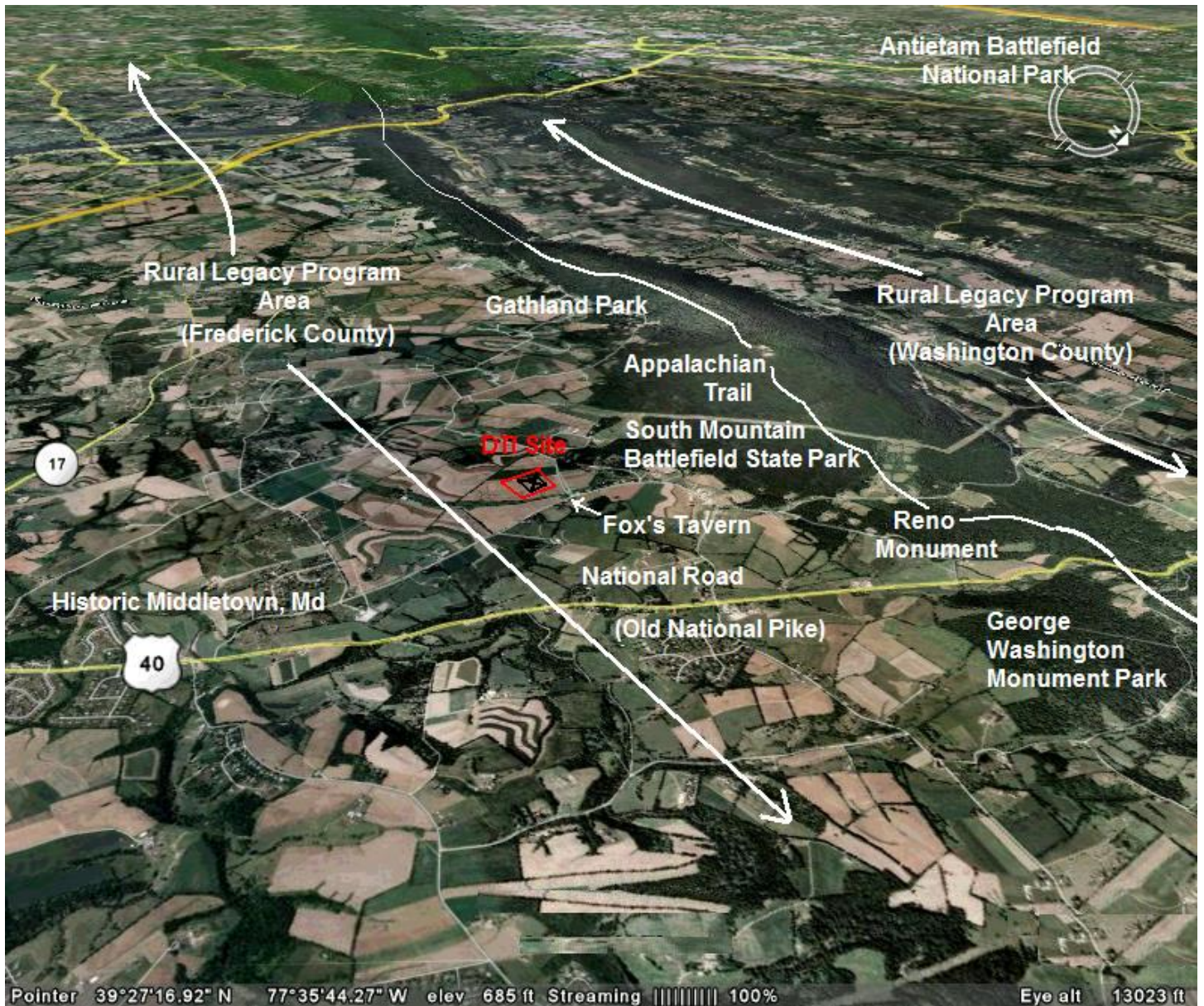
- a.) Half mile due East of pipeline
- b.) Historic Tavern on site
- c.) In view shed of majority of valley
- d.) Adjacent to South Mountain Battlefield Park
- e.) Centrally located in Rural Legacy Program Area
- f.) Surrounded by thousands of acres of preserved easements and parklands
- g.) Below Appalachian Trail/South Mountain Greenway
- h.) Miles from any industrial facilities
- i.) Poor access for construction, maintenance, emergencies, security



Fox's Tavern with Marker Site in background



270 degree view across Middletown Valley from western edge of Marker Property



The Marker Road Dominion Transmission Site (aka "DTI Site" in red) is centrally located in the Rural Legacy Program Area and near significant Historic concerns.

Option: Jefferson Pike

My Rating: *****

Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 37.3 miles

Pipeline distance North of Leesburg/xxxx pumping station: 26.7 miles

Elevation: 475 Feet

Location Details:

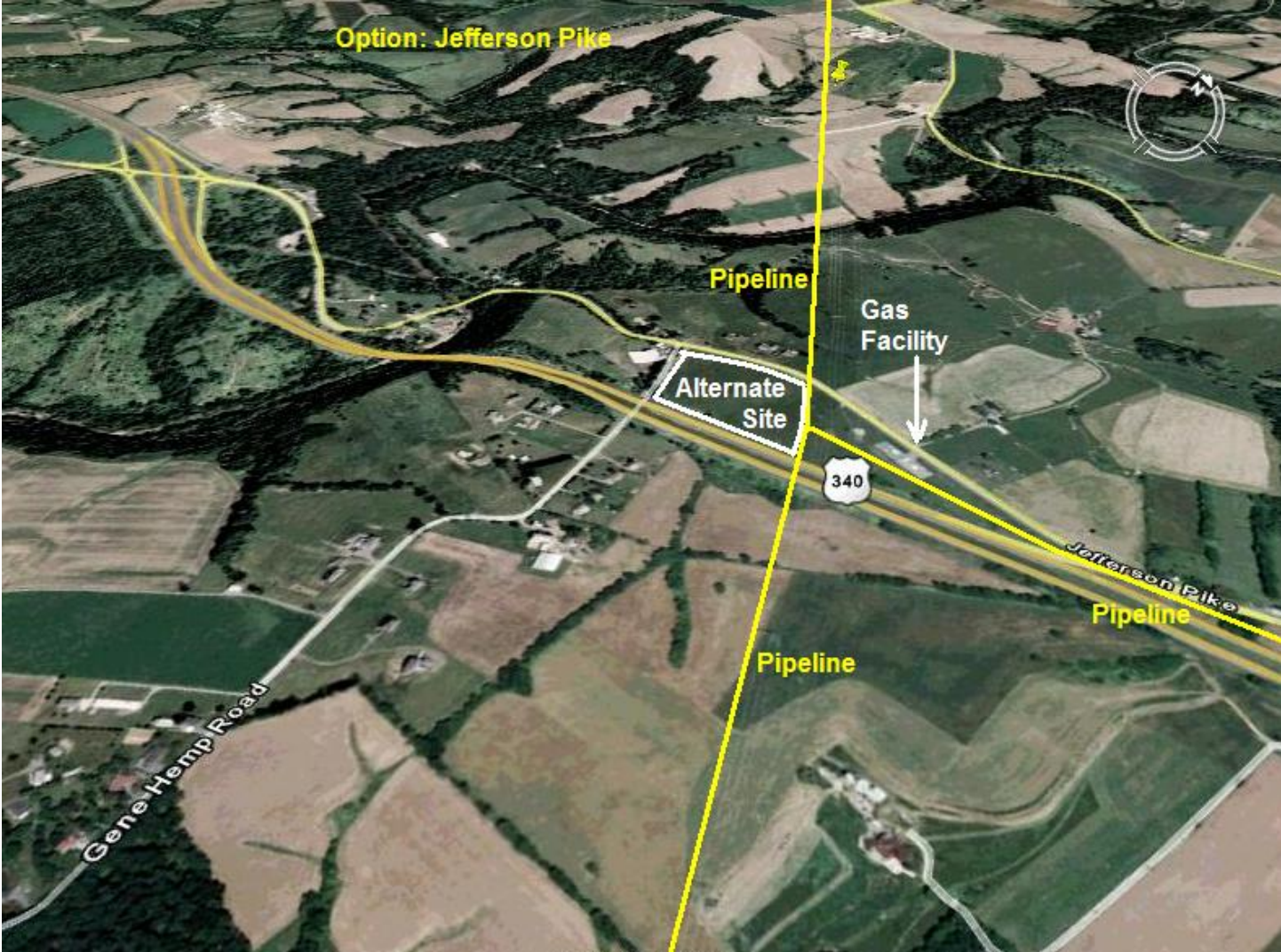
- a.) Pipeline runs through property
- b.) Adjacent to Gas Facility and eastern pipeline connection
- c.) Adjacent to Rt 340 Highway and Rt 180 (roads run parallel on either side of site)
- d.) Half mile west of Highway Management Industrial facility (4 acres)
- e.) Noise pollution from highway already in place
- f.) Outside Rural Legacy Program Area
- g.) Low/no density Land preservation areas



Looking West toward Jefferson Pike Alternate Site. Site would be on West side of Power Line.



Jefferson Existing Dominion Gas Facility looking East.



Option: Allegheny Power

My Rating: ****

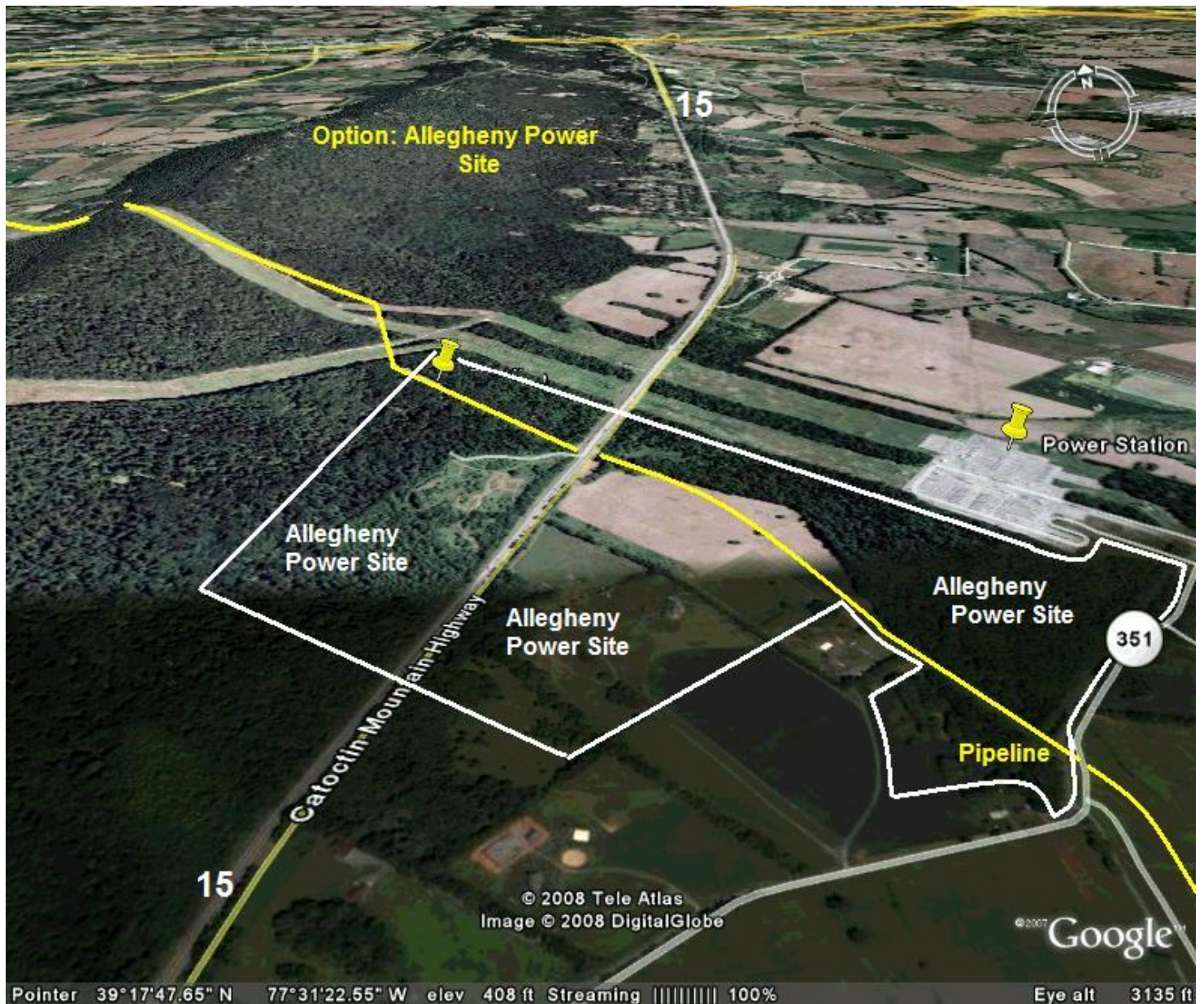
Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 43 miles

Pipeline distance North of Leesburg/xxxx pumping station: 21 miles

Elevation: 360 Feet

Location Details:

- a.) Pipeline runs through property
- b.) Adjacent to large Power Substation and Near Railroad
- c.) Adjacent to Rt 15 Highway yet out of sight
- d.) Noise pollution from Rt 15 Highway and Active Railroad already in place
- e.) Excellent access for construction, maintenance, emergencies, security
- f.) Could share security services with Allegheny Power
- g.) Site is relatively remote, at a low elevation, out of sight
- h.) Outside of the Rural Legacy Program area and at least a mile from an agricultural easement. This portion of Frederick county has very little preserved lands.



Option: Doubs 196 Acre Site (near Pt of Rocks)

My Rating: ****

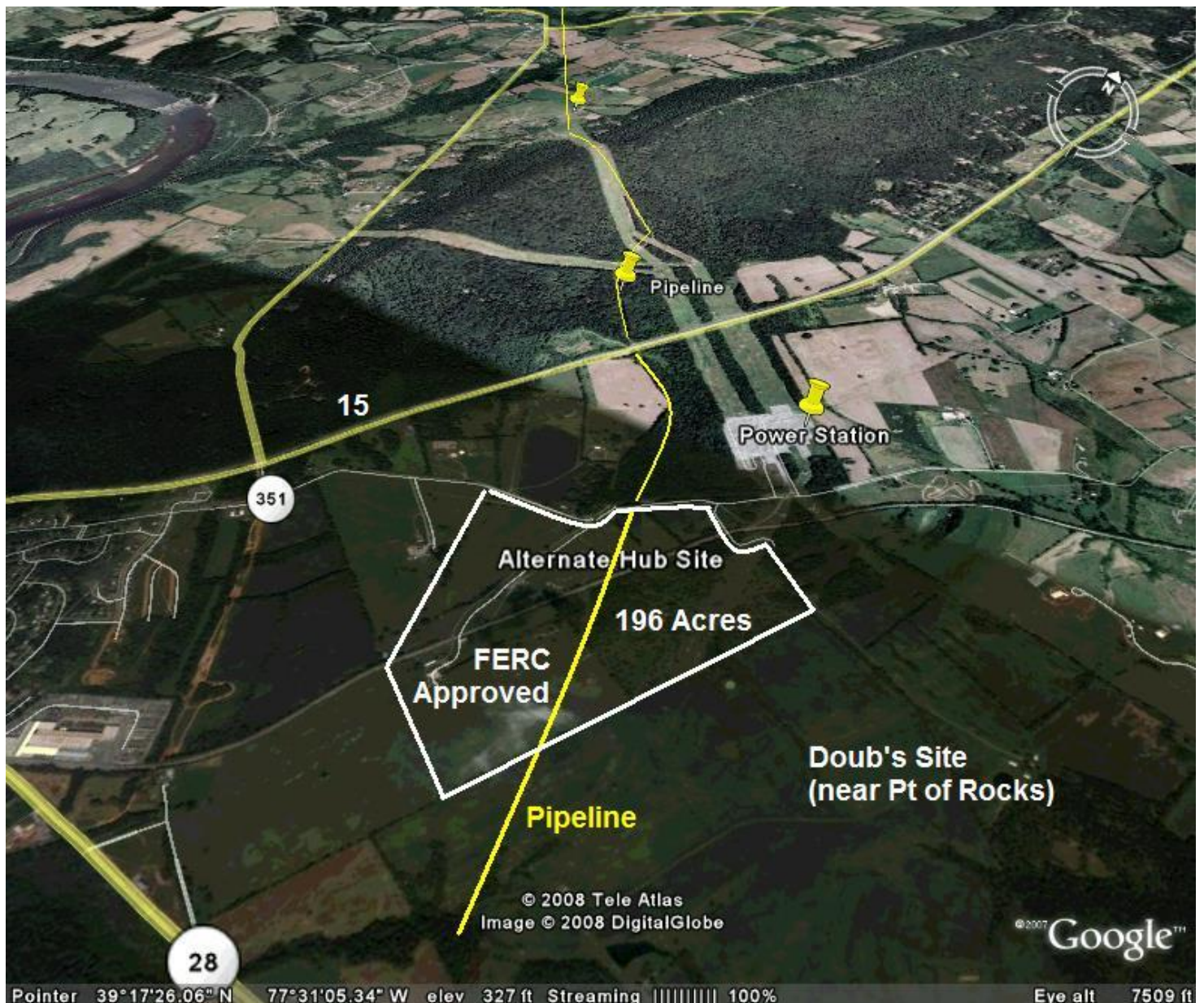
Pipeline distance South of Chambersburg/Turkeyfoot pumping station: 43.3 miles

Pipeline distance North of Leesburg/xxxx pumping station: 20.7 miles

Elevation: 320 Feet

Location Details:

- a.) Pipeline runs through property
- b.) Adjacent to large Power Substation and Railroad
- c.) Adjacent to Highway yet out of sight
- d.) Noise pollution form Rt 15 Highway and Active Railroad already in place
- e.) Excellent access for construction, maintenance, emergencies, security
- f.) Could share security services with Allegheny Power
- g.) 196 acre site for sale at same price as Marker Road site
- h.) FERC successfully completed EA on this site in 2002 for the Duke Energy project
- i.) Outside of the Rural Legacy Program area and at least a mile from an agricultural easement. This portion of Frederick County has very little preserved lands.



Location: Leesburg/Watson Rd

Can Maryland get the same respect as Virginia from Dominion Transmission and Dominion Resources? Clearly, the pumping station south of Leesburg was carefully situated to avoid visibility and with easy access to roadways.

The Dominion State had a slogan developed in 1969 which is now known as “Virginia is for Lovers”. Actually, this slogan was originally coined as “Virginia is for *History* Lovers” and was later changed. George Washington was born in Virginia and stayed at Fox’s Tavern right on the Marker Road Property. Within just a few miles of Marker Road is the original Washington Monument. The Marker Road site sits beneath the South Mountain Battlefield State Park which was a significant battle taking place the day before the Battle of Antietam. Would the “Dominion” State allow a gas pumping station to be placed next to Mt Vernon or the Manassas Battlefield? Yes, Fox’s Tavern is not Mt Vernon. However, take an inventory of all the resources in play at Marker Road and the idea of placing the pumping station there is just as absurd.

