

Review and Response to Public Comments
BGE PCB Storage Facility – CHS Permit No. A-181 Renewal
Hearing Date: June 2, 2022

- I. **Review of the Public Comments Received at the Hearing and In Writing.** The following is a summary of the pertinent comments. As the comments received were generally similar, they are summarized individually in Section II, and grouped into categories with responses in Section III. The actual comments presented can be viewed in the Minutes to the hearing provided by the Court Reporter, and the two attached written comments.
- II. **Individual Comments.**
- A. **Written Comments Received.**
1. Letter dated May 18, 2022 from Patrick Smyth, of Huntington Beach, California, who also owns a home in Owings Mills; submitted by email.
 - a. BGE seeks a continuance of this permit because storing the PCBs is less expensive than destroying them.
 - b. The PCBs pose a threat to the people in the community as long as they exist.
 - c. BGE is an Exelon company that has made \$5 billion in profits over the last 5 years, passing the cost of their expensive projects on to ratepayers.
 - d. BGE has chosen to keep storing the PCBs instead of destroying them; this is dangerous and irresponsible, and puts profit over people.
 - e. It has been 53 years since the production of PCBs was prohibited, they should be gotten rid of.
 - f. The permit should not be renewed.
 2. Comments dated June 13, 2022 from Karen McGullam, Esq., submitted by email.
 - a. In the years since the permit was initially issued, there have been a number of pertinent changes, including knowledge of the health risks posed by PCBs, and increasing awareness of environmental justice issues.
 - b. It is recommended that the permit be amended to require the identification and elimination of all PCB transformers in the BGE service area, so that they are all eliminated during this permit cycle.
 - c. The rate at which the PCB-containing transformers are discovered appears to be fairly constant, and at the virtual public informational meeting BGE staff stated that at the rate they are working, they should be able to eliminate most if not all of the PCB transformers within this permit cycle. Therefore, the permit should be amended to require that BGE develop a plan to ensure that these transformers are taken out of service as quickly as possible without unduly interfering with BGE operations.

B. Comments received orally at the Public Hearing.

1. Delegate Ben Brooks:
 - a. PCBs present health hazards, including immune system suppression, tumor promotion, adverse effects on fetal development, alterations to thyroid and reproductive function, increases in the risk of cardiovascular and liver diseases and diabetes, and other potential health hazards.
 - b. A robust plan to get the remaining PCB-containing equipment out of BGE's inventory should be developed.
 - c. Costs would likely be passed on to consumers so doing this should not entail a cost to BGE.
2. Mr. Milton Smith:
 - a. His personal past experience with PCBs has not been good. He is a veteran, and has had friends hurt by PCBs.
 - b. BGE provided good information on the controls that they have to prevent a release, but if there are mistakes PCBs could still escape. It is not as safe as BGE makes it sound.
 - c. The facility has been here since 1994, and by now there should be a plan to move it somewhere else, because this area has developed considerably in the intervening time.
3. Ms. Kathy Wolfson:
 - a. She supports Delegate Brooks' remarks.
 - b. There should be an accelerated schedule for the removal of PCB-containing transformers, that prioritizes those in watersheds and other environmentally sensitive areas.
 - c. She is disappointed that BGE has not proposed a "sunset" date by which all of the PCB-containing items would have been removed from service, and this should be a priority.

III. Responses to Grouped Summarized Comments.

- A. PCBs pose health risks. Several commentators noted that PCBs can cause health risks. This is acknowledged by the Department. This is why Maryland regulations, and the draft permit and design of the permitted facility, require various protections for facilities that manage hazardous waste, to limit risks to the surrounding communities.

The mere presence of PCBs at the facility is not something that causes an exposure; a route of exposure must exist for the community to be at risk. The proposed permit, and the design and procedural protocols listed in the permit and its attachments, serve to limit these routes of exposure. These include the impermeable floor of the building; storage of the transformers and the removed PCB-containing fluids in protected environments within the

building, with secondary containment around the storage tanks and container storage areas; procedures for spill management and cleanup; and other protocols detailed in the permit attachments. There has been no known release to the environment from the past operation of the facility, which has been ongoing for approximately three decades.

Moreover, it is noted that under the renewed permit, this facility would be used to service transformers that may contain PCBs, and that are in fact currently out in the BGE service area in less protected environments; these items could be subject to releases into the environment from failure, traffic accidents, vandalism, etc. Removing the PCB-containing devices from these dispersed public locations will also serve to reduce the risk to the general public. Therefore, no change to the draft permit is necessary in response to these comments.

- B. Objection to continued operation of the Facility. Two commentors noted that there has been significant development in the area since it was first permitted, and one noted that the facility does not have adequate protective systems to prevent a risk to humans if there were a release, although which systems were lacking was not specified. Another commented that BGE, an Exelon company, makes a lot of money and should spend it to destroy PCBs, not store them where they could hurt Marylanders.

One of the documents in the record is a fact sheet prepared by BGE which shows pictures of the areas within their larger facility that are covered by the permit, and of the maintenance facility in which the permitted areas are located. The operational areas for PCB management are contained in a total of 8,084 square feet in a warehouse building of 420,870 feet, or 2% of the surrounding building, and the building sits in an industrial complex of approximately 66 acres. The layout of the facility is such that the PCB storage area is not proximal to dwellings, and is not in an area of public access.

The storage that does occur at the facility is limited by the permitted space available, and is not intended to be long-term storage in place of disposal; rather, it facilitates the removal of PCBs from the community by allowing temporary storage of equipment while it is being tested, and prior to removal and disposal of the PCBs. The facility could not continue this function without temporary storage being available. Also, these areas have the containments and other protections required by Maryland regulations, and procedural protections that are detailed in the attachments to the permit.

As noted in Response III.A, the purpose of this facility is to reduce the exposure of PCBs due to accidental release throughout the BGE service area,

and it contains protections adequate to protect the neighbors in the developed area surrounding the facility through spatial separation, and design and procedural safeguards. Therefore, no change to the draft permit is necessary in response to these comments.

- C. Require a Plan to Eliminate PCBs in Use. Most commentors acknowledged that PCB-containing transformers are still found in use in the community, and that this is the location where BGE brings transformers to characterize them from their whole service area. It was requested that the permit require BGE to characterize their remaining stock and eliminate any remaining PCB-containing units within the current permit's span (10 years).

During the informational meeting that preceded the hearing, although not on the record, representatives of BGE had noted that BGE was desirous of eliminating PCBs as well, as the facility requires some expense and special training to run properly, but that an obstacle was that they had some 24,000 devices in the field, and did not have a perfect record of which ones still contained PCBs. This was repeated by one commentor while on the record. The removal of PCBs from the units in service throughout BGE's multi-county service area, which would allow for the subsequent mothballing or perhaps elimination of this facility, is laudable, and would likely save BGE money in the long run.

However, this hearing was on whether the permit for this facility should be renewed, not whether BGE should undertake an extensive survey of its existing equipment dispersed throughout the service area. That is outside of the scope of this application process, which only pertains to the renewal of the permit for the facility itself, not offsite installations. Therefore, no change to the draft permit is necessary in response to these concerns. It is, however, a viable topic for BGE to consider, and that is a matter addressed in the Recommendations of the Hearing Officer.

- IV. Conclusion. After reviewing the comments received, the Hearing Officer did not determine a need to change the tentative determination. Therefore, it is recommended that the permit be issued as proposed. However, it is also recommended that the cover letter to the reissued permit recommend to BGE that the company develop a plan and schedule for the removal of any PCB-containing equipment remaining in service, and the retirement of this facility within the lifecycle of this permit if possible.