BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for a Finding Of Necessity Pursuant to 53 P.S. §10619 that the Situation of Two Buildings Associated with a Gas Reliability Station in Marple Township, Delaware County Is Reasonably Necessary for the Convenience and Welfare of the Public	: : : : : :	Docket No.: P-2021-3024328 (On remand)

EXCEPTIONS OF INTERVENOR MARPLE TOWNSHIP TO THE AMENDED INITIAL DECISION

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April 23, 2024

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Certificate of Service

EXCEPTIONS OF INTERVENOR MARPLE TOWNSHIP

Intervenor, Marple Township ("Marple"), by its undersigned counsel respectfully submits these Exceptions to the Amended Initial Decision pursuant to the correspondence of Secretary Chiavetta and in accordance with 52 Pa. Code §5.533.

I. INTRODUCTION

On April 3, 2024, the Honorable Mary D. Long (the "ALJ") issued an Amended Initial Decision of the Pennsylvania Public Utility Commission ("Commission") in the above-captioned matter. This matter is on remand from the Commonwealth Court for an amended decision.[1]

In the Initial Proceedings, PECO successfully opposed any consideration of the environmental impacts of the Station or the Project. On appeal, the Commonwealth Court rejected the Commission's adoption of PECO's position as inconsistent with the requirements of Pennsylvania's Environmental Rights Amendment ("ERA"), Article I, Section 27. Pa. Const. art. I, §27. The Commonwealth Court stated:

> In other words, a Section 619 proceeding is constitutionally inadequate unless the Commission completes an appropriately thorough environmental review of a building siting proposal and, in addition, factors the results into its ultimate determination regarding the reasonable necessity of the proposed siting.

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[1] This matter stems from PECO Energy Company's ("PECO") Petition, pursuant to 52 Pa. Code § 5.41 and Section 619 of the Municipalities Planning Code ("MPC"), 53 P.S. § 10619, for a finding that: (1) the situation of two buildings at 2090 Sproul Road, Marple Township, Delaware County, Pennsylvania, 19008 (the "Property") for a proposed Gas Reliability Station is reasonably necessary for the convenience and welfare of the public and, therefore, exempt from the Marple Township Zoning Code pursuant to MPC § 619, and (2) a proposed security fence appurtenant to the Gas Reliability Station is a "facility" under 66 Pa. C.S. § 102 and is therefore exempt from local zoning requirements (the "Petition").

Twp. Of Marple v. Pa. PUC, 294 A.3d 965, 974 (Pa. Cmwlth. Ct. 2023). The Court vacated the Commission's decision and remanded the matter, ordering the Commission incorporate a "constitutionally sound environmental impact review" into an amended decision. Id. at 975.

The Amended Initial Decision, however, falls short of the Commonwealth Court's directive and the duties imposed by Article I, Section 27 of the Pennsylvania Constitution. In the Amended Initial Decision, the ALJ defers to agency determinations that do not exist, relies upon regulations rather than data specific to the site of the station, ignores evidence of safety concerns in favor of academic definitions under PHSMA and adopts evidence in favor of PECO which is inapplicable to the design of the station.

The Amended Initial Decision again skirts the Commission's duty under the ERA in that there was no sound environmental review conducted. The decision conflates the DEP and EPA's regulatory authority with the Commission's duty as the decision-maker of the filed Petition, to carry out its duty under the ERA.

Despite the Amended Initial Decision, the Commission has been presented with information that includes: the increase of detrimental air pollution, adverse health effects from that air pollution, risk to the surrounding community related to an adverse event, noise pollution that remains to be determined, and less of an air quality impact at an alternate location. This information, coupled with PECO's admission that it has no immediate need for the Station and that its current supply is adequate, should have led the Commission to deny PECO's Petition in light of its duty under Article 1, Section 27 of the Pennsylvania Constitution.

II. EXCEPTIONS

Marple Township Exception 1: Marple Township objects to the description of PECO's other gate stations in finding of fact 11

The ALJ's finding states that "some" of PECO's gate stations are located with the same proximity to residences as the gas reliability station. In actuality, the real number is two. There are two PECO gate stations (nones of which are "reliability stations") with the same proximity to residences. None of the other types of stations are as close or closer than this station to residences, and, in fact, most are substantially further from residences and well outside the area of impact. (Exhibit TF-6).

Marple Township Exception 2: Marple Township objects to the findings regarding noise and sound-dampening measures

Finding of fact 15 states that the station building will include several sound-dampening features to minimize the effect of the station on the community. The reference is to PECO St. No. 4, which is Timothy Flanagan's written testimony from the initial proceeding dated May 14, 2021. His testimony speaks of sound dampening features "included in the current design" which is no longer the operating design for the station. At the time of Mr. Flanagan's written testimony, the Enhanced Clocktower Design had not yet been agreed-upon by the parties, therefore his testimony pertains to a design that is no longer being used.

Additionally, PECO's sound expert did not definitively state any specific features that would be installed at the station because he had not reviewed and analyzed the new design. (R. 1981). This finding should be excluded in its entirety.

Marple Township Exception 3: The Amended Initial Decision erred in its finding that Hoover & Keith assisted PECO in designing the station to comply with Marple Township's Noise Ordinance

This finding, found at paragraph 65, again, refers to Timothy Flanagan's testimony dating back to May 14, 2021. The station referred to in the finding is the old design. There is absolutely no testimony in the record that supports a finding that Hoover & Keith, Inc. helped with the design of the new Enhanced Clocktower Design. Reginal Keith testified that he did not know of a final plan, did not review or analyze a final plan, nor had he even seen a final plan. (R. 1980-81). This finding should be excluded in its entirety

Marple Township Exception 4: Marple Township objects to the inclusion of the Hoover & Keith study into the Amended Initial Decision and Commission's final decision as it is no longer relevant or applicable

Finding of Fact 66 references the ambient sound survey conducted by Hoover & Keith which is dated June 23, 2020 and admitted into evidence during the initial proceedings as Exhibit TF-7. Hoover & Keith's sound survey evaluated the old design with the old perimeter fence and did not take into account the generator or heaters which will make noise. (Exhibit TF-7).

Finding of fact 67 is a follow up to paragraph 66 and explains the sound-dampening measures recommended by Hoover & Keith in its 2020 sound survey. It references Tim Flanagan's testimony and sound survey. The testimony and the sound survey relate to the old station design and is no longer relevant. PECO could have commissioned a new sound survey utilizing the Enhanced Clocktower Design and equipment changes but chose not to. The findings from the old survey are not relevant and are insufficient to support a finding that the noise portion of the environmental analysis is somehow complete. Indeed, the sound survey in the record does not account for noise from the heater or generator – two noise producing features at the station. (R. 1089; R. 1096-97).

Finding of fact 68, which simply describes the old design and security fence should not be included in these findings. The security fence that is noted as being a “vital component” is no longer a component of the new design and therefore not relevant to the amended decision.

Marple Township Exception 5: Marple Township objects to the ALJ’s finding that compliance with Marple Township’s Noise Ordinance is technically feasible and readily achievable using feasible, readily available, and proven technology (Finding of fact 70)

As previously noted, PECO sound expert, Mr. Reginald Keith, did not know of a final design for the Station so could not conclusively say that the Station will operate within the Marple ordinance. (R. 1979-80). Furthermore, if changes to the Station occur, such as utilization of a larger generator (which is happening), increase in the footprint for additional gas capacity and additional of climate control equipment on the fiber building, then the noise from the Property could also be increased. (R. 1980). Mr. Keith has not reviewed the final plan nor revised his assessment in consideration of the changes to the equipment which we now know were made. (R. 1981).

Marple Township Exception 6: The record lacks substantial evidence to conclude that the station will not provide an unreasonable level of noise that cannot be mitigated

The record lacks the substantial evidence necessary to find that the station will not provide an unreasonable level of noise that cannot be mitigated. The most updated station design was not analyzed by PECO’s sound expert. The decision includes the ALJ’s determination that Dr. McAuley used the “incorrect design” in his analysis of air quality, thus dispelling his findings, but, here, Hoover & Keith’s usage of that same “incorrect design” for its study was completely fine. One cannot reconcile these two inconsistent findings.

Marple Township Exception 7: The ALJ erred in discrediting Dr. Ketyer's testimony regarding sound and noise pollution

It was error for the ALJ to discredit Dr. Ketyer's testimony regarding the impact of excessive sound and noise pollution on children's health. The ALJ's reasoning for this was because Dr. Ketyer has not taken into account the sound dampening measures recommended in the Hoover & Keith study. The Hoover & Keith study was completed in 2020, using the wrong design, and there was no testimony at the hearings about which sound dampening devices would actually be used with the Enhanced Clocktower Design. Because there cannot be a conclusive finding that the station will not cause excessive noise, it is unfair and improper to exclude Dr. Ketyer's testimony, which was not refuted.

Marple Township Exception 8: The Amended Initial Decision fails to provide a complete description of the Enhanced Design rendering of the station

Findings of fact 18-19 should clearly state that the Enhanced Clocktower Design shows a drawing only. The Enhanced Clocktower Design does not include any measurements, scale, or any indication of equipment changes. Indeed, the equipment did change. (Exhibit DO-Cross-1; R. 1999). The record should be clear that PECO has not provided any party with new plans for the station.

Marple Township Exception 9: Marple Township objects to the determination that gas distribution facilities frequently need to be located near residences and businesses

Finding of fact 25 mischaracterizes Mr. Israni's testimony. While he was questioned many times, in numerous different ways, Mr. Israni would not answer the simple question of whether it is better to have a station in an area with less people as opposed to more people if it were the only consideration. Instead, he stated that you cannot have regulating stations "way outside" of residential areas if people within those residential areas are in need of gas usage.

However here, the alternate site suggested by Marple is also a residential area; it is simply further from homes than 2090 Sproul Road and more suitable for this use.

Marple Township Exception 10: Marple Township objects to the safety analysis and its limitation to only whether or not the PIR applies to this type of station

The Commonwealth Court stated: "However, as for the Township's concerns regarding potential explosions, noise, and emissions from the Station's buildings, we agree with the Township that the Commission erred when it flatly deemed environmental concerns to be outside the purview of Section 619 proceedings. (Township of Marple, 294 A.3d at 973.).

The Commonwealth Court did not send this case back for a discussion on whether the "PIR" according to PHSMA is applicable to this station. Clearly, what the Commonwealth Court intended, and what Marple intended to show, was the area around the station that could be affected by an explosion or other emergency situation at the station.

Specifically, findings of fact 27-33 discuss PIR however, the reasoning behind the definition of PIR, where it came from and whether it applies or not is irrelevant with respect to the safety of the citizens of Marple. The Commonwealth Court wants the record to contain sufficient evidence with respect to the safety of this station. This was the purpose of Mr. Capuzzi's testimony – what area is in danger if there is an explosion or other emergency event at the station? It is not difficult to understand why the Commonwealth Court, Marple Township and the public are interested in the information, whatever the specific term may be in the "PHMSA world".

PECO's entire argument, as well as the ALJ's focus on PHSMA determinations, calculations, transmission versus distribution, suburban versus rural, is patronizing. We do not need a lesson on the applicability of PIR according to PHSMA. What we need is the record to

reflect what, if anything, will happen to the residents, homes and businesses should a tragic incident arise at the station, however seldom that incident may be.

The Commission's findings should clearly state the evidence presented regarding potential safety concerns with the station. Jeff Marx testified regarding the hazards that could be present if an accidental release occurred. (Marple Twp. Remand Statement No. 2). Those hazards are exposure to a flash fire following ignition of a vapor cloud, exposure to thermal radiation due to a jet fire, or exposure to a blast wave following ignition of a flammable vapor cloud that is confined. (Id. p. 4). The largest impacts would be from potential fire events. (Id. at 6). If an equipment failure of significant magnitude were to occur that releases natural gas, and that gas is ignited, there could be fire impacts in the immediate areas outside the Station boundaries. (Id.).

All experts testifying on safety issues (Mr. Israni, Mr. Marx and Mr. Capuzzi) confirmed that there are persons who live, work or frequent the surrounding area of impact who could suffer injury or death, as well as buildings and property located therein which would be damaged, in the event of gas leak, fire or explosion at the Station. Other than conducting an academic exercise on the applicability of "PIR", PECO's witnesses did not refute the area around the station that could be impacted if there were a gas leak, fire or explosion and it is error to not include this evidence in the amended decision.

Marple Township Exception 11: Marple Township objects to the description of vulnerability zones in finding of fact 42

This is inaccurate and does not reflect the evidence provided. Stating that the vulnerability zone showed that potential impact would only extend a short distance beyond the site boundaries as if it includes some innocuous space is misleading. Indeed, there are half a dozen homes and one restaurant within 200 feet, which is within the "vulnerability zone".

(Marple Twp., Uhlman, Baker Remand Rebuttal Statement No. 1-R, p. 4). This is uncontradicted evidence and should be included in the amended decision.

Marple Township Exception 12: Marple Township objects to finding of fact 61 which states that even if an explosion occurred inside one of the buildings, the blast wave would not extend beyond the boundary of the Station

Mr. Marx testified that, in the most extreme events, there is a possibility that there would be injury to persons or property extending beyond the property line to the restaurant (Freddy's), directly adjacent to the facility, and to the house that is directly adjacent to the property. There would also be possible injury to people sitting outside eating at the restaurant, or outside in the backyard of the adjacent home. Tr. 2183-84. This is uncontradicted evidence and should be included in the amended decision.

Marple Township Exception 13: The findings should include a statement about the gas from the station traveling above ground

The findings should include that the gas at the station would be heated at the facility then travel above ground before being placed into the distribution mains. (Tr. 2303, 2307). This distinction is relevant as it was a concern raised by Marple's expert James Capuzzi and a distinct feature of this station that is unlike any other PECO gate station.

Marple Township Exception 14: The ALJ erred in its finding regarding Dr. McAuley's modelling in findings of fact 93 – 100

Finding of fact 95 indicates that Dr. McAuley assumed for the purposes of his model that the emergency generator would operate on a 24/7/365 continuous bases, for 8,760 hours per year. This finding implies that Dr. McAuley did something wrong. PECO witness, Jeffrey Harrington also used this analysis. (Exhibit JH-4, Table 4-3)

These findings (93-100) focus on Dr. McAuley's analysis and opinion on his findings, much like PECO's argument did the same. However, neither PECO nor the ALJ has focused on

the numbers. Not only are the results modelled by Mr. Harrington higher than those of Dr. McAuley, but the notation under Mr. Harrington's chart also proves that he too used 8760 hours (24/7 run time) for the generator. (Exhibit JH-4, Table 4-3).

Marple Township Exception 15: Marple Township objects to the finding that Dr. McAuley's air modeling resulted in overstated and unrealistically high emissions projections

In finding of fact 100, the ALJ found that Dr. McAuley's errors in the underlying assumptions in his modeling resulted in overstated and unrealistically high emissions projections. This is not accurate. See exception above (No. 13). Dr. McAuley's analysis appears to have underestimated potential emissions from the generator compared to what Mr. Harrington claims to be more accurate. In Dr. McAuley's report, he estimated that potential emissions of nitrogen oxides (NOx) from the generator would be about 0.37 pounds per hour (lb/hr) and 0.09 tons per year (tpy). (Marple Twp. Statement 1, p 4) (*See* Table 1 showing "Typical" 6 Maximum Emissions of 184.4 pounds per year). Conversely, Mr. Harrington claims that the "correct" potential emissions from the generator could be as high as 0.97 lb/hr and 0.24 tpy. (*See* Exhibit JH-4, Section 3.1). This suggests that actual potential NOx emissions from the generator could be as much as *167 percent higher than Dr. McAuley's previous estimates*. (Marple Twp. Statement 1-SR at 3). Again, the reason for the discrepancy is not because of any mistakes made by Dr. McAuley, but because his modeling used a 30-kw generator which PECO originally stated it would be utilizing. (Id. at 3). However, after Dr. McAuley's modeling, PECO submitted the rebuttal testimony of Mr. Harrington which utilized the "clocktower" design and 50-kw heater. (Id.).

Furthermore, Mr. Harrington criticized Dr. McAuley's calculation of the NOX, but upon further questioning, he admits that Dr. McAuley's calculations are not wrong, but that they simply fall below the NAAQS. (R. 2426-27).

Marple Township Exception 16: The findings fail to include all types of emissions from the station

The findings fail to include that VOCs, methane and other impurities will also be present in the emissions from the station. It is important to have a clear picture of all the potential environmental effects of the station. PECO's expert, Mr. Harrington, did not include emissions in his analysis, as his sole focus was on the NAAQS rather than air impacts in general (much like Mr. Israni's sole focus was on the application of PIR instead of safety as a whole). Mr. Harrington acknowledges that VOCs will be emitted from the Station but it was not included in his modeling (R. 2419). He did not factor in leaks such as methane and other impurities simply because there are no national air quality standards for those pollutants. (R. 2421).

Marple Township Exception 17: There should be a finding that states the air impacts at the 2090 Sproul Road site compared to the alternate site discussed throughout the proceedings

Mr. Harrington and Dr. McAuley both analyzed the alternate site achieving similar results. Almost all modelled pollutants were less at the alternate location. Mr. Harrington's modelled results of the alternate location show all but one pollutant measuring a lower emission rate, like Dr. McAuley's modeling. (R. 2424). Indeed, 5 of the 6 modelled pollutants were lower at the alternate location. (R. 2424), showing there would be less air quality impact at the alternate location.

Marple Township Exception 18: The ALJ erred in not adopting a NEPA-style environmental review

The ALJ noted in her decision that "agencies such as the Commission have little useful guidance" when substituting an analytical framework based on trust and fiduciary principles. However, Marple and the other intervenors presented the ALJ with a significant amount of guidance for its analysis with the offering of NEPA's environmental review. While it wasn't Marple's contention that the ALJ must follow every aspect of NEPA, it certainly served as an example that has been used for years in completing environmental reviews of similar projects. Considering we apply PHMSA for gas pipeline safety and NAAQS for air quality, there is not reason by NEPA cannot be applied for an environmental review.

The ALJ's contention that completing this determination as mandated by the Commonwealth Court as something "outside of its expertise and assign jurisdiction" is not accurate. Factoring the ERA into its decisions is expressly within the Commission's jurisdiction as a Commonwealth agency.

Marple Township Exception 19: The Amended Initial Decision did not include a constitutionally sound environmental review in its final decision

It was error for the ALJ to again rely on permits or lack thereof from other agencies as the basis of the decision on environmental concerns. Permits are insufficient – Statewide standards are insufficient per Robinson – Protection of environmental values is a quintessential local issue that must be tailored to local conditions. (Robinson Township v. Commonwealth, 83 A.3d 901, 979 (Pa. 2013). This decision underscores the importance of interpreting Section 619 in a manner that conforms to the Constitution and takes into account the local community and surroundings.

The PUC needed to conduct a constitutionally sound environmental review and failed to do so. The ALJ's deference remains "illusory" in that there are no agency determinations to defer to. Neither EPA nor DEP made a determination. Nothing was affirmatively done by either agency with respect to emissions. The PUC cannot punt to DEP or EPA when neither agency made a determination.

The Commonwealth Court stated in its opinion: "It is well settled that, by enacting the Code, the General Assembly intended to vest the Commission with preeminent authority to regulate utilities on a statewide basis." (Township of Marple, 294 A.3d at 971). PEDF explained that the text of the ERA itself, "places a limitation on the state's power to act contrary to [the] right, and while the subject of the right may be amendable to regulation, any laws that unreasonably impair the right are unconstitutional." (Pennsylvania Environmental Defense Foundation v. Commonwealth, 161 A.3d 911, 931-32 (Pa. 2017)). The Court further explained that the Commonwealth's trustee obligations "are not vested in any single branch of Pennsylvania's government"; rather, "all agencies and entities of the Commonwealth government, both statewide and local, have a fiduciary duty to act toward the corpus with prudence, loyalty and impartiality." (Id. at 931, n.23).

The ALJ's opinion, at page 37, states that the Commissions does not have the authority to regulate air pollution sources because that authority rests with the DEP. This is the same circular reasoning from the Initial Proceedings and continues to punt the football without ever making a decision. The Petition was filed with the PUC. The Commonwealth Court sent the matter back to the PUC for further findings. The PUC, as a Commonwealth agency, with fiduciary duties to the citizens of Pennsylvania, must take control of the environmental evaluation in this type of

proceeding, regardless of whether it is the first time doing so. DEP and PUC are different. PUC has control over Section 619 proceedings and DEP does not – they are a permitting agency.

The fact that the ALJ rested her conclusion largely on the fact that DEP permits were not required for the line heater and generator shows that there was no environmental review done. Instead, the ALJ "referred" to the *agency determination* of the DEP. This is as insignificant and illusory as it was in the Initial Proceedings. DEP did not render a determination, and therefore there is no decision to defer to.

Marple Township Exception 20: Marple Township objects to the ALJ's finding that the blanket exemptions and certificates of conformity constitute the relevant agency determinations for the purposes of the station emission units' air quality impacts

The amended initial decision, at pages 39-40, states that since DEP is tasked with the authority to regulate air pollution, the Commission is bound to defer to them. Marple is not asking the Commission to take over regulating air pollution. The overall regulation of air pollution, and air emissions effects given their closeness in proximity to people and places are completely different. Here, the focus should have been on the air emissions and pollutions at this site with the residents, homes and businesses close by. Surely, a station in the middle of the woods will still produce air pollution and emissions (where DEP regulations will be the same) but the difference is who and what is close by. Reliance on blanket permit exemptions does not do the ERA or the Commonwealth Court's decision any justice.

Marple Township hereby adopts the exceptions of intervenors Julie Baker and Ted Uhlman.

III. CONCLUSION

WHEREFORE, for the reasons set for above, Marple Township respectfully requests that the Commission modify the Amended Initial Decision with these exceptions, because:

1. The Amended Initial Decision erred in finding of fact 11 in its description of the proximity of other PECO gate stations to residences. Only two other gate stations are within the same distance. None are closer than this station, and most substantially further from residences and not within the area of impact.
2. The Amended Initial Decision erred in paragraphs 15, 65, 66, 67, 68, 70 of the Findings of Fact regarding noise and sound-dampening measures as well as the relevance of the 2020 Hoover & Keith ambient sound survey that analyzed a completely different station design.
3. The Amended Initial Decision erred in that the record lacks the substantial evidence necessary to find that the station will not provide an unreasonable level of noise that cannot be mitigated.
4. The Amended Initial Decision erred in that it discredited Dr. Ketyer's testimony regarding the impact of excessive sound and noise pollution on children's health.
5. The Amended Initial Decision erred in findings of fact 18-19 in that the findings do not clearly describe the depiction of the Enhanced Clocktower Design shows a drawing only. The Enhanced Clocktower Design does not include any measurements, scale, or any indication of equipment changes. PECO has not provided any party with a new station plan.
6. The Amended Initial Decision erred in paragraph 8 of the Findings of Fact regarding the determination that gas distribution facilities frequently need to be located near residences as this was not the testimony.

7. The Amended Initial Decision erred in paragraphs 27-33 of the Findings of Fact as well as the entire safety analysis in that it was limited to whether the "PIR" was applicable to this type of station or not.
8. The Amended Initial Decision erred in paragraph 42 of the Findings of Fact and in stating that the vulnerability zone showed that potential impact would only extend a short distance beyond the site boundaries as if it includes some innocuous space. Indeed, there are half a dozen homes and one restaurant within 200 feet, which is within the "vulnerability zone".
9. The Amended Initial Decision erred in paragraph 61 of the Findings of Fact by downplaying the potential have of a blast wave. Indeed, in the most extreme events, there is a possibility that there would be injury to persons or property extending beyond the property line to the restaurant (Freddy's), directly adjacent to the facility, and to the house that is directly adjacent to the property.
10. The Amended Initial Decision erred by failing to include that the gas at the station would be heated at the facility then travel above ground before being placed into the distribution mains.
11. The Amended Initial Decision erred in paragraphs 93-100 in discrediting Dr. McAuley's air modelling and bolstering Mr. Harrington's modelling rather than discussing the actual results. Some of Mr. Harrington's results were actually high than Dr. McAuley's and used the same parameters that are discredited by the ALJ.
12. The Amended Initial Decision erred in failing to include all emissions from the station, such as VOCs, methane and other impurities.

13. The Amended Initial Decision erred by failing to include that the overall emissions as tested by both Dr. McAuley and Mr. Harrington were lower at the alternate site than they were at the selection site of 2090 Sproul Road.
14. The Amended Initial Decision erred by the ALJ's failure to adopt a NEPA-style environmental review although evidence of a NEPA review were presented to the ALJ.
15. The Amended Initial Decision erred by not including a constitutionally sound environmental review pursuant to the Commonwealth Court's directive.
16. The Amended Initial Decision erred in finding that blanket exemptions and certificates of conformity constitute the relevant agency determinations for the purposes of air quality impacts.

Respectfully Submitted,

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Dated: April 23, 2024

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing, Exceptions Of Intervenor Marple Township to the Amended Initial Decision in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant) in the manner listed below upon the parties listed below:

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