



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

July 28, 2016

Mr. Shawn M. Garvin
Regional Administrator (3RA00)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Garvin:

The purpose of this letter is to submit the enclosed State Implementation Plan (**SIP**) **Revision #16-10** containing the 2016 Consent Agreement with the “NOx Averaging Plan” between the Department and Raven Power Fort Smallwood, LLC.

Our State regulation, COMAR 26.11.09.08 Control of NOx Emissions for Major Stationary Sources, contains a provision that allows a person who owns or operates more than one unit to demonstrate compliance with systemwide emission standards through the use of an averaging plan. The Raven Power units have had a NOx averaging plan in place since 2001. The owner of Brandon Shores, H.A. Wagner and C.P. Crane was Constellation Power Source Generation, Inc. until all three facilities were sold and became under the ownership of Raven Power, LLC. In February 2016, Raven Power sold the C.P. Crane electric generating facility. With the sale of the C.P. Crane plant, Raven Power has committed to a new averaging plan for their remaining units at the Brandon Shores and H.A. Wagner electric generating facilities. This new averaging plan provides environmental benefits because there are 20% less emissions allowed when averaging vs. if each unit was to comply individually using rates from COMAR 26.11.09.08.C.

Please note there are other MDE regulations that apply to the Maryland power plants affected by this consent order including regulations to implement the Maryland Healthy Air Act (COMAR 26.11.27), which sets NOx annual and ozone season limits, and the recent Control of NOx Emissions from Coal-Fired EGU's (COMAR 26.11.38) which has ozone season rates and optimization requirements.

This 2016 Consent Agreement with the “NOx Averaging Plan” will replace the existing Consent Order dated April 16, 2001 (under Maryland SIP Rev. #01-05) and the Consent Order dated October 24, 2012. The Notice of the public hearing was published in the Maryland Register on April 15, 2016 and at the Department’s website. A public hearing was held on May 19, 2016. No one attended the hearing and no comments were received. All required administrative procedures were followed and MDE is requesting SIP approval.

I certify that the electronic copy of this SIP submittal (compact disc enclosed) is an exact duplicate of the official hard copy. If you have any questions concerning this SIP action, please feel free to call me at (410) 537-3084 or Mr. George (Tad) S. Aburn, Jr., Director, Air and Radiation Management Administration, at (410) 537-3255.

Sincerely,



Ben Grumbles
Secretary

Enclosure

cc: Mr. George (Tad) S. Aburn Jr., Air and Radiation Management Administration
Ms. Cristina Fernandez, EPA

MARYLAND

STATE IMPLEMENTATION PLAN

REVISION # 16-10

2016 NO_x Averaging Plan Consent Agreement with Raven Power

Prepared by:



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101 • www.mde.state.md.us

**IN THE MATTER OF:
RAVEN POWER FORT
SMALLWOOD, LLC**

*** BEFORE THE MARYLAND
* DEPARTMENT OF
* THE ENVIRONMENT**

* * * * *

CONSENT AGREEMENT

This CONSENT AGREEMENT is issued pursuant to the authority vested in the Maryland Department of the Environment (Department) by Titles 1 and 2 of the Environment Article of the Maryland Code and by the Code of Maryland Regulations (COMAR) 26.11 to regulate air pollution in the State of Maryland and to enforce State air pollution control laws and regulations.

WHEREAS, Raven Power Fort Smallwood LLC ("Raven Power") owns and/or operates the Brandon Shores and H.A. Wagner electric generating stations located in Anne Arundel County, Maryland;

WHEREAS, Units 1 and 2 at the Brandon Shores electric generating station and Units 1 through 4 at the H.A. Wagner electric generating station (collectively, "Affected Units") are sources of nitrogen oxides ("NOx") and are subject to the regulations promulgated by the Department and codified in COMAR 26.11.09.08;

WHEREAS, COMAR 26.11.09.08 establishes emissions standards and other requirements for certain NOx sources, including the Affected Units, and contains a provision that allows a person who owns or operates more than one installation subject to the source-specific regulations to demonstrate compliance through the use of an averaging plan;

WHEREAS, an averaging plan under COMAR 26.11.09.08B(4) must include a demonstration that on each day of operation the total system-wide NOx emissions are equal to or

less than the NOx emissions that would have been discharged if each installation had met its applicable source-specific emissions standard established in COMAR 26.11.09.08;

WHEREAS, COMAR 26.11.09.08B(4)(c) requires that an averaging plan be approved by the Department and approved by the United States Environmental Protection Agency ("EPA") as a revision to Maryland's State Implementation Plan ("SIP") prior to its acceptance as a means of compliance;

WHEREAS, Raven Power has submitted, and the Department has approved, a proposed averaging plan (the "Averaging Plan"), which is attached as Exhibit A and incorporated by reference into this Consent Agreement;

WHEREAS, the Averaging Plan provides for aggregate, annual mass emissions from the Affected Units which will be at least 20% less than the mass emissions which would have been allowed from the Affected Units pursuant to the applicable source-specific requirements of COMAR 26.11.09.08; and

WHEREAS, the parties recognize that EPA's SIP revision process can be time-consuming and intend for this Consent Agreement to authorize the implementation of the Averaging Plan during the SIP revision process so that the greater air quality benefits of the Averaging Plan can be maximized.

AGREEMENT

NOW, THEREFORE, the Department and Raven Power hereby AGREE, and Raven Power hereby CONSENTS to the following terms and conditions:

1. The Department shall submit the Averaging Plan and this Consent Agreement to EPA for approval as a revision to the Maryland SIP.

2. Until such time as EPA either approves or disapproves the Averaging Plan, this Consent Agreement shall, pursuant to § 2-611 of the Environment Article, constitute a Plan for Compliance with the requirements of COMAR 26.11.09.08.

3. Raven Power will comply fully with the Averaging Plan approved by the Department and attached as Exhibit A. In the event Raven Power fails to comply with the Averaging Plan, or in the event that EPA disapproves the Averaging Plan as a revision to the Maryland SIP, the requirements of COMAR 26.11.09.08 shall apply to each of the Affected Units.

4. Raven Power will submit a copy of the quarterly report required by COMAR 26.11.09.08K to EPA Region III. All such reports shall be mailed to: Diana Esher, Director, Air Protection Division, U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

5. Raven Power shall submit a written report to the Department within ninety (90) days following the end of each calendar year demonstrating compliance with the Averaging Plan's requirement that aggregate annual mass emissions from the Affected Units be at least 20% less than the mass NO_x emissions which would have been allowed from the Affected Units pursuant to the applicable source-specific requirements of COMAR 26.11.09.08.

6. Raven Power shall maintain records and information at each of the Affected Units which are adequate to verify the calculations used to demonstrate compliance with the Averaging Plan's requirements, and Raven Power shall make those records and information available to the Department upon request.

7. The provisions of this Consent Agreement shall apply to and be binding on Raven Power and its successors and assigns, including all transferees of any legal or equitable interest

in the Affected Units. This Consent Agreement and the Averaging Plan may be transferred to one or more persons that hold any legal or equitable interest in the Affected Units as long as all of the Affected Units will continue to be owned, operated, or controlled by a single entity. At least 15 days prior to the transfer by Raven Power or any successors or assigns of any legal or equitable interest in the Affected Units, the transferor or transferors shall provide a copy of this Consent Agreement by means of certified mail to the prospective successors-in-interest. Any agreement for the transfer of any legal or equitable interest in any of the Affected Units shall provide that the transferee of such interest shall comply fully with the terms and conditions of this Consent Agreement, and that the terms of this Consent Agreement are applicable to the transferee. The transferor or transferors shall contemporaneously provide the Department with a copy of the portion(s) of the transfer agreement(s) evidencing compliance with the terms of this Paragraph. Upon any transfer by a transferor of its entire interest in the Affected Units in accordance with the terms of this Paragraph, this Consent Agreement shall bind the transferee, and the transferor shall be relieved of any further obligations under this Consent Agreement.

8. It is the intent of the parties that the provisions of this Consent Agreement be severable and that, should any of this Consent Agreement be declared by a court of law to be invalid or unenforceable, the remainder of the Consent Agreement shall remain in effect to the maximum reasonable extent. The parties agree that this Consent Agreement shall be governed by and construed in accordance with Maryland law.

9. The Department may seek any legal or equitable remedy available to it for violations of this Consent Agreement.

RAVEN POWER FORT
SMALLWOOD, LLC.

02/18/2016
Date

John Strauch
John Strauch
Authorized Person
Name and Title

MARYLAND DEPARTMENT
OF THE ENVIRONMENT

25 Feb 2016
Date

George S. Aburn, Jr.
George S. Aburn, Jr., Director
Air and Radiation Management Division

Approved for form and legal sufficiency
this 18th day of February, 2016

Michael F. Strande
Michael F. Strande
Assistant Attorney General



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • www.mde.maryland.gov

Larry Hogan
Governor

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Secretary

Boyd Rutherford
Lieutenant Governor

January 19, 2016

Mr. Thomas Weissinger
Director, Environmental
Raven Power
1005 Brandon Shores Rd.
Suite 100
Baltimore, MD 21226

RE: 2016 January Revision to the NOx RACT Averaging Plan

Dear Mr. Weissinger:

The Department approves the amended NOx RACT averaging plan submitted in January of 2016 (attached). The amended NOx RACT plan will be attached as Exhibit A and incorporated by reference into a new Consent Agreement. This Consent Agreement will become effective when signed by the Department.

The C.P. Crane, H.A. Wagner and Brandon Shores electric generating units are subject to regulations commonly referred to as "NOx RACT". Under COMAR 26.11.09.08 (B)(4), the named units may comply with NOx RACT emission limits by averaging. Raven Power currently follows an averaging plan that was submitted in October of 2012 by Constellation Power Source Generation, Inc. Due to the pending sale of the C. P. Crane electric generating units to Middle River Power, Raven Power has requested to amend the current averaging plan to allow the H.A. Wagner Units and Brandon Shores Units to continue with emissions averaging post sale.

The new Consent Agreement will require an additional 15% reduction of allowable NOx emissions from the Raven Power system compared to the 2012 agreement.

If you have any questions, please contact me at (410) 537-3967.

Sincerely,

Susan Nash
Air Quality Compliance Program
Air and Radiation Management Administration



Revised NOx RACT Averaging Plan

Re-submitted by,

Raven Power Fort Smallwood LLC
January 2016

Introduction

The purpose of this document is to establish a new NOx Reasonably Available Control Technology (RACT) averaging plan for and among the following electric generating units: Brandon Shores Unit 1 & 2 and H.A. Wagner Units 1 through 4. COMAR 26.11.09.08 (Control Of NOx Emissions For Major Stationary Sources), B.(4) (Emissions Averaging.) describes the requirements for the use of an averaging plan as an alternate means of meeting NOx RACT standards on a system wide basis. EPA has allowed for averaging plants so that more stringent controls can be installed in exchange for lesser controls on others. Specifically the U.S. Environmental Protection Agency (EPA) has addressed NOx RACT averaging in the economic incentive plan (EIP) rule making saying that "an economic incentive plan may allow sources subject to the RACT requirement to attain RACT level emissions reductions in the aggregate".¹

Environmental Benefit

The proposed revised averaging plan will meet both the provisions of COMAR 26.11.09.08B(4) and provide an environmental benefit by insuring that on an annual basis the NOx mass emissions from the six affected units included in the averaging plan are at least 20% less than those allowed by the NOx RACT limits, if applied to the units individually.

Regulatory Background

COMAR 26.11.09.08 (Control Of NOx Emissions For Major Stationary Sources), Section B.(4) (Emissions Averaging.) establishes an alternative means for affected sources to achieve compliance with NOx RACT standards using a system wide Averaging Plan, the requirements of which are:

"B.(4)(a) Instead of meeting the source specific emission standards set forth in §§C – F of this regulation, a person who owns or operates more than one installation subject to this regulation may achieve compliance by meeting an overall source or system-wide NOx emission reduction that is equivalent to or greater than the NOx emission reduction that would be achieved if each individual installation complied with applicable requirements.

B.(4)(b) A person who proposes to comply with this regulation by averaging the emissions of two or more installations (separate stacks) shall submit a proposal to the Department for approval.

B.(4)(c) Any proposal for emissions averaging approved by the department is not an acceptable means of compliance until the proposal is also approved by the EPA as a revision to the State Implementation Plan (SIP).

B.(4)(d) A person who proposes to average emissions to comply with this regulation shall:

B.(4)(d)(i) Have the capability to continuously monitor NOx emissions for each installation to be included in the emissions averaging; and

B.(4)(d)(ii) Demonstrate to the Department that on each day of operation the total plant or system-wide NOx emissions are equal to or less than the NOx emissions that would be discharged if each installation met the applicable emission standard in this regulation."

Averaging Plan History

On April 16, 2001, Constellation Power Source Generation (CPSG) entered into a Consent Order with the Department that established an Averaging Plan involving ten CPSG units, Brandon Shores Unit 1 & 2, C.P. Crane Units 1 & 2, Gould Street Unit 3, H.A. Wagner Units 1 through 4, and Riverside Unit 4.

¹ Federal Register, February 23, 1993, pages 11110 and 11115

In October 2012, CPSG and the Maryland Department of the Environment agreed on a new Averaging Plan for the above-listed generating units which excluded Gould Street Unit 3, and Riverside Unit 4.

In December 2012, ownership of the Brandon Shores, H.A. Wagner, and C.P. Crane facilities was transferred to Brandon Shores LLC, H.A. Wagner LLC, and C.P. Crane LLC respectively, with Raven Power Fort Smallwood LLC as the operator (and Title V permittee) of the Brandon Shores and H.A. Wagner plants, located contiguously on the Fort Smallwood Road Complex.

In June 2015 these companies (and plants) became part of Talen Energy.

On or about February 1, 2016, C.P. Crane LLC, owner of the C.P. Crane facility, will be transferred to Middle River Power LLC, so those units will no longer be eligible for averaging with the Brandon Shores and H.A. Wagner units.

The Brandon Shores and H.A. Wagner units will continue to be operated as Raven Power Fort Smallwood LLC and will still be part of Talen Energy.

Raven proposes to continue using an averaging plan to show compliance with applicable NOx RACT requirements for the following units located at the Fort Smallwood Road Complex:

- Brandon Shores Unit 1
- Brandon Shores Unit 2
- H.A. Wagner Unit 1
- H.A. Wagner Unit 2
- H.A. Wagner Unit 3
- H.A. Wagner Unit 4

Table 1 provides a summary of the current NOx RACT averaging plan limits for these units.

Table 1 - Summary of NOx RACT Averaging Plan Limits (2012)		
Facility	Unit	RACT Limit, lb/MMBtu
Brandon Shores	1	0.5
	2	0.5
H.A. Wagner	1	0.3
	2	0.5
	3	0.5
	4	0.3

Individual unit compliance with NOx RACT requirements will be determined daily on a 30-day rolling average basis. Annual compliance will also be demonstrated by showing that annual mass emissions from the units in the averaging plan are less than 80% of the mass emissions that would have been allowed on an individual basis.

The following methodology will be used to calculate 30-day rolling emissions and determine compliance:

1. Calculate daily system and NOx RACT emission rates:

$$ER_{System} = \sum (ER_i * (HI_i / HI_{Total}))$$

$$ER_{RACT} = \sum (ER_{RACT,i} * (HI_i / HI_{Total}))$$

where:

$$ER_{System} = \text{System average emission rate, lb/MMBtu}$$

$$ER_{RACT} = \text{System average NOx RACT limit, lb/MMBtu}$$

$$ER_i = \text{Daily emission rate for unit } i, \text{ lb/MMBtu}$$

$ER_{RACT,i}$ = Daily NOx RACT limit for unit i, lb/MMBtu
 HI_i = Daily heat input for unit i, MMBtu
 HI_{Total} = Daily heat for all of the units = $\sum HI_i$, MMBtu

2. After 30 days, calculate 30-day rolling emission rate for the system and the NOx RACT:

$$ER_{30 \text{ Day System}} = (\sum (ER_{System})) / 30$$

$$ER_{30 \text{ Day RACT}} = (\sum (ER_{RACT})) / 30$$

where:

$ER_{30 \text{ Day System}}$ = 30-day rolling system average emission rate, MMBtu/lb
 $ER_{30 \text{ Day RACT}}$ = 30-day rolling system average emission rate, MMBtu/lb

3. Calculate mass emissions on a daily basis:

$$NOX_{30 \text{ Day System}} = ER_{30 \text{ Day System}} * HI_{Total} / 2000$$

$$NOX_{RACT} = ER_{30 \text{ Day RACT}} * HI_{Total} / 2000$$

where:

$NOX_{30 \text{ Day System}}$ = NOx mass emissions based on a 30-day rolling system average emission rate, tons
 NOX_{RACT} = NOx mass emissions based on a 30-day rolling RACT limit, tons

4. Determine compliance with NOx RACT:

$$NOX_{System} < NOX_{RACT}$$

Reporting

All the units included in the Averaging Plan have continuous emissions monitors (CEM) for monitoring NOx emissions. These units follow the operations, maintenance, recordkeeping, and reporting requirements contained in 40 CFR Part 75. Quarterly reports will be submitted within 30 days of the end of each reporting quarter summarizing compliance with the Averaging Plan.

In addition on a yearly basis Raven will certify that the NOx mass emissions from the six units included in the averaging plan did not exceed 80% of the emissions allowable under the NOx RACT limits.

$$NOX_{Annual System} < 0.80 * NOX_{RACT Total}$$

where:

$NOX_{Annual System}$ = Annual NOx mass emissions for the units in the averaging plan
 $NOX_{RACT Total}$ = Allowable NOx mass emissions based on the NOx RACT limits

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: April 27, 2016, 3 — 5 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [16-08-10]

MARYLAND STATE BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Subject: Public Meeting
Date and Time: May 13, 2016, 9:30 a.m. — 12 p.m.; Additional Dates: June 10, July 8, September 9, October 14, and December 9, 2016
Place: 4201 Patterson Ave., 5th Fl., Baltimore, MD
Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.
Contact: Gwendolyn Joyner (410) 764-5996
 [16-08-25]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: April 27, 2016, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: A portion of the meeting may be held in closed session.
Contact: William J. McMahon (410) 875-3600
 [16-08-07]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: May 9, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-08-21]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: May 19, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-08-19]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: July 11, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-08-22]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: July 28, September 15, and November 17, 2016, 1 — 3 p.m.
Place: 300 E. Joppa Rd., Ste. 1105, Towson, MD
Contact: Jessica Wheeler (410) 821-2844
 [16-08-20]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

Subject: Public Hearing
Date and Time: May 19, 2016, 9 — 10 a.m.
Place: Maryland Department of the Environment Headquarters, 1800 Washington Boulevard, 1st Fl. Conf. Rm., Baltimore, MD
Add'l. Info: The Maryland Department of the Environment (MDE) will hold a public hearing reviewing the 2016 Consent Agreement with the "NO_x Averaging Plan" between the Department and Raven Power Fort Smallwood, LLC which is proposed as a State Implementation Plan (SIP) revision. This Consent Agreement will replace the existing Consent Order dated April 16, 2001 Maryland SIP #01-05) and the Consent Order dated October 24, 2012.

The public hearing will be held on May 19, 2016 at 9 a.m. in the Maryland Department of the Environment headquarters located at 1800 Washington Boulevard, First Floor Conference Room, Baltimore, Maryland, 21230. The public hearing will be held as required by federal

law under the Clean Air Act. After consideration of comments received, the SIP will be finalized and submitted to the United States Environmental Protection Agency for approval.

This hearing information has been published on the Maryland Department of the Environment's website at <http://www.mde.state.md.us/aboutmde/AboutMDEHome/Pages/aboutmde/recommend.aspx>.

Copies of the document can be viewed at the offices of the Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland. Please contact Mr. Randy Mosier.

Comments must be received by 5 pm on May 19, 2016.

For more information or to submit comments, call/email Randy Mosier, Chief, Regulation Development Division, Air Quality Planning Program, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720.

Telephone: (410) 537-4488

Email: randy.mosier@maryland.gov

Contact: Randy Mosier (410) 537-4488
 [16-09-27]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subject: Public Meeting
Date and Time: May 4, 2016, 4:30 — 6 p.m.
Place: 201 W. Preston St., Conf. Rm. L3, Baltimore, MD
Contact: Meghan Ames (410) 767-5079
 [16-08-18]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice Waiver for Children with Autism Spectrum Disorder Amendment
Date and Time: April 15, 2016
Add'l. Info: The Maryland Department of Health and Mental Hygiene is amending its Waiver for Children with Autism Spectrum Disorder for the purposes of including the Autism Wavier Rate Methodology Study



May 31, 2016

CERTIFICATE OF PUBLICATION

This is to certify that the “Maryland Department of the Environment (MDE) Notice of Public Hearing reviewing the 2016 Consent Agreement with the ‘NOx Averaging Plan’ between MDE and the Raven Power Fort Smallwood, LLC which is proposed as a State Implementation Plan (SIP) revision” was published on MDE’s web site on April 14, 2016. The notice has of yet not been removed from the website. The notice in full with links to supporting documents may be found in the following web address:

<http://www.mde.state.md.us/aboutmde/AboutMDEHome/Pages/aboutmde/reqcomments.aspx>

Web publication of the notice was at the request of Carolyn Jones, Regulations Coordinator of the Air and Radiation Management Administration of MDE.

By:

A handwritten signature in black ink, appearing to read "Diana Alegre".

DIANA ALEGRE
MDE Webmaster

Attachment:
Copy of web page as published.



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MDE

MDE Public Hearings, Meetings and Request for Comments

The complete listing of MDE public meetings and hearings is posted in the [MDE Calendar](#). Please call or email contact person cited in the meeting details for any questions or to send a comment. Public hearings, meetings, and request for comments related to Maryland environmental regulations are also posted at the [Air Regulations](#), [Water Regulations](#) and [Land Regulations](#) sections of this website.

► **New!** Notice of Intent to Submit a Total Maximum Daily Load for Sediment in the Lower Gunpowder Falls Watershed, Baltimore County, MD

The A 30-day public comment period for the draft TMDL will take place from **May 19, 2016 to June 17, 2016**. A copy of the draft document has been placed in the Baltimore County Public Library – Perry Hall Branch, 9685 Honeygo Boulevard, Perry Hall, Maryland 21128, (410.887.5195). The draft document is also available on the Internet at web site <http://www.mde.state.md.us/TMDL> or by contacting Ms. Melissa Chatham by mail at MDE/SSA, 1800 Washington Boulevard, Baltimore, MD 21230, or by telephone at 410-537-3937 (outside the Baltimore area, dial 1-800-633-6101 x3937). Anyone wishing to review the draft documents and supporting information or needing technical information may contact Ms. Chatham during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **June 17, 2016** and should be sent to Ms. Chatham at the above address or emailed to melissa.chatham@maryland.gov. All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

[Lower Gunpowder Falls Watershed, Baltimore County, Maryland - Notice of Intent to Submit a Total Maximum Daily Load of Sediment](#)

► **New!** Notice of Intent to Submit a Water Quality Analysis of Eutrophication in the Lake Habeeb Watershed, Allegany County, MD

The 30-day public comment period for the draft document will take place from **May 5, 2016 to June 3, 2016**. A copy of the draft document has been placed in the Allegany County Library – South Cumberland Library, 100 Seymour St, Cumberland, MD 21502, (301.724.1607). The draft document is also available on the Internet at web site <http://www.mde.state.md.us/TMDL> or by contacting Ms. Melissa Chatham by mail at MDE/SSA, 1800 Washington Boulevard, Baltimore, MD 21230, or by telephone at 410-537-3937 (outside the Baltimore area, dial 1-800-633-6101 x3937). Anyone wishing to review the draft documents and supporting information or needing technical information may contact Ms. Chatham during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **June 3, 2016** and should be sent to Ms. Chatham at the above address or emailed to melissa.chatham@maryland.gov. All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

[Water Quality Analysis of Eutrophication for Lake Habeeb in Allegany County, Maryland - Notice of Intent to Submit a Water Quality Analysis of Eutrophication](#)

► **New!** Notice of Public Hearing on the Consent Agreement and “NOx Averaging Plan” for Raven Power, a Revision to Maryland’s State Implementation Plan

The Maryland Department of the Environment (MDE) will hold a public hearing reviewing the 2016 Consent Agreement with the “NOx Averaging Plan” between the Department and Raven Power Fort Smallwood, LLC which is proposed as a State Implementation Plan (SIP) revision. This Consent Agreement will replace the existing Consent Order dated April 16, 2001 (with Maryland SIP #01-05) and the Consent Order dated October 24, 2012.

The public hearing will be held on **May 19, 2016 at 9:00 A.M. in the Maryland Department of the Environment headquarters located at 1800 Washington Boulevard, First Floor Conference Room, Baltimore, Maryland, 21230**. The public hearing will be held as required by federal law under the Clean Air Act. After consideration of comments received, the SIP will be finalized and submitted to the United States Environmental Protection Agency for approval.

Copies of the document can be viewed at the offices of the Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland.

Persons in need of special accommodations should contact the Department's Office of Fair Practices at (410) 537-3964 at least five (5) business days in advance of the hearing. TTY users should contact the Department through the Maryland Relay Service at 1-(800) 735-2258.

Comments must be received by **5 pm on May 19, 2016**.

For more information or to submit comments, call/e-mail/ fax:
Randy Mosier, Chief, Regulation Development Division
Air Quality Planning Program
Air and Radiation Management Administration
Department of the Environment
1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720
Telephone: (410) 537-4488
Email: randy.mosier@maryland.gov

► **Notice of Public Hearing on Air Quality Plan**

The Maryland Department of the Environment (MDE) gives notice of a public hearing concerning Revision to the Motor Vehicle Emission Budgets for the Washington DC-MD-VA 1997 Annual Primary PM2.5 National Ambient Air Quality Standards (NAAQS).

A public hearing will be held on: **Monday, April 4, 2016**, at the Montgomery County Planning Department, 8787 Georgia Ave., Silver Spring, Maryland 20910 – Auditorium – 11:00 A.M.

Contact Us
Directions to MDE
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Carolyn A Jones -MDE- <carolyna.jones@maryland.gov>

Notice of Public Hearing/Comment Consent Agreement Nox Averaging Plan

1 message

Carolyn A Jones -MDE- <carolyna.jones@maryland.gov>

Fri, Apr 15, 2016 at 11:08 AM

To: Carol Beatty -MDOD- <carol.beatty@maryland.gov>, John Brennan -MDOD- <john.brennan@maryland.gov>, Leigh Williams -MEA- <leigh.williams@maryland.gov>, MDP Clearinghouse -MDP- <mdp.clearinghouse@maryland.gov>, Sophia Richardson -MDP- <sophia.richardson@maryland.gov>, Ali Mirzakhali <ali.mirzakhali@state.de.us>, Angelo Bianca <angelo.bianca@maryland.gov>, Brian Hug -MDE- <brian.hug@maryland.gov>, Cecily Beall <cecily.beall@dc.gov>, christopher cripps <Cripps.christopher@epa.gov>, Cliff Mitchell -DHMH- <cliff.mitchell@maryland.gov>, Cristina Fernandez <Fernandez.cristina@epa.gov>, Dave Campbell <campbell.dave@epa.gov>, David Arnold <arnold.david@epa.gov>, David Talley <talley.david@epa.gov>, Diana Esher <esher.diana@epa.gov>, Donna Mastro <mastro.donna@epa.gov>, Doris McLeod <Doris.McLeod@deq.virginia.gov>, Felice Weiner <Felice.Weiner@dep.state.nj.us>, Frank Courtright <frank.courtright@maryland.gov>, Frank Steitz <Francis.Steitz@dep.nj.gov>, Horacio Tablada <horacio.tablada@maryland.gov>, Jay Apperson -MDE- <jay.apperson@maryland.gov>, Jed Miller <jed.miller@maryland.gov>, "Joyce E. Epps" <jeepps@state.pa.us>, Karen Irons <karen.irons@maryland.gov>, Lee Currey <lee.currey@maryland.gov>, Marcia Ways <marcia.ways@maryland.gov>, "Marissa G. Paslick -PSC-" <marissa.gillett@maryland.gov>, Mark Shaffer -MDE- <mark.shaffer1@maryland.gov>, Mary Tung -MDE- <mary.tung@maryland.gov>, MDE DL All County Environmental Health Directors <DLAllCountyEnvironmentalHealthDirectors_MDE@maryland.gov>, MDE DL All County Health Officers <DLAllCountyHealthOfficers_MDE@maryland.gov>, MDE DL All MDE Field Office Personnel <DLAllMDEFieldOfficePersonnel_MDE@maryland.gov>, Megan Toomey <Megan.toomey@talenergy.com>, Michael Dowd <mgdowd@deq.virginia.gov>, Mike Gordon <gordon.mike@epa.gov>, Rachel Hess-Mutinda -DHMH- <rachel.hess-mutinda@maryland.gov>, Randy Bordner <ranbordner@state.pa.us>, Randy Mosier <Randy.Mosier@maryland.gov>, Sharon McCauley <mccauley.sharon@epa.gov>, Susan Douglas <susan.douglas@maryland.gov>, Virginia Kearney -MDE- <virginia.kearney@maryland.gov>, "William F. Durham" <william.f.durham@wv.gov>, Michael Strande -MDE- <michael.strande@maryland.gov>, George Aburn -MDE- <George.Aburn@maryland.gov>, Tom Weissinger <tweissinger@raven-power.com>, John Forbes <jforbes@cpcranepower.com>

Cc: Joel Leon <Joel.Leon@dep.nj.gov>, Ketan Bhandutia <Ketan.Bhandutia@dep.nj.gov>, Ralph Hall <ralph.hall@maryland.gov>, Duane King -MDE- <duane.king@maryland.gov>, Susan Nash -MDE- <susan.nash@maryland.gov>, Ariane Kouamou-Nouba -MDE- <ariane.kouamou-nouba@maryland.gov>

Bcc: Roger Thunell -MDE- <roger.thunell@maryland.gov>, Molly Berger -MDE- <molly.berger@maryland.gov>, Alexandra Brun -MDE- <alexandra.krempasanka@maryland.gov>, Molla Sarros -MDE- <molla.sarros@maryland.gov>, Emily Bull -MDE- <emily.bull@maryland.gov>, Hannah Ashenafi -MDE- <hannah.ashenafi@maryland.gov>, Eddie Durant <eddie.durant@maryland.gov>, Husain Waheed <husain.waheed@maryland.gov>, Joshua Shodeinde -MDE- <joshua.shodeinde@maryland.gov>, Kathleen Wehnes -MDE- <kathleen.wehnes@maryland.gov>, Megan Ulrich -MDE- <megan.ulrich@maryland.gov>

Please note:

The Maryland Department of the Environment (MDE) will hold a public hearing reviewing the 2016 Consent Agreement with the "NOx Averaging Plan" between the Department and Raven Power Fort Smallwood, LLC which is proposed as a State Implementation Plan (SIP) revision. This Consent Agreement will replace the existing Consent Order dated April 16, 2001 (Maryland SIP #01-05) and the Consent Order dated October 24, 2012.

The public hearing will be held on **May 19, 2016** at 9:00 A.M. in the Maryland Department of the Environment headquarters located at 1800 Washington Boulevard, First Floor Conference Room, Baltimore, Maryland, 21230. The public hearing will be held as required by federal law under the Clean Air Act. After consideration of comments received, the SIP will be finalized and submitted to the United States Environmental Protection Agency for approval.

This hearing information has been published on the Maryland Department of the Environment's website at <http://www.mde.state.md.us/aboutmde/AboutMDEHome/Pages/aboutmde/reqcomments.aspx>

And in the General Notices of the Maryland Register 4/15/16
<http://www.dsd.state.md.us/MDR/mdregister.html>

Copies of the document can be viewed at the offices of the Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland. Please contact Mr. Randy Mosier.

Comments must be received by 5 pm on **May 19, 2016**.

For more information or to submit comments, call/e-mail/ fax:
Randy Mosier, Chief, Regulation Development Division
Air Quality Planning Program
Air and Radiation Management Administration
Department of the Environment
1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720
Telephone: (410) 537-4488
Email: randy.mosier@maryland.gov

Thank you,
Carolyn Jones, P.E.
Regulatory and Compliance Senior Engineer

Air Regulations Development Division
Maryland Department of the Environment
1800 Washington Boulevard, STE 730
Baltimore, MD 21230-1720
[410.537.4210](tel:410.537.4210)
CarolynA.Jones@maryland.gov



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

David R. Craig, Secretary
Wendi W. Peters, Deputy Secretary

April 20, 2016

Mr. Randy Mosier
Chief, Regulation Development
Maryland Department of the Environment
1800 Washington Blvd. Suite 730
Baltimore, MD 21230-1720

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: MD20160415-0266

Project Description: Notice of Public Hearing on the Consent Agreement and "NOx Averaging Plan" for the Raven Power, a Revision to the Maryland's State Implementation Plan...Public Hearing on 5/19/2016 at 9:00 a.m., Comments by 5 pm, MDE 1800 Washington Blvd

Project Location: Maryland

Clearinghouse Contact: La Verne Gray

Dear Mr. Mosier:

Thank you for submitting your project for intergovernmental review. Participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps ensure project consistency with plans, programs, and objectives of State agencies and local governments.

Notice of your application is being provided to State and local public officials through the *Intergovernmental Monitor*, which is a database of projects received by the State Clearinghouse for Intergovernmental Assistance. This information may be viewed at <http://planning.maryland.gov/emircpublic/>. The project has been assigned a unique State Application Identifier that should be used on all documents and correspondence.

A "Project Status Form" has been enclosed and should be completed and returned after you receive notice that your project was approved or not approved.

All MIRC requirements have been met in accordance with Code of Maryland Regulations (COMAR 34.02.01.04-.06) and this concludes the review process for the above referenced project. If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at laverne.gray@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey, J.D., Assistant Secretary

LCJ:LG
Enclosure



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

David R. Craig, Secretary
Wendi W. Peters, Deputy Secretary

PROJECT STATUS FORM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

TO: Maryland State Clearinghouse
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

DATE: _____
(Please fill in the date form completed)

FROM: _____
(Name of person completing this form.)

PHONE: _____
(Area Code & Phone number)

RE: State Application Identifier: MD20160415-0266
Project Description: Notice of Public Hearing on the Consent Agreement and "NOx Averaging Plan" for the Raven Power, a Revision to the Maryland's State Implementation Plan...Public Hearing on 5/19/2016 at 9:00 a.m., Comments by 5 pm, MDE 1800 Washington Blvd

PROJECT APPROVAL			
This project/plan was:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Modification	<input type="checkbox"/> Disapproved
Name of Approving Authority:			Date Approved:
_____	_____		_____

FUNDING APPROVAL			
The funding (if applicable) has been approved for the period of:			
_____, 201__ to _____, 201__ as follows:			
Federal \$:	Local \$:	State \$:	Other \$:
_____	_____	_____	_____

OTHER
<input type="checkbox"/> Further comment or explanation is attached

**Statement of the Air and Radiation Management Administration
Department of the Environment
for the Public Hearing Relating to Consent Agreement with Raven Power and NOx
Averaging Plan
held on May 19, 2016
Baltimore, MD**

My name is Joshua Shodeinde. I am a Regulatory and Compliance Engineer with the Regulation Development Division of the Air and Radiation Management Administration, Maryland Department of the Environment.

This public hearing is being held pursuant to the requirements of the federal law found at §7410(a) (Clean Air Act) and 40 CFR Section 51.102 and Sections 2-301 and following of the Environment Article, Annotated Code of Maryland. It is also being held in conformance with the State Administrative Procedures Act under the State Government article, beginning at Section 10-101.

Notice of this hearing appeared in the: Maryland Register on April 15, 2016 and at the Maryland Department of the Environment Air and Radiation Administration webpage titled “Air Quality Planning Program”, from April 15, 2016 to May 19, 2016.

Copies of the proposed action and supporting documents were submitted for review to the State Clearinghouse and are also submitted at this time into the hearing record. Copies were also made available for public inspection at the Maryland Department of the Environment Air and Radiation Management Administration offices in Baltimore.

The purpose of today's hearing is to give the public an opportunity to comment on the Consent Agreement and NOx Averaging Plan prepared for Raven Power who owns and/or operates the Brandon Shores and H.A. Wagner electric generating stations located in Anne Arundel County Maryland.

Summary

Our State regulation COMAR 26.11.09.08 contains a provision that allows a person who owns or operates more than one unit to demonstrate compliance with systemwide emission standards through the use of an averaging plan. Raven Power has had a NOx averaging plan in place. In February 2016, Raven Power sold the C.P. Crane electric generating facility. With the sale of the C.P. Crane plant, Raven Power has committed to a new averaging plan for their remaining units at the Brandon Shores and H.A. Wagner power plants. This new averaging plan provides environmental benefits, because there are 20% less emissions allowed when averaging vs. if each unit was to comply individually. By regulation, this new NOx averaging plan cannot be used for compliance purposes until it has been approved by MDE and EPA. This consent order allows Raven Power to start using the plan now, and start providing environmental benefits, while EPA considers approval of the plan as a SIP revision.

Electric Generating Units in Maryland are still subject to other Code of Maryland Regulations (COMAR) and federal regulations. The Maryland Healthy Air Act COMAR 26.11.27 Emission Limitations for Power Plants requires coal-fired units to meet an ozone season and annual NOx mass cap. COMAR 26.11.38 Control of Nox Emissions from Coal-Fired Electric Generating Units requires units to minimize NOx emissions every single day of the summer and meet 24-hour average limits while also meeting the 30-day rolling average limits.

Maryland's State Implementation Plan (SIP)

This Consent Order and NOx Averaging Plan will be submitted to the U.S. Environmental Protection Agency as a revision to the Maryland's SIP. MDE will request this SIP to replace the existing SIP Revision 01-05 approved by EPA.

Consideration of Comments

The Department will consider all comments before making a decision to finalize the SIP.

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT
2 AIR AND RADIATION MANAGEMENT ADMINISTRATION

3
4
5 PUBLIC HEARING CONCERNING
6 A CONSENT AGREEMENT WITH RAVEN POWER
7 AND NOX AVERAGING PLAN
8
9

10 The hearing in the above matter commenced on
11 Thursday, May 19, 2016, at the MDE Headquarters,
12 Montgomery Park, 1800 Washington Boulevard, Baltimore,
13 Maryland.

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15
16 BEFORE: RANDY MOSIER, Hearing Officer
17

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19 Reported by: Jennifer Metcalf Razzino
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A P P E A R A N C E S

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ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:

RANDY MOSIER

Chief

Regulations Development Division

Air and Radiation Management

Maryland Department of the Environment

1800 Washington Boulevard, Suite 730

Baltimore, Maryland 21230

JOSHUA SHODEINDE

Regulatory and Compliance Engineer

Air and Radiation Management Administration

Maryland Department of the Environment

1800 Washington Boulevard, Suite 730

Baltimore, Maryland 21230

I N D E X

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<u>Speaker:</u>	<u>Page:</u>
Opening Remarks, Randy Mosier, MDE	4
Hearing Statement, Joshua Shodeinde, MDE	5

P R O C E E D I N G S

1
2
3 MR. MOSIER: Good morning. On behalf of the
4 Department of the Environment and the Air and Radiation
5 Management Administration, I would like to welcome you to
6 this public hearing.

7 My name is Randy Mosier and I am the Division
8 Chief with the Regulations Development Division for the
9 Air and Radiation Management Administration. I will
10 serve as hearing officer for today's hearing.

11 This hearing concerns a Consent Agreement with
12 Raven Power and NOx Averaging Plan dated in 2016. The
13 Secretary of the Department proposes to submit these
14 documents to EPA as a State Implementation Plan (SIP)
15 revision.

16 The purpose of this hearing is to give the
17 public an opportunity to comment on the Consent Agreement
18 and NOx Averaging Plan prepared for Raven Power who owns
19 and/or operates the Brandon Shores and H.A. Wagner
20 electric generating stations located in Anne Arundel
21 County Maryland. This consent agreement does not

1 eliminate any of the requirements of the state and
2 federal regulations that apply to these electric
3 generating facilities.

4 The Opportunity for Public Comment for this
5 proposed action appeared in the General Notices of the
6 Maryland Register, Volume 43, Issue 8, Page 516 on April
7 15, 2016.

8 It is now 9:16 a.m. and no one is in attendance
9 for this hearing. Therefore, I will ask Mr. Shodeinde to
10 submit his statement for the record.

11 MR. SHODEINDE: My name is Joshua Shodeinde.
12 Let the record now show that I am submitting my statement
13 for the record.

14
15 **Statement of the Air and**
16 **Radiation Management Administration**
17 **Department of the Environment**
18 **for the Public Hearing Relating to Consent Agreement with**
19 **Raven Power and NOx Averaging Plan**
20 **held on May 19, 2016**
21 **Baltimore, MD**

1 My name is Joshua Shodeinde. I am a Regulatory
2 and Compliance Engineer with the Regulation Development
3 Division of the Air and Radiation Management
4 Administration, Maryland Department of the Environment.

5 This public hearing is being held pursuant to
6 the requirements of the federal law found at §7410(a)
7 (Clean Air Act) and 40 CFR Section 51.102 and Sections 2-
8 301 and following of the Environment Article, Annotated
9 Code of Maryland. It is also being held in conformance
10 with the State Administrative Procedures Act under the
11 State Government article, beginning at Section 10-101.

12 Notice of this hearing appeared in the:
13 Maryland Register on April 15, 2016 and at the Maryland
14 Department of the Environment Air and Radiation
15 Administration webpage titled "Air Quality Planning
16 Program", from April 15, 2016 to May 19, 2016.

17 Copies of the proposed action and supporting
18 documents were submitted for review to the State
19 Clearinghouse and are also submitted at this time into
20 the hearing record. Copies were also made available for
21 public inspection at the Maryland Department of the

1 Environment Air and Radiation Management Administration
2 offices in Baltimore.

3 The purpose of today's hearing is to give the
4 public an opportunity to comment on the Consent Agreement
5 and NOx Averaging Plan prepared for Raven Power who owns
6 and/or operates the Brandon Shores and H.A. Wagner
7 electric generating stations located in Anne Arundel
8 County Maryland.

9 **Summary**

10 Our State regulation COMAR 26.11.09.08 contains
11 a provision that allows a person who owns or operates
12 more than one unit to demonstrate compliance with
13 systemwide emission standards through the use of an
14 averaging plan. Raven Power has had a NOx averaging plan
15 in place. In February 2016, Raven Power sold the C.P.
16 Crane electric generating facility. With the sale of the
17 C.P. Crane plant, Raven Power has committed to a new
18 averaging plan for their remaining units at the Brandon
19 Shores and H.A. Wagner power plants. This new averaging
20 plan provides environmental benefits, because there are
21 20% less emissions allowed when averaging vs. if each

1 unit was to comply individually. By regulation, this new
2 NOx averaging plan cannot be used for compliance purposes
3 until it has been approved by MDE and EPA. This consent
4 order allows Raven Power to start using the plan now, and
5 start providing environmental benefits, while EPA
6 considers approval of the plan as a SIP revision.

7 Electric Generating Units in Maryland are still
8 subject to other Code of Maryland Regulations (COMAR) and
9 federal regulations. The Maryland Healthy Air Act COMAR
10 26.11.27 Emission Limitations for Power Plants requires
11 coal-fired units to meet an ozone season and annual NOx
12 mass cap. COMAR 26.11.38, Control of Nox Emissions from
13 Coal-Fired Electric Generating Units requires units to
14 minimize NOx emissions every single day of the summer and
15 meet 24-hour average limits while also meeting the 30-day
16 rolling average limits.

17 **Maryland's State Implementation Plan (SIP)**

18 This Consent Order and NOx Averaging Plan will
19 be submitted to the U.S. Environmental Protection Agency
20 as a revision to the Maryland's SIP. MDE will request
21 this SIP to replace the existing SIP Revision 01-05

1 approved by EPA.

2 **Consideration of Comments**

3 The Department will consider all comments
4 before making a decision to finalize the SIP.

5 _____
6 MR. MOSIER: Okay. Thank you, Mr. Shodeinde.

7 The close of the comment period is 5:00 p.m.
8 today, as indicated in the public hearing notice. This
9 will conclude the public hearing regarding the proposed
10 Consent Order and NOx Averaging Plan with Raven Power for
11 a SIP Revision submittal.

12 Let the record reflect that it is now 9:17 a.m.
13 and this hearing is officially concluded.

14 **(Whereupon, the hearing was concluded)**

**Consent Order and NOx Averaging Plan
Raven Power**

May 19, 2016

No One Attended the Public Hearing
And
No Comments Were Received