

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION**

**FINAL DETERMINATION CONCERNING A PERMIT-TO-CONSTRUCT APPLICATION
SUBMITTED BY ALIGNED DATA CENTERS (MD) PROPCO, LLC FOR THEIR PROPOSED
FREDERICK MD DATA CENTER CAMPUS**

I. INTRODUCTION

The Maryland Department of the Environment, Air and Radiation Administration (ARA) received a permit-to-construct application from Aligned Data Centers (MD), Propco, LLC on July 1, 2024 for their proposed data center facility including the installation of the following air pollution emitting equipment:

- (1) One-hundred and sixty-eight (168) emergency generators, each equipped with a diesel fired engine rated at 3,000-kilowatts, and each controlled by a Selective Catalytic Reduction (SCR) system; and
- (2) Four (4) emergency generators, each equipped with a diesel fire engine rated at 1,000-kilowatts.

The data center facility will be located at 5601 Manor Woods Road in Frederick, Maryland 21703 in Frederick County.

On October 16, 2024, an informational meeting was held at Carroll Manor Elementary School located at 5624 Adamstown Road, Adamstown, Maryland 21710 to provide interested parties opportunities to discuss with the company and the Department the permit application and the proposed project.

After reviewing the application and other pertinent information, the Department made a tentative determination to issue a permit-to-construct that would authorize construction of the emergency generators as proposed in the company's applications. A draft permit with draft conditions was made available for public review on the Department's website.

On December 11, 2024, a public meeting was held at Carroll Manor Elementary School located at 5624 Adamstown Road, Adamstown, Maryland 21710 to provide interested parties an opportunity to comment on the Department's tentative determination and draft permit conditions.

II. COMMENTS RECEIVED AND THE DEPARTMENT'S RESPONSE

The public comment period on the application expired on December 30, 2024. The comments and questions received during this process and the Department's responses are attached.

III. DEPARTMENT'S FINAL DETERMINATION

The Department has reviewed the application and the comments received and has determined that the proposed project will not cause violations of any applicable air pollution control regulations. The Department has made a final determination to issue the permit-to-construct, effective January 30, 2025.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION
RESPONSE TO COMMENTS
FOR
ALIGNED DATA CENTERS (MD), PROPCO, LLC
FREDERICK, MD DATA CENTER CAMPUS
5601 MANOR WOODS ROAD
FREDERICK, MARYLAND 21703**

Meeting Date: December 11, 2024
Carroll Manor Elementary School
5624 Adamstown Road
Adamstown MD 21710

Purpose of the Meeting:

The purpose of the public meeting was to receive comment on the Maryland Department of the Environment's draft air quality permit to construct for a proposed data center facility including the installation of the following air pollution emitting equipment:

- (1) One-hundred and sixty-eight (168) emergency generators, each equipped with a diesel fired engine rated at 3,000-kilowatts, and each controlled by a Selective Catalytic Reduction (SCR) system; and
- (2) Four (4) emergency generators, each equipped with a diesel fire engine rated at 1,000-kilowatts.

The data center facility will be located at 5601 Manor Woods Road in Frederick, Maryland 21703 in Frederick County.

Attendance:

Six members of the public, a representative from Frederick County Executive Jessica Fitzwater's office, and Renee Knapp from the Frederick County Council attended the meeting. Shannon Heafey of the Air and Radiation Administration (ARA) of the Maryland Department of the Environment (the Department) presided as the meeting moderator. Suna Yi Sariscak presented the Department's statement regarding the draft permit. Aligned Data Centers (MD) PropCo, LLC (Aligned) was represented by Jessica Baker and Michael Powell. Karen Willoughby from For the Record, Inc. served as the hearing's court reporter.

Comment Period:

The comment period was open from November 25, 2024 through December 30, 2024. Comments were received from the public both at the meeting and in writing. The public meeting transcript and written comments received are enclosed with this document.

Index:

- A. Questions Received Via E-Mail on October 6, 2024
- B. Questions Received Via E-Mail on October 12, 2024
- C. Questions and Comments Received During the Public Comment Meeting and Written Comment Period

A. Questions Received Via E-Mail on October 6, 2024

- 1. The application gives estimated hours of operation for each diesel generator, however what is the penalty for operations that exceed this estimate?
- 2. If there is no penalty, is there any usage time that would require a penalty?
- 3. Would the penalty be for overall usage or a single generator?
- 4. Would the penalty be or monthly, quarterly or yearly overages?

Response to Questions A1-4:

The overarching premises wide emissions limit that applies to the data center is 25 tons of oxides of nitrogen (NOx) per rolling 12-month period, making Aligned a minor source. However, limits on operating hours and fuel usage in addition to other operating, monitoring, testing, record keeping and reporting conditions are necessary to demonstrate compliance with the premises wide NOx emissions limit. These additional limits are included in the air quality permit to construct. If Aligned exceeds any of the limits they would, depending on the nature or severity of the violation(s), they would be subject to enforcement action to remedy the violation and potentially to seek financial penalties.

- 5. At this time, reporting of hours of operation is only due yearly, will you mandate that Aligned report overages if they occur monthly and if/when they ever surpass their estimate?

Response to Question A5:

Air quality permits include a variety of reporting requirements based on the nature of the equipment/processes and expected emissions. The air quality permit to construct for this project requires semi-annual reporting of premises wide emissions of all pollutants – oxides of nitrogen (NOx), carbon monoxide (CO), volatile organic compounds (VOC), sulfur oxides (SOx), particulate matter (PM, PM-10, PM-2.5), greenhouse gases, and hazardous air pollutants, fuel consumption, and operating hours. Aligned will also be required to report within 15 days following the month of the occurrence any instance where the premises wide NOx emissions and/or fuel consumption exceed the limits specified in the permit.

- 6. When you receive the Aligned usage reports, are you mandating for them to report non-SCR and SCR numbers?

Response to Question A6:

Aligned's application includes expected operation of the engines with and without the SCR control device and at varying loads. The air quality permit to construct includes record keeping conditions that require Aligned to track the load levels and hours of operation with and without the SCR control device for each engine.

7. The pollution estimates are based off the equipment manufacturer's specification, are the installation and periodic check that you will do to ensure that the equipment is working up to the specification presented?

Response to Question A7:

The Department requested and received information from the manufacturer that supports Aligned's proposed testing and maintenance plan to ensure the engines meet manufacturer specifications. The air quality permit to construct ensure that Aligned meets these specifications through the imposition of applicable permit provisions regarding testing, recordkeeping, and reporting.

8. Do you require Aligned to conduct stack testing of each generator? And how often is it required? i.e., monthly, quarterly, yearly?

Response to Question A8:

The air quality permit to construct requires initial stack testing of the first fourteen (14) emergency generators. Performance measured during this initial test period will inform the level and frequency of the testing regime for the overall units covered by the permit and any additional stack testing of future emergency generators will be included in Aligned's facility wide State Permit to Operate that will be issued following the initial temporary operating period outlined in the permit to construct.

9. What are the reporting procedures and requirements for non-compliance? Will you notify the local public about noncompliance?

Response to Question A9:

The air quality permit to construct includes specific reporting requirements, including a requirement for Aligned to report within 15 days following the month of the occurrence any instance where the premises wide NOx emissions and/or fuel consumption exceed the limits specified in the permit.

At this time, the Department uses the Open MDE portal to communicate citizen complaints, compliance inspections, compliance violations, enforcement actions and expired or extended permits to the general public. You can find the Open MDE portal online at this link:

<https://mde.maryland.gov/Pages/Open-MDE.aspx>

10. If the site power goes off for a sustained period longer than 5 hours, do they have to report that to you and the local community immediately? Is there a penalty for this? If not, how many hours of sustained operation would warrant a penalty?

Response to Question A10:

If the primary power to the facility is unavailable due to emergency circumstances, there is no limit on operation of the backup engines until primary power is restored. In accordance with federal emergency engine guidelines, operation for emergencies does not count toward a facility's potential emissions. In addition, there is no requirement to notify the public when the emergency generators are operating.

However, the Department has requested that Aligned add an expected amount of emergency operation to their potential emissions estimate to further ensure that in addition to testing and maintenance, they will remain below the applicable major source limit for NOx emissions. Aligned is also required to document all times when the engines are operated and the purpose of operation.

- 11. It is stated “If any of the sensors is out of the manufacturer’s suggested operating range, an alarm will sound to alert operators.” What is the process that the operator must follow if this error condition occurs? Do they report this to the MDE and the local public?**

Response to Question A11:

Aligned must operate and maintain the emergency generators and associated SCR control systems in accordance with manufacturer specifications and continuously monitor and record operating parameters to ensure proper operation. If any of the operating parameters measured indicate improper operation, Aligned must take steps to prevent an excess emissions event by adjusting operations, performing maintenance, and/or shutting down the emissions unit if needed. If Aligned is unable to prevent excess emissions from occurring, reporting is required as specified in the permit to construct. The Department will take into consideration the facts surrounding the basis for the excess emissions and any impacts in determining whether or to what degree enforcement action should be undertaken.

- 12. What is the schedule for periodic inspections of the diesel storage vessel?**
- 13. What are their document procedures for filling the tank? Do they have adequate clean up procedures if a spill happens? Are they required to notify MDE and the local public if this happens?**

Response to Question A12-13:

Diesel fuel storage tanks are exempt from air quality permitting requirements per COMAR 26.11.02.10Q(6). Storage of diesel fuel and the procedures for permitting, spill containment, and response is handled by MDE's Oil Control Program. You can view information on aboveground oil storage requirements here:

<https://mde.maryland.gov/programs/land/OilControl/Pages/asthome.aspx>

14. Will MDE test the sulfur content of the diesel?

Response to Question A14:

The Department will not routinely test the sulfur content of the diesel fuel. The permit to construct requires the use of ultra-low sulfur diesel fuel; and each fuel shipment must include a certification of the sulfur content from the fuel supplier. The Department reserves the right to test fuel content at any time should the situation warrant.

15. Will the MDE make all diesel operational data available to the public yearly without a request for information?

Response to Question A15:

At this time, the public may file a Public Information Act (PIA) request for diesel operational data for this facility. A PIA request can be made online here:

<https://mde.maryland.gov/PROGRAMS/MARYLANDER/PUBLICINFOACT/Pages/index.aspx>

The Department may consider making data center operational data available in the future as more data center facilities are located in Maryland.

16. Does MDE look at each diesel generator separately or does MDE look at them as an aggregated group? This is especially important for pollution when all the generators are operating at the same time.

Response to Question A16:

The Department's technical review of the permit application involved looking at the engines individually and as an aggregated group, as applicable air quality regulations apply to a specific emissions unit, a group of units, and an entire premises as a whole.

17. Does MDE have a public web site that list all the requirements of these type of generators? i.e., how many hours a month. quarterly, year can they operate without a penalty, what are the maximum pollutants can they emit monthly, what is the maximum sulfur content of the fuel?

Response to Question A17:

The Department does not have a specific website that lists requirements specifically for emergency generators. Each air quality permit is drafted on a case-by-case basis since air quality regulations can vary based on the location of the facility, the number of emergency generators, the size and type of the emergency generators, and other factors. All of the emergency generators will be mainly subject to federal stationary engine requirements under 40 CFR 60, Subpart III. You can find the federal regulations online here:

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-III>

The Department has included all applicable federal and State air quality requirements specific to Aligned's project in the permit to construct.

B. Questions Received Via E-Mail on October 12, 2024

- 1. The overarching premises wide emissions limit that would apply to the data center is 25 tons of oxides of nitrogen, does this mean that there are no limits on PM2.5, sulfur dioxide, hydrocarbons and GHG emissions?**

Response to Question B1:

An overarching premises wide limit on NOx emissions does not mean that there are no limits on other pollutants. For the facility to remain in compliance with the premises wide emissions limit of 25 tons per year of NOx, the operation of the emergency engines will be limited so that any other emissions (CO, VOC, SOx, PM, PM-10, PM-2.5, greenhouse gases, and hazardous air pollutants) will not exceed their respective major source thresholds.

There are also applicable short-term emissions limits for certain pollutants as required by State and federal engine regulations.

- 2. If Aligned exceeds any of the limits, it would be nice to detail the next steps.**
 - a. What are the enforcement actions?**
 - b. What are the penalties?**
 - c. What violation level would cause MDE to order them to stop operations?**
 - d. How do you notify the public of your enforcement activities? (Will this be reported on <https://mde.maryland.gov/Pages/Open-MDE.aspx>)**
 - e. Currently, the Aligned site has violated many MDE regulations, are there any additive enforcement activities for multiple unrelated violations?**

Response to Question B2:

There is no standard enforcement pathway. Each case is shaped by the extent and duration of the violations, the willfulness of the owners or operators allowing them to occur, the harm violations may cause to public health or the environment and several other factors. If Aligned exceeds any limits imposed by an air quality permit issued by the Department, Aligned would be subject to enforcement action and potential penalties that are dependent on the factors mentioned. The Department has administrative, civil and criminal penalty authorities under the Environment Article, each having separate upper financial limits. Financial penalty authorities aside, the Department has adequate legal authority to order Aligned to remedy a noncompliant situation, including requiring the company to cease operation if conditions so warrant. Any order issued by the Department is subject to appeal.

Currently, the Department uses the Open MDE portal to communicate citizen complaints, compliance inspections, compliance violations, enforcement actions and expired or extended permits to the general public. You can find the Open MDE portal online at this link:

<https://mde.maryland.gov/Pages/Open-MDE.aspx>

All enforcement actions are referred to the Office of Attorney General (OAG). If there are multiple unrelated violations, this fact would be brought to the attention of the OAG to be used as appropriate during the course of enforcement deliberations.

3. Will MDE take baseline AQ measurements at the site before the new generators are installed and tested?

Response to Question B3:

Site-specific, pre-construction monitoring is not required by State or federal air quality regulations for this project. The Department utilizes a statewide air monitoring network, operated in accordance with EPA guidelines, to measure the concentrations of criteria pollutants in Maryland's ambient air. The measurements are used to project statewide ambient air quality and currently indicate that Frederick County complies with the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, particulate matter, carbon monoxide, nitrogen dioxide, and lead.

Ground level ozone continues to present a problem for the entire Washington metropolitan area, which is classified as a non-attainment area for ozone. The primary contributors to the formation of ozone are emissions of oxides of nitrogen, primarily from combustion equipment, and emissions of Volatile Organic Compounds (VOC) such as paint solvents and gasoline vapors. Frederick County is included in the non-attainment area for ozone. The proposed project is a minor source of emissions of oxides of nitrogen that is not expected to have a significant impact on ground level ozone concentration.

4. Are there any exceptions during the initial startup period, when it is expected they may need to run longer than they do during routine testing?

Response to Question B4:

The air quality permit to construct does not allow any exceptions to applicable air quality requirements during initial startup.

5. Since this is the first implementation of SB 474, I strongly recommend that MDE make diesel operational data available to the public quarterly. This would go a long way to building trust and confidence in the implementation of SB 474.

Response to Question B5:

Thank you for your suggestion. The Department may consider making data center operational data available in the future as more data center facilities are located in Maryland.

- 6. Since there does not seem to be any monitoring or limits on sulfur dioxide emissions, what would warrant MDE to test for the sulfur content in the fuel?**

Response to Question B6:

The permit to construct requires the use of ultra-low sulfur diesel fuel, and each fuel shipment must include a certification of the sulfur content from the fuel supplier. Ultra-low sulfur diesel with a sulfur content of no more than 15 ppm is widely available and certified to meet the sulfur standard. The Department reserves the right to test fuel content should the situation warrant and that may include any instance where the Department believes certified ULSD is not being used.

- 7. At what point will MDE begin looking at aggregate emissions for the Adamstown site? We know that construction of the first of several Rowan data centers is already in progress so their AQ permit applications must be coming soon if not already in progress.**

Response to Question B7:

At this time, aggregate emissions from unrelated air pollution sources in the same area are not considered when evaluating an air quality permit application subject to State and federal air pollution control requirements under the Clean Air Act. Any decisions regarding future emissions sources in the same area will be evaluated at that time.

- 8. Not emissions related, but a major community concern: Is there a state agency that is responsible for sound monitoring and reporting?**

Response to Question B8:

The Department does not enforce noise regulations. All noise regulations and noise enforcement authority are handled by local governments. In Frederick County, noise complaints should be referred to the following:

Sheriff's Office
110 Airport Drive East
Frederick, MD 21701
301-600-1046

Also, as part of the air quality application Aligned has included a copy of the noise study for the first building to be constructed as part of the data center project that has been approved by Frederick County. The noise analysis will be updated and submitted to Frederick County for review and approval for each phase of construction.

C. Comments Received During the Public Comment Meeting and Written Comment Period

- 1. Part D2 item 4-C In emergencies, generators can run without constraints. Later on, you set a constraint of 24 tons NOx per year. Please specify this constraint in Part D2 item 4-C.**

Let's say the power does go off for a long period of time and they have to run the generators. I know that's not the plan because the power is really stable out here, but what happens if they have to run for a week straight and they go over the ton limit? What's the next step? So just spell that out of what's the next step in case this event does happen.

Response to Comment C1:

Part D2, Condition 4(b) of the permit, not 4(c) as indicated in the comment, states that there is no time limit on the use of an emergency generator in emergency situations.

Part D3, Condition (1) of the permit limits premises wide emissions of NOx to less than 25 tons in any rolling 12-month period.

Federal regulations state that in an emergency, an emergency engine can operate without meeting federal control requirements or emission limits. Aligned is allowed to exceed the limit in Part D3, Condition (1) of the permit IF the emissions are generated during emergency use, where there is a loss of primary power outside of the facility's control. However, as an added protective measure, the Department required Aligned to demonstrate that premises wide emissions of NOx would still be less than 25 tons in any rolling 12-month period while accounting for normal, short-term power outage situations. Severe weather or other catastrophic events that would require longer term emergency power are rare, and it is not expected that Aligned would regularly exceed their premises wide emissions limit for NOx due to emergency operation.

In the event of an exceedance, Aligned is required to notify the Department within 15 days of the occurrence so that the Department can review records and determine whether an emergency situation warranted operation of the emergency generators in excess of the NOx emissions limit.

- 2. In Part C, item 6. You state: Each monitoring device shall be equipped with a mechanism to detect parameters that are outside of the manufacturer's recommended operating conditions for proper operation and trigger an alarm to notify the operator when the emergency generator or control device is not operating within manufacturer's recommended operating conditions. Please add a restriction that if a trigger alarm goes off, the operator has 10 minutes to shut down that generator, they must document the failure and document the repair that put it back into compliance.**

Response to Comment C2:

The permit requires Aligned to operate and maintain each emergency generator according to the manufacturer's emission-related written instructions. Aligned must also continuously monitor and record control device operating parameters as indicated in the permit.

An alarm condition does not necessarily indicate that the emergency generator or control device is causing a violation of an applicable air quality standard and must be shut down. The alarm is a notification to the operator to check the operation of the generator or control device and make adjustments to bring the parameters back into the manufacturer's recommended operating conditions. Aligned must keep records of all manufacturer recommended specifications and control device monitoring data, and all maintenance performed and the dates and actions taken. The Department would review those records to determine if Aligned operated outside of manufacturer recommended specifications and whether a violation of an applicable air quality standard occurred during that time

- 3. In Part D3, please add a site wide restriction that maintenance testing can only be done between 7am and 5pm Eastern time.**

Are these generators going to be tested during the day, during the night?

Response to Comment C3:

The Department evaluates a project's emissions for compliance with applicable air quality standards. There are no applicable standards for this project that limit the time of day the equipment can operate and no permit limiting when the generators can be tested. However, Aligned has indicated that they plan to test only during daylight hours.

- 4. In Part F item 3, add a condition that if generator fails the performance test; 10 additional units have to be tested. An additional 10 units will be continually added until all 10 new generators pass. Also, that the emissions exhausted for testing count towards the overall 24 tons NOx allowed.**

Response to Comment C4:

Emissions from all maintenance and testing operations, including performance testing, count toward the overall premises wide limit of less than 25 tons of NOx emissions per rolling 12-month period. Part D3(3) of the permit specifically indicates that performance testing emissions are subject to the premises wide limit.

Performance tests are required to ensure the emergency generator and control device are operating properly and to determine the NOx concentration under load. If the test results show higher than expected results, additional testing of that same unit would be required. Since the facility will be built in stages, the permit serves as a temporary operating permit and requires initial performance testing of the first 14 emergency generators installed within 180 days of the startup date of each generator.

Performance measured during this initial test period will inform the level and frequency of the testing regime for the overall units covered by the permit and any additional stack testing of future emergency generators will be included in Aligned's facility wide State Permit to Operate that will be issued following the initial temporary operating period outlined in the permit to construct.

- 5. Fines: If the overall emissions exceed 24 tons in a 12-month period. The permit holder is subject to fines and has to apply for a major non-attainment New Source Review and Title V – Part 70 operating permit within 30 days of violation or their permit is terminated.**

Response to Comment C5:

The Department would investigate any instance where premises wide NOx emissions were 25 tons or greater in any rolling 12-month period to determine why the exceedance occurred and whether emergency operations were included. If an enforcement action is warranted, an appropriate remedy based on the circumstances surrounding that action, including the possibility of requiring Aligned to apply for a major New Source Review Approval and/or a Title V – Part 70 Operating Permit would be sought.

- 6. If a Spare the air day is issued for the 10-mile surrounding area of the site, maintenance use operations are not allowed until the condition is rescinded.**

Response to Comment C6:

There are currently no State or federal applicable standards for this project that limit the time of day the equipment can operate.

- 7. The overall site is limited to an hourly limit of 100 parts per billion (ppb) NOx and 100 tons NOx per year. Each operator on the site will have to coordinate their uses with other operators to comply. If limit is violated, all operators are viewed as being non-compliant and are subject to fines or will be required to submit a major non-attainment New Source Review and Title V – Part 70 operating permit.**

Response to Comment C7:

The Department is not aware of a State or federal total cap on hourly or annual NOx emissions from the entire data center development site. These are not limits that trigger the applicability of a major non-attainment New Source Review Approval or Title V – Part 70 Operating Permit under the Clean Air Act. Aligned's data center campus is limited to less than 25 tons of NOx per rolling 12-month period.

- 8. Would you or Governor Moore want to live within earshot of 1,000 or more diesel generators?**

How are you going to monitor noise?

Response to Comment C8:

Please see response to Question B8 of this document.

- 9. A spill of diesel is inevitable with so many operating. Your inspections have been lax so far when it comes to ground and surface water contamination.**

There's got to be some type of, whether it's 5,000, 10,000, 20,000 gallon holding tank diesel fuel on site, and not a word has been mentioned about is there an impervious enclosure so that if something happened where that unit ruptured, would that diesel fuel be contained.

Response to Comment C9:

With respect to storage and handling of diesel fuel, please refer to the Response to Question A12-13 of this document.

- 10. MDE can and should use its authority within the Air Quality Permits Program to require Aligned Data Centers to use the best available technology to reduce air and noise pollution. With the widespread availability of Tier 4 generators, requiring the use of Tier 4 or higher generators would not be onerous for the applicant and could mitigate negative impacts of this development.**

Response to Comment C10:

For the 168, 3,000-kilowatt emergency generators, Aligned is using Tier 2 engines with added pollution controls to reduce emissions to levels similar to using Tier 4 engines. Aligned has indicated that due to long lead times for engine generators, Aligned orders them in bulk to support their developments across the country. Since different areas have different regulations, Aligned has determined that the appropriate strategy for their operations is to add the aftermarket controls to suit the jurisdictional needs.

- 11. Were there any background studies to show what particular NOx and SO2 fine particulate matter are on the site before you do testing? Have you got any background testing to measure as opposed to what may be coming?**

Response to Comment C11:

See response to Question B3 of this document.

- 12. So some of these units, when they're fired, are they going to be -- the gases be sent into a stack? Is that where you're going to do your monitoring, monitor the stacks? How are those units, the gases, once that diesel burns, are those units self-monitoring?**

Response to Comment 12:

The permit requires Aligned to continuously monitor and record operating parameters such as hours of operation, fuel usage, and electrical output, catalyst bed temperature and differential pressure, and inlet and outlet NOx concentrations to ensure that the emergency generators and control devices are operating in accordance with manufacturer specifications. Each monitoring device shall be equipped with a mechanism to detect parameters that are outside of the manufacturer's recommended operating conditions for proper operation and an alarm to notify the operator when the emergency generator or control device is not operating within manufacturer's recommended operating conditions. In addition, initial stack performance testing of the exhaust gases will be required for the first fourteen emergency generators installed. Subsequent testing of additional units will be required in the facility's air quality State Permit to Operate.

13. Are these going to be new units or used units?

Response to Comment 13:

All emergency generators installed will be new units certified to meet EPA Tier emissions standards for emergency operation based on the size and model year of the engines.

14. Who's going to inspect the operation of all those potential generators?

Who's going to monitor this stuff? Is the Maryland Department of Environment, are they going to be there, or are they going to rely on Aligned to have their people?

Response to Comment C14:

The Department's Air Quality Compliance Program will conduct inspections to ensure that Aligned is not operating in violation of air quality regulations or permit conditions. These inspections generally include visible emissions observations and odor surveys. Records and logbooks on source operations are also reviewed. Should a violation of any provision of a permit or a direct regulatory requirement occur, the Department has adequate legal authority to compel a facility to take the necessary measures to address the violation and bring the operation back into compliance.

15. What kind of environmental, for the fuel, if it spills, and then how are they going to get their electric? Is it going to come from the power lines, the high voltage lines?

Response to Comment C15:

Aligned's Frederick MD Data Center Campus will receive primary electric power from the local utility. The emergency generators would only operate in the event that primary power from the local utility is not available outside of the facility's control. The facility has built in redundancy so that if one backup emergency generator cannot operate for any reason, there are other generators available that can be operated to provide backup emergency power if needed.

16. What are they going to use to cool the data center? Is it going to be water, the gray water that comes from the county or natural water or well water? We're already dealing with the water tables being lowered.

Response to Comment C16:

Aligned deploys air-cooled systems and will not be using cooling water for these operations.

17. There is a concern that there will be a dust issue from the on-going data center construction activities.

Response to Comment 17:

COMAR 26.11.06.03D requires reasonable precautions such as the use of water or other dust suppression techniques to prevent particulate matter from becoming airborne from materials handling and construction activities. Fugitive dust complaints can be made by calling the Department's Air Quality Compliance Program at (410) 537-3215.

In the Matter of:
Maryland Department of the Environment

*December 11, 2024
Public Hearing*

Condensed Transcript with Word Index



For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

Public Hearing

Maryland Department of the Environment

12/11/2024

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT
2 AIR AND RADIATION ADMINISTRATION
3 1800 Washington Boulevard
4 Baltimore, Maryland 21230
5
6 PUBLIC HEARING
7 PERMIT APPLICATION SUBMITTED BY:
8 ALIGNED DATA CENTERS PROPCO, LLC
9
10 CARROLL MANOR ELEMENTARY SCHOOL
11 5624 ADAMSTOWN ROAD
12 ADAMSTOWN, MARYLAND 21710
13 DECEMBER 11, 2024
14 6:07 p.m.
15
16
17
18
19
20
21
22 Reported by: Karen Willoughby, CER

1 P R O C E E D I N G S
2 - - - - -
3 MS. HEAFHEY: Okay. My name is Shannon
4 Heafey. I'm from the Air Quality Permits Program.
5 I am the Public Participation Coordinator and I'm going
6 to be serving as the Master of Ceremonies here tonight.
7 I want to thank you all for coming out in
8 this dreadful weather. This is a public informational
9 comment session for this permit application for Aligned
10 Data Centers. It's for the installation of 168
11 diesel-fired emergency generators rated at 3,000
12 kilowatt, and four diesel-fired emergency generators
13 rated at 1,000 kilowatts. They will be located at 5601
14 Manor Woods Road in Frederick.
15 Also here from the Department is Ms. Suna
16 Sariscak. She's our program manager and she will be
17 giving a presentation before we take comments.
18 The company is being represented by Mr.
19 Michael Powell, Energy and Environmental Consultant,
20 Ms. Jessica Baker, a Senior Director of Technical
21 Program Management.
22 The Department has made a tentative

1 A T T E N D E E S
2 - - - - -
3 Ms. Shannon Heafey, MDE
4 Ms. Suna Yi Sariscak, MDE
5 Ms. Janel Dutton, MDE
6 Ms. Jessica Baker, Aligned Data Centers
7 Mr. Devon Peart, Frederick County Government
8 Ms. Renee Knapp, Frederick County Council
9 Mr. William Jamison, Citizen
10 Mr. Gene Butler, Citizen
11 Mr. Dave Arndt, Climate Justice Wing
12 Ms. Gabrielle Lewis, Frederick News Post
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2
3 determination that the permit meets all applicable air
4 quality rules and regulations and can be issued.
5 This comment session is to offer citizens
6 the opportunity to formally comment on the Department's
7 tentative determination and draft permit conditions or
8 to submit written statements to the Department during
9 the comment period. And they can be sent to my
10 attention via email. My card is out on the table where
11 you signed in. It has my email address.
12 The docket of information containing the air
13 quality application, the tentative determination, and
14 the draft permit conditions is available at the MDE
15 website. It's under the Air tab, and then go to
16 Permits, and then they're on the Permits page. There
17 are a number of tables.
18 You will scroll down to a table that says
19 alternate public review procedures for certain sources
20 subject to new source performance standards. It will
21 be NSPS in parentheses. You will find all the
22 information for Aligned Data Centers under that table.
The statements entered into the record, your
comments this evening, and any written comments will be

1 (Pages 1 to 4)

<p>1 kept on file at the Department for a minimum of five 2 years. And the comment period will remain open through 3 December 30, 2024.</p> <p>4 At the conclusion of the comment period, all 5 comments received will be addressed in a document 6 called the Response to Comments that will be prepared 7 by the Department and sent to the commenters and those 8 who participated in the first informational meeting and 9 tonight, and anyone else who signed up.</p> <p>10 If anyone hasn't signed up on the sign-in 11 sheets, please make sure that you did if you would like 12 to get additional information as we go through this 13 process.</p> <p>14 If the Department does not receive any 15 comments it considers to be adverse to the tentative 16 determination, that determination will become the final 17 decision at the end of the comment period.</p> <p>18 Ms. Sariscak will give a presentation 19 statement about the tentative determination and then 20 comments for the record are invited. We do have a 21 court reporter this evening. You can come up and speak 22 in the microphone. She's got recorders on both sides</p>	<p>5</p> <p>1 for an air quality permit to construct application for 2 a proposed data center facility. And what is part of 3 an air quality permit application actually is not the 4 data center building itself, but it's the installation 5 of the following air pollution emitting equipment. 6 So it is 168 emergency generators. They're 7 each rated at 3,000 kilowatts and they're each equipped 8 with a diesel fired engine controlled by what's called 9 a selective catalytic reduction emissions control 10 system. 11 In addition to 168 of those emergency 12 generators, there are four smaller generators. Each of 13 those emergency generators are rated at 1,000 kilowatts 14 and they are equipped with a diesel fired engine. 15 So the public comment process, I think you 16 heard Shannon talk a little bit about the alternate 17 public review. Emergency generators are subject to 18 what's called the federal new source performance 19 standards under the Code of Federal Regulations, and 20 it's 40 CFR Part 60. 21 And in Maryland law, what's stated in 22 Maryland law is that the Department must provide an</p>
<p>6</p> <p>1 so we can get all the testimony. And what I will ask 2 is that you state your name and spell it for the 3 reporter for our records. 4 At this point, I'm going to ask Ms. Sariscak 5 to come and do her presentation and then I'll ask for 6 comments. 7 MS. SARISCAK: Hi, everyone. As Shannon 8 said, my name is Suna Yi Sariscak. I apologize, it's 9 a mouthful. I am the manager of the air quality 10 permits program. I've spent my entire career at MDE 11 writing air quality permits so this one ended up in my 12 lap to handle. 13 I'm here today to deliver the Department's 14 statement about our tentative determination to issue an 15 air quality permit to construct to Aligned Data Centers 16 for their proposed Frederick, Maryland Data Center 17 campus. 18 So just a little bit of background, and I 19 apologize. I'm kind of like -- maybe I should face 20 this way. That might be easier. 21 Okay. So just for a little bit of 22 background. We received an application on July 1, 2024</p>	<p>8</p> <p>1 electronic notice of the permit application and allow 2 the public to comment on any permit application for an 3 air pollution source subject to NSPS. So we did do 4 that. We put the permit application online and on 5 October 16, 2024, right here in this same room, we had 6 a meeting to present the application to the public. 7 So that's what Maryland law requires, but 8 we did want to go a little bit further because we know 9 this is like the first of its kind of a large data 10 center in the state of Maryland. So we wanted to be 11 able to offer the public an opportunity to also comment 12 on the draft permit prior to it being issued. 13 Okay. So this is our preliminary 14 determination. Following the public application 15 meeting we conducted the technical review of the 16 application and that review included verifying the 17 estimated emissions from the project, determining all 18 the applicable federal and state regulations that apply 19 to the engines, and evaluating other data center air 20 quality permits from other states. 21 This is really important because the state of 22 Virginia has over 130 of these data centers already</p>

<p>1 just in Northern Virginia alone. So we talked 2 extensively with other states, but especially Northern 3 Virginia, and talked to them about what's in their 4 permits and some of the issues that they've 5 encountered, you know, by permitting these facilities. 6 So we did take a really hard look at their 7 permits to see what we could do differently in Maryland 8 and probably add additional requirements in there as 9 well based on feedback from the state of Virginia. 10 So on November 25th, we released a draft air 11 quality permit to construct. It was released on our 12 website. We sent out an email blast on November 25th, 13 and so the air quality permit to construct has been 14 open for public review and comment. 15 Okay. So what is in this permit to 16 construct? The draft permit is up online, but after 17 you look at the cover sheet on the second page, there's 18 what we call like a summary of covered installations 19 and processes. 20 This is a little confusing for some people 21 because the way that it's numbered on a table is how 22 we -- the air quality permits program works</p>	<p>9 1 of the buildings, and then one of the 1,000 kilowatt 2 generators. So we numbered them by building. So 3 that's the first part of the summary. 4 So general provisions. This is the section 5 that talks about that the Department and the county 6 have the right to enter the site, to demonstrate 7 compliance with the permit. It talks about the 8 application that was received. 9 Then we have the applicable air quality 10 requirements, and that's a summary of all of the 11 federal and state regulations, air pollution 12 regulations that apply. 13 Next, the more important parts of the 14 construction and operating conditions. These sections 15 are pretty extensive, and I'll go into detail a little 16 bit more about what's in the permit. Then we have 17 monitoring and testing. 18 And then we have a compliance demonstration 19 section. This is somewhat new for this particular 20 permit because we wanted to make sure that the 21 Department, the compliance program, and the company 22 were in agreement on how they were required to</p>
<p>1 hand-in-hand with our air quality compliance program 2 because the compliance program enforces the conditions 3 that we write in the permit. So we worked with the 4 compliance program and we said, well, there's 168 of 5 these. Do you want 168 numbers? 6 They did not want 168 numbers. So we worked 7 really closely to develop a document that was going to 8 be enforceable because once this permit is issued, if 9 it is indeed issued, that the air quality compliance 10 program would need to enforce the conditions of the 11 permit. So we worked with them to ensure that the 12 compliance program would be comfortable with how it was 13 issued. 14 So the way it's set up is the summary of 15 covered installations is by building. So this project 16 is going to be four buildings built over the course of 17 several years. I believe it's 2029, right? I think 18 2029. And so we decided to number them by the 19 building. 20 Each of the four buildings is also going to 21 have one of the smaller generators as well. So there's 22 going to be forty two 3,000 kilowatt generators in each</p>	<p>10 1 demonstrate compliance. And then there's also record 2 keeping and reporting. 3 So the applicable air quality requirements. 4 These emergency generators must meet the federal NSPS 5 engine requirements. And what those requirements are, 6 each engine must be certified to meet emergency 7 emission standards, and they must be constructed, 8 operated, and maintained according to manufacturer 9 specifications. 10 The generators can only be operated for 11 testing and maintenance and emergency purposes only, 12 and must use ultra-low sulfur diesel fuel. So that's 13 all required in the permit based on what's required in 14 the NSPS. 15 So in addition to that, due to the large 16 number of the emergency generators, this facility has 17 to have premises-wide limits on their facility-wide 18 emissions, because there's so many of these generators 19 that could be operating. 20 The premises-wide emissions of oxides of 21 nitrogen, which is called NOx, must be less than 25 22 tons for a rolling 12-month period. So the NOx</p>

<p>1 emissions have to be less than 25 tons so that the 2 facility can be considered a minor source, and not a 3 major source of NOx emissions.</p> <p>4 So in addition to complying with that 5 premises-wide limit, they have to use NOx control 6 devices, which is the Selective Catalytic Reduction 7 Devices, and I'll talk a little bit more about that in 8 a second, and they must limit their fuel use and the 9 operation of the engines when they're doing testing and 10 maintenance.</p> <p>11 Complying with the NOx limit reduces the 12 potential emissions of all of the regulated pollutants. 13 So basically that limit is so stringent that in order 14 to meet that limit and limiting their fuel and their 15 hours of operation, all of the other pollutants, carbon 16 monoxide, sulfur dioxide, et cetera, they are all below 17 major source levels just by complying with the NOx 18 limit.</p> <p>19 Okay. So the control device requirements. 20 So the larger 168 emergency generators are equipped 21 with what's called Selective Catalytic Reduction, or an 22 SCR emission control system. So what an SCR control</p>	<p>13</p> <p>1 learned from the state of Virginia. The urea 2 concentration, so it diminishes over time, and the 3 shelf life is somewhere between 12 and 36 months. So 4 we made this very stringent.</p> <p>5 We're asking them to test the concentration 6 monthly and replenish it as needed based on the results 7 of the test, or absolutely replace the entire thing 8 every 12 months so that it's always fresh before the 9 shelf life, the expected shelf life, which is 12 to 10 36 months. So we're picking the more conservative time 11 and telling them they have to completely replace it 12 within 12 months, or they have to test it monthly and 13 replenish it to get the urea concentration so that it's 14 still active and can be used when it needs to be.</p> <p>15 Testing requirements. I think there was a 16 gentleman that asked about testing requirements. There 17 are 168 of these engines. They will be tested 18 eventually. What we're trying to do is test them in 19 smaller chunks. Unfortunately, our air quality 20 compliance program staff is not equipped to do 168 21 stack test reports, review those reports, review the 22 protocols, and all that at one time. So we're going to</p> <p>14</p> <p>1 system is, basically you're going to inject what's 2 called urea, and I'll talk a little bit about urea. 3 It's a diesel exhaust fluid that contains urea, and 4 it's injected, and in the presence of the catalyst, the 5 exhaust gases, it converts NOx emissions to inert 6 nitrogen gas and water vapor. And so what it does is 7 it reduces the NOx emissions. So they must have an 8 emissions control system, an SCR control system on each 9 of these 168 emergency generators.</p> <p>10 They must continuously monitor the 11 performance indicators to ensure that those SCR control 12 devices are operating as expected. That includes a 13 differential pressure, the catalyst bed temperature, 14 the urea dosing rate, that's what is injected in order 15 to reduce the NOx emissions, and the NOx concentrations 16 before and after the catalyst.</p> <p>17 So they are continuously monitoring that, and 18 that's to indicate performance, to ensure that those 19 control devices are operating as expected. And they 20 would be equipped with alarms or indicators to alert 21 the operators when they're falling out of range.</p> <p>22 And then this is an important part that we</p>	<p>15</p>
<p>1 try and do this in a rolling system.</p> <p>2 They are going to be required to perform 3 stack emissions tests on the first 14. We picked 14 4 because that's one-third of the 42 in the first 5 building, and it's within 180 days of the startup of 6 each generator. So they may not all occur at the same 7 time because they may not all be started up at the same 8 time, but within 180 days of the startup of that 9 generator, the first 14 have to be stack tested for NOx 10 emissions to ensure that those control devices are 11 operating properly.</p> <p>12 Also, they may not be under load at that 13 time, so we're going to require them to bring in a load 14 bank in order to test them as expected as how they 15 would be operating under load.</p> <p>16 Subsequent stack emissions tests. This 17 facility is going to be large, so we are going to be 18 requiring an operating permit. We'll talk about that 19 at the end here about what the next steps are. But we 20 will be requiring subsequent stack emissions tests for 21 the additional generators after they get their initial 22 state permit to operate.</p>	<p>16</p>	

1 Okay. So record keeping requirements. So 2 as expected, because they want to stay below 25 tons 3 of NOx, they have to monitor a lot of things. They 4 also have to record a lot of things. 5 We are requiring them to record all the fuel 6 usage, the sulfur content they have for each delivery 7 of fuel. They have to have evidence of the sulfur 8 content of the fuel for each delivery, the operating 9 hours, all of the emissions control system operating 10 parameters that are measured, the urea concentration, 11 or when they replaced it, if they decided to just 12 replace it every 12 months, or what the results are of 13 a monthly test and whether they replaced it or not. 14 In addition to that, all of the manufacturer and vendor 15 literature. 16 So the permit gives them flexibility to 17 install one of two different types of engines because 18 there may not be 168 of the same engine at a time. So 19 when we did our evaluation, we looked at the worst case 20 emissions that could happen from either of those 21 generators for all the pollutants to give them that 22 flexibility. But once they put them in, we want all of	17	1 hours of operational fuel usage are over the amounts 2 that are in the permit, they have to demonstrate that 3 they're still less than 25 tons. So that's the 4 absolute limit. 5 The fuel usage and the operating hours that 6 are in the permit are guidelines. So as long as they 7 stay below, they're always going to be less than 25 8 tons, according to how we have calculated it. But they 9 do have that flexibility to demonstrate they're still 10 less than 25 tons at other limits. 11 They have to report all occurrences when 12 emissions, fuel consumption, or operating hours are 13 greater than those limits. So like I talked about, 14 if it's greater than those limits, we're going to be 15 asking for reports of those occurrences, and we're 16 going to ask them for a demonstration that they're 17 still below the premises wide limit of 25 tons of NOx 18 emissions. 19 And then finally, they will be required to 20 submit an annual emission certification report and pay 21 an emissions-based fee based on that. So there's not 22 only going to be reports every six months, they also	19
1 the actual vendor literature and maintenance 2 manufacturer information for the specific engines that 3 are there. 4 We also want them to keep records of the EPA 5 certificates of conformity, which are required by the 6 NSPS. They have to be certified to meet emergency 7 emission standards, and then all of the stack emissions 8 test results. 9 They also, this is probably the most 10 important part, is they have to keep records of all the 11 premises wide emissions of all the pollutants, not just 12 NOx, so that we can ensure per rolling 12-month period 13 that they're below major source threshold. 14 So in addition to the record keeping 15 requirement we're also requiring them to submit 16 semi-annual reports every six months of their emissions 17 to fuel consumption and their operating hours. 18 So there are limits on fuel consumption and 19 operating hours in their permit, and there is some 20 flexibility built in there, as long as they're less 21 than 25 tons. So the overarching premises wide limit 22 of less than 25 tons is what's important, and if those	18	1 have to report when they have occurrences where they 2 are over any of the limits in their permit. Within 15 3 days of the occurrence, as soon as they calculate it, 4 it's within 15 days, and then they have to submit an 5 annual emission certification report. 6 So finally, the permit to construct does 7 include a temporary operating permit for 180 days from 8 the operation date of the first emergency generator, 9 and this is just so that they are covered once they put 10 this emergency generator in, to be allowed to kind of 11 test it and, you know, start it up under the permit to 12 construct while they're kind of working out all the 13 bugs. 14 That temporary permit is going to be used to 15 demonstrate initial compliance, and then before the 16 temporary operating permit period expires, they have to 17 apply for a five-year renewable state permit to operate 18 after demonstrating initial compliance. 19 Okay. That's my presentation. If anybody 20 has any comments, you can definitely make the comments 21 here for the record, but we will still, in addition to 22 making comments here, you can submit written comments	20

1 to Shannon Heafey at shannon.heafey@maryland.gov 2 through December 30th. 3 MS. HEAFEY: So at this point, if anybody 4 would like to make a statement for the record you are 5 welcome to come up. And again, I just need you to 6 state your name and spell it for the record. 7 I would like to invite our elected officials 8 and county representatives first. It's up to you if 9 you want to. You don't have to. 10 MS. KNAPP: Good evening, Everyone. Not so 11 much a comment, but just wanted to let you all know I'm 12 Renee Knapp. I'm a County Council member. I'm a 13 council member at large. I live over in Adamstown. 14 I just wanted to thank the Maryland 15 Department of the Environment for coming here, for 16 having this meeting, and also to let you know that this 17 is also part of the critical digital infrastructure 18 updates that we're doing to the county ordinance. That 19 will be happening in January. That's something that's 20 making its way through the council right now. 21 One of the aspects that we're looking at is 22 generators and some other aspects, but I just wanted to	21 1 testimony -- 2 MR. JAMISON: If you don't have any 3 background testing, one might suspect, just like any 4 pollutant, it's like a power plant. Anytime you put 5 a unit on line, you've got to have several years of 6 background, wind speed, temperature, dew point, NOx, 7 SO2, all kinds of particulates, fine particulates. 8 Has that been accomplished? Have they put 9 anything up to monitor what the site provides as far 10 as air quality today and for the last six months or 11 year? That may be important to some individuals in the 12 community. 13 The other aspect of what Suna said was that 14 I didn't hear any information about the diesel fuel 15 that is utilized to fire these generators. 16 If you've got 42 units that are physically as 17 large as they are, and I looked up on Google today how 18 physically large they are. These things are huge. 19 They're 25 feet long. They weigh 50,000 pounds. 20 That's 25 tons. That ain't no little house generator. 21 And you're going to have them lined up. 22 My question to you, there's got to be some
22 1 make you all aware of that. That will be happening in 2 January. If you would like any more information about 3 that, you can reach me at rknapp@frederickcountymd.gov. 4 I really appreciate the presentation and I've learned a 5 lot, so thank you. 6 MS. HEAFEY: Thank you. If anyone else would 7 like to make a statement or comment, come on up here. 8 MR. JAMISON: I can speak from here. 9 MS. HEAFEY: Well, I need you to state your 10 name and spell it. 11 MR. JAMISON: Sure. My name is Bill Jamison. 12 I live in Southern Frederick County. But my question 13 is, were there any background studies to show what 14 particular NOx and SO2 fine particulate matter are on 15 the site before you do testing? Have you got any 16 background testing to measure as opposed to what may be 17 coming? 18 MS. HEAFEY: Okay. 19 MR. JAMISON: That's one question. They 20 don't have to answer it. 21 MS. HEAFEY: Yeah. I was going to say that 22 any questions raised, as you were doing as part of your	22 1 type of, whether it's 5,000, 10,000, 20,000 gallon 2 holding tank diesel fuel on site, and not a word has 3 been mentioned about is there an impervious enclosure 4 so that if something happened where that unit ruptured, 5 would that diesel fuel be contained? That's important, 6 and you guys know it. You know it, and I know it. You 7 cannot have that diesel fuel be in a position where it 8 will contaminate the ground in Adamstown. Just can't 9 have it. So those are questions that I have. 10 Now, you mentioned also that they're going to 11 be stacks available. So some of these units, when 12 they're fired, are they going to be -- the gases be 13 sent into a stack? Is that where you're going to do 14 your monitoring, monitor the stacks? How are those 15 units, the gases, once that diesel burns, are those 16 units self-monitoring? 17 Is that the answer I'm supposed to 18 understand? Because if you've got 42 units and you 19 fire, you're not going to fire them all at once unless 20 there is an emergency. But those are some questions 21 that I have. Thank you. 22 MS. HEAFEY: Thank you. Anyone who, as he

<p>1 did, raises questions as part of their comments, all of 2 them will be addressed in that response to comments 3 document that will be created at the end of the comment 4 period.</p> <p>5 MR. JAMISON: I have another question. 6 I'm sorry to interrupt you. Are these going to be new 7 units or used units? Because you can buy used, good 8 used units online. I looked at it today on Google. 9 You can buy a good three megawatt generator, a used 10 one. Are these going to be new ones under warranty? 11 Do you have that answer?</p> <p>12 MS. HEAFETY: Again, any questions that are 13 posed will be addressed at the end of the comment 14 period.</p> <p>15 MR. JAMISON: Yeah, because you want, if at 16 all possible, you want a new one because of the 17 warranties associated with them, as opposed to 18 something that might be available that's five, six, 19 seven years old. It's important to know, in my 20 opinion.</p> <p>21 MS. HEAFETY: Is there anyone else who would 22 like to make a comment for the record tonight?</p>	<p>25</p> <p>1 And like I said, I agree with Bill here. 2 What kind of environmental, for the fuel, if it spills, 3 and then how are they going to get their electric? Is 4 it going to come from the power lines, the high voltage 5 lines?</p> <p>6 What are they going to use to cool the data 7 center? Is it going to be water, the gray water that 8 comes from the county or natural water or well water? 9 We're already dealing with the water tables being 10 lowered. That's a couple questions I've got now. I 11 mean, I might have more later on, but that's a couple 12 I got now.</p> <p>13 MS. HEAFETY: Thank you. We will work to 14 address not only the air quality portion, which is our 15 permit is focused strictly on the air quality, but we 16 will research and get answers for the information about 17 the well water, and you're asking about diesel 18 penetration into the ground. We will work with other 19 administrations to get that information for you, again, 20 at the end of the comment period.</p> <p>21 The other reason for doing it this way is 22 that anyone who's been interested will read what your</p>
<p>1 MR. BUTLER: My name is Gene Butler, G-E-N-E, 2 B-U-T-L-E-R, and I'm on Frederick right near where the 3 Aligned Data Center. I've been at the county meeting 4 all day for Rowan Data Center. You know, who's going 5 to monitor this stuff? Like is the Maryland Department 6 of Environment, are they going to be there, or are they 7 going to rely on Aligned to have their people?</p> <p>8 I mean, I feel like they can kind of push one 9 over on the Maryland Department of Environment and just 10 persuade them or tell them what they found or what they 11 want to hear.</p> <p>12 And then are these generators going to be 13 tested during the day, during the night? I guess -- 14 I don't know. It just seems like we're just going to 15 be told what we want to hear so we'll go away. But, 16 like I'm going to be the neighbor to that data center.</p> <p>17 You know, I've already talked to and met with 18 Rowan and Quantum Loop. But I don't want to have to 19 hear those 42 generators running and, you know, keep us 20 up. You know, I have a 92-year-old grandmother that, 21 between me and my mother, we take care of. And, you 22 know, she's already got health issues.</p>	<p>26</p> <p>1 questions are, and then what the answers are, so 2 everybody gets the information. Is there anybody else? 3 Come on up, Dave.</p> <p>4 MR. ARNDT: Thank you. So my name is Dave 5 Arndt. I'm a representative of the Climate Justice 6 Wing. Arndt is spelled A-R-N-D-T.</p> <p>7 The question I have is really pertaining to 8 what happens if they use 25, you know, and this is, 9 unfortunately, a hypothetical. Let's say the power 10 does go off for a long period of time and they have to 11 run the generators.</p> <p>12 I know that's not the plan because the power 13 is really stable out here, but what happens if they 14 have to run for a week straight and they go over the 25 15 ton limit? What's the next step? So just spell that 16 out of what's the next step in case this event does 17 happen.</p> <p>18 And the other question I have is how are you 19 going to report this information to the public? Is it 20 going to be on your website, or is it something that we 21 have to get a non-disclosure to get the information? 22 Thank you.</p>

29

1 MS. HEAFETY: Thank you. Again, if there's
 2 anyone else who would like to make a statement you are
 3 more than welcome to come up or ask questions as part
 4 of your comments. That's welcome, of course.

5 MR. JAMISON: And so, you're going to --
 6 I'm sorry, you're going to monitor the noise from
 7 those? I looked at them today. They have a big fan on
 8 those motors, and I just wonder how much noise they are
 9 going to put out for those individuals that live to the
 10 south of them in Adamstown or they're confronting and
 11 adjoining neighbors.

12 They're not going to -- they do make
 13 enclosures for those things. They are expensive,
 14 but they make them according to what I saw online, and
 15 I don't suspect that Quantum Loop people doing this
 16 bauxite site are going to invest the money, since they
 17 are expensive, to put them in enclosures.

18 So where will the noise level monitors be
 19 placed? You've thought about this, and I'm sure you've
 20 researched it, haven't you?

21 MS. HEAFETY: The Maryland Department of the
 22 Environment no longer monitors noise. It is with the

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1 December 30th. Look at those things.
 2 If you have questions about what's in the
 3 application, please send an email to Shannon. If you
 4 need a question answered in order to form more
 5 additional comments or submit comments, please send
 6 those questions to Shannon and we can get those answers
 7 for you.

8 MS. HEAFETY: And at that time you can tell
 9 me if you want them to be put into the permanent record
 10 or not, or if it's just an informal question. But
 11 yeah, definitely take a look at the website.

12 There's like, as Suna said, a great deal of
 13 information that may explain or give answers to some of
 14 your concerns. So absolutely. And then if you have
 15 more, send me a note and I will add anything
 16 additionally to the comments that you have may already
 17 given tonight, or you may want to add something if you
 18 haven't spoken yet. Sir?

19 MR. JAMISON: The PowerPoint, did we get
 20 that? I just gave you my email when I signed my name
 21 in.

22 MS. HEAFETY: I'm going to add it to the

30

1 county.

2 MR. JAMISON: Oh, indeed.

3 MS. HEAFETY: So what the county ordinances or
 4 requirements are, they will have to follow.

5 MR. JAMISON: Thank you.

6 MS. HEAFETY: And one quick clarification,
 7 because what you're raising, some folks are having
 8 questions, is that they will be outside.

9 MR. JAMISON: MDE will be onsite?

10 MS. SARISCAK: No, she was asking whether the
 11 generators were inside or outside. They're outside
 12 units. They're going to be enclosures for each of the
 13 units. But we'll address all of these.

14 There's a lot of information on our website.
 15 So if you go to the mde.maryland.gov and then air and
 16 then permitting, I apologize, there's so many links,
 17 but then if you scroll all the way down, there's
 18 several documents about Aligned. The permit
 19 application is there.

20 There is even a discussion about noise, even
 21 though it's not an air pollution state of Maryland
 22 concern. So please go to our website. You have until

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1 docket.

2 MR. JAMISON: Can we get that PowerPoint?

3 MS. HEAFETY: I'm going to add it to the
 4 docket so when you go online you will be able to see
 5 the whole thing. I won't be able to do that until
 6 tomorrow.

7 MR. JAMISON: Thank you.

8 MS. HEAFETY: Sure.

9 MS. SARISCAK: But yes, but by signing in
 10 with your email, when we respond to the comments you
 11 will be notified.

12 MR. JAMISON: Thank you.

13 MS. HEAFETY: Anything else? Hi.

14 MS. KNAPP: I want to stay in my lane, but I
 15 just want to add one thing. The county currently has a
 16 critical digital infrastructure ordinance that does
 17 address some of these issues. If you want to go to the
 18 county, there are noise regulations.

19 We don't really -- air quality is something
 20 that MDE keeps track of, but there is information about
 21 current regulations. And as I mentioned, in January
 22 we're looking to update those regulations. Thank you.

	33		35
1	MR. BUTLER: Let me kind of contradict what	1	CERTIFICATE OF COURT REPORTER
2	she's saying. They have regulations, but a lot of	2	
3	them, they try to put them into place with these data	3	I, Karen Willoughby, do hereby certify that the
4	centers or what's going on at these sites, but they	4	foregoing transcription was reduced to typewriting via
5	don't listen. I'm already dealing with the noise. It	5	audiotapes recorded by me; that I am neither counsel for,
6	starts early, before 7:00 in the morning. I've	6	nor related to, nor employed by any of the parties to the
7	already, you know, made it to the Planning Commission	7	case in which these proceedings were transcribed; that I
8	today.	8	am not a relative or employee of any attorney or counsel
9	MS. KNAPP: I recognize you. I was	9	employed by the parties hereto, nor financially or
10	watching --	10	otherwise interested in the outcome of the action.
11	MR. BUTLER: The dust, and now it's the air	11	
12	quality control.	12	
13	MS. HEAFETY: I just want to be sure you're	13	
14	talking about an already existing data center.	14	
15	MR. BUTLER: It's the construction, period.	15	s/Karen Willoughby
16	MS. HEAFETY: Okay.	16	KAREN WILLOUGHBY, CER
17	MR. BUTLER: I mean, you're going to have	17	Court Reporter
18	construction building this one. I'm touching base on	18	
19	that. You're going to have dirt, you know, dust in the	19	
20	air. You know, we're already having problems with that	20	
21	and fighting that. We've already told the county, but	21	
22	they can only talk so much to these guys.	22	
	34		
1	I mean, I run a construction business also,		
2	and the county's always on me about, you know, making		
3	sure I'm doing my job of controlling the dust, which		
4	we do. We've never had a problem. It seems like they		
5	don't keep up with wetting the dust with this		
6	construction site. That's going on now. I'm having an		
7	issue with that now. And the mud.		
8	MS. HEAFETY: And what?		
9	MR. BUTLER: And the mud.		
10	MS. HEAFETY: Okay. Again, I want to thank		
11	everyone for coming out this evening. Please look at		
12	all the documents online. This PowerPoint will be		
13	added. And then feel free to email me any additional		
14	questions you want for the record or any informal		
15	questions you have that I might be able to answer right		
16	away for you. Thank you.		
17	(Whereupon, the hearing		
18	concluded at 6:45 p.m.)		
19			
20			
21			
22			

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From: **Dave Arndt** <roseca2010@gmail.com>
Date: Sun, Oct 6, 2024 at 5:41 PM
Subject: Permit to Construct Proposed IAD04 - Aligned Data Centers
To: <shannon.heafey@maryland.gov>

Hello Shannon,

Below are my questions for the Permit to Construct Proposed IAD04 - Aligned Data Centers:

1. The application gives estimated hours of operation for each diesel generator, however what is the penalty for operations that exceed this estimate?
2. If there is no penalty, is there any usage time that would require a penalty?
3. Would the penalty be for overall usage or a single generator?
4. Would the penalty be for monthly, quarterly or yearly overages?
5. At this time, reporting of hours of operation is only due yearly, will you mandate that Aligned report overages if they occur monthly and if/when they ever surpass their estimate?
6. When you receive the Aligned usage reports, are you mandating for them to report non-SCR and SCR numbers?
7. The pollution estimates are based off the equipment manufacturer's specification, are the installation and periodic check that you will do to ensure that the equipment is working up to the specification presented?
8. Do you require Aligned to conduct stack testing of each generator? And how often is it required? i.e., monthly, quarterly, yearly?
9. What are the procedures reporting procedures and requirements for non-compliance? Will you notify the local public about noncompliance?
10. If the site power goes off for a sustained period longer than 5 hours, do they have to report that to you and the local community immediately? Is there a penalty for this? If not, how many hours of sustained operation would warrant a penalty?
11. It is stated "If any of the sensors is out of the manufacturer's suggested operating range, an alarm will sound to alert operators." What is the procedure that the operator must follow if this error condition occurs? Do they report this to the MDE and the local public?
12. What is the schedule for periodic inspections of the diesel storage vessel?
13. What are their document procedures for filling the tank? Do they have adequate clean up procedures if a spill happens? Are they required to notify MDE and the local public if this happens?
14. Will MDE test the sulfur content of the diesel?
15. Will the MDE make all diesel operational data available to the public yearly without a request for information?
16. Does MDE look at each diesel generator separately or does MDE look at them as an aggregated group? This is especially important for pollution when all the generators are operating at the same time?
17. Does MDE have a public web site that lists all the requirements of these type of generators? i.e., how many hours a month, quarterly, yearly can they operate without a penalty, what are the maximum pollutants can they emit monthly, what is the maximum sulfur content of the fuel?

If you have any question, please let me know. Also, would you please acknowledge that you received them.

Thanks you,

Dave

Dave Arndt

roseca2010@gmail.com

240-328-7383

LPCA Board Member

LPCG Manager

Friends of the Fort Board Member

Co-Chair MLC Climate Justice Wing



[Aligned Data Centers for proposed IAD04 MDE permit questions.pdf](#)

61K



Suna Sariscak -MDE- <suna.sariscak@maryland.gov>

Fwd: Permit to Construct Proposed IAD04 - Aligned Data Centers

Dave Arndt <roseca2010@gmail.com>
To: Suna Yi Sariscak <suna.sariscak@maryland.gov>
Cc: Shannon Heafey -MDE- <shannon.heafey@maryland.gov>

Sat, Oct 12, 2024 at 11:57 AM

Hi Suna,

I know this is new ground for MDE to manage since the passing of SB 474. There are also a lot of data center issues beyond this permit and I could speak about them for hours, however I will try to focus on this permit. Below are some follow-up questions:

1. The overarching premises wide emissions limit that would apply to the data center is 25 tons of oxides of nitrogen, does this mean that there are no limits on PM2.5, sulfur dioxide, hydrocarbons and GHG emissions?
2. If Aligned exceeds any of the limits, it would be nice to detail the next steps.
 - a. What are the enforcement actions?
 - b. What are the penalties?
 - c. What violation level would cause MDE to order them to stop operations?
 - d. How do you notify the public of your enforcement activities? (Will this be reported on <https://mde.maryland.gov/Pages/Open-MDE.aspx>)
 - e. Currently, the Aligned site has violated many MDE regulations, are there any additive enforcement activities for multiple unrelated violations?
3. Will MDE take baseline AQ measurements at the site before the new generators are installed and tested?
4. Are there any exceptions during the initial startup period, when it is expected they may need to run longer than they do during routine testing?
5. Since this is the first implementation of SB 474, I strongly recommend that MDE make diesel operational data available to the public quarterly. This would go a long way to building trust and confidence in the implementation of SB 474.
6. Since there does not seem to be any monitoring or limits on sulfur dioxide emissions, what would warrant MDE to test for the sulfur content in the fuel?
7. At what point will MDE begin looking at aggregate emissions for the Adamstown site? We know that construction of the first of several Rowan data centers is already in progress so their AQ permit applications must be coming soon if not already in progress.
8. Not emissions related, but a major community concern: Is there a state agency that is responsible for sound monitoring and reporting?

Kind Regards,

Dave

Dave Arndt

roseca2010@gmail.com

240-328-7383

LPCA Board Member

LPCG Manager

Friends of the Fort Board Member

Co-Chair MLC Climate Justice Wing



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

November 1, 2024

Ms. Serena C. McIlwain, Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Re: Aligned Data Centers Generators

Dear Secretary McIlwain:

We are writing to request that the Maryland Department of the Environment (MDE), in their review of Aligned Data Centers' Permit to Construct, require the use of Tier 4 or higher emergency backup generators. This technology is consistent with the industry's best practices and will mitigate negative impacts on our community.

Aligned Data Centers is currently proposing the use of Tier 2 generators for emergency backup for their proposed project in Frederick County. The use of Tier 2 generators is a concern to Frederick County as we aim to protect our residents from undue burden and air pollution and ensure high sustainability standards for this developing industry. Tier 4 generators are proven to emit less air pollution and create less noise, protecting both the environment and the residents of Frederick County.

In 2023, Frederick County convened a Data Centers Workgroup, which published a final report with policy recommendations in March 2024. The County Council is currently considering legislation to enact many of these recommendations, including requiring all data centers in Frederick County to use only Tier 4 or higher generators for emergency backup power.

While the local legislation is still going through our legislative process, we believe that the MDE can and should use its authority within the Air Quality Permits Program to require Aligned Data Centers to use the best available technology to reduce air and noise pollution. With the widespread availability of Tier 4 generators, requiring the use of Tier 4 or higher generators would not be onerous for the applicant and could mitigate negative impacts of this development.

We thank you for your consideration. Should you have any questions, please contact Victoria Venable, Director of Government Relations, at vvenable@FrederickCountyMD.gov.

Sincerely,



Jessica Fitzwater, County Executive



Brad Young, Council President

cc: Victoria Venable, Director, Government Relations, Office of the County Executive
Shannon Heafey, Public Participation Coordinator, Maryland Department of the Environment
Suna Yi Sariscak, Chief Air Quality Permits Program, Maryland Department of the Environment
Mollie Byron, Director of Intergovernmental Affairs and Senior Advisor, Maryland Department of the Environment

December 16, 2024

Ms. Shannon Heafey
Public Participation Coordinator
Maryland Department of the Environment
Air and Radiation Division
1800 Washington Blvd
Baltimore MD 21230

In Re: Aligned Data Centers (MD), Propco, LLC

Ms. Heafey,

With regards to the above captioned item, we submit the following comments regarding the permit-to-construct application for a proposed data center facility including the installation of emergency generators located at 5601 Manor Woods Road in Frederick County Maryland.

The Engine Technology Forum is an educational association located at 5300 Westview Blvd # 308, Frederick MD. We represent manufacturers of advanced engines and equipment including companies that manufacture backup power systems. More information on us is available at www.enginetechforum.org.

Backup generators are a critical aspect of ensuring maximum uptime for data centers.

The proposed permit utilizes the newest generation of advanced diesel technology generators and emission control systems that are proven to achieve near zero emissions.

The testing and operation of the generators is tightly controlled within the condition of the proposed permit with appropriate checks and balances to ensure minimal impacts on the community.

We support approval of the permit.

Thank you for considering these comments. Please contact me if you have any questions.



Allen Schaeffer
Executive Director



Suna Sariscak -MDE- <suna.sariscak@maryland.gov>

ALIGNED DATA CENTERS (MD) FREDERICK, MD DATA CENTER CAMPUS PERMIT- TO-CONSTRUCT CONDITIONS PREMISES NO. 021-0805

Dave Arndt <roseca2010@gmail.com>

Fri, Dec 27, 2024 at 9:02 AM

To: shannon.heafey@maryland.gov, Suna Yi Sariscak <suna.sariscak@maryland.gov>, Chris Hoagland -MDE- <chris.hoagland@maryland.gov>

Hello All,

Attached are my questions/comments for the Draft permit to construct for diesel fired generators for the Aligned Data Centers in Frederick.

Also, although related but not tied to the permit. It would be great if MDE would put out guidelines on how the public can gain access to the required data provided by Aligned. The best would be to have it on your website quarterly so it would be readily available to the public. For reference, please see the [State of Washington](#) site.

Kind Regards and have a great New Year,

Dave

Dave Arndt

roseca2010@gmail.com

240-328-7383

[LPCA](#) Board Member

[LPCG](#) Manager

[Friends of the Fort](#) Board Member

Co-Chair MLC Climate Justice Wing

Aligned Data Center MDE Draft Permit

1. Part D2 item 4-C In emergencies, generators can run without constraints. Later on, you set a constraint of 24 tons NOX per year. Please specify this constraint in Part D2 item 4-C.
2. In Part C, item 6. You state: Each monitoring device shall be equipped with a mechanism to detect parameters that are outside of the manufacturer's recommended operating conditions for proper operation and trigger an alarm to notify the operator when the emergency generator or control device is not operating within manufacturer's recommended operating conditions. Please add a restriction that if a trigger alarm goes off, the operator has 10 minutes to shut down that generator, they must document the failure and document the repair that put it back into compliance.
3. In Part D3, please at a site wide restriction that maintenance testing can only be done between 7am and 5pm Eastern time.
4. In Part F item 3, add a condition that if generator fails the performance test; 10 additional units have to be tested. An additional 10 units will be continually added until all 10 new generators pass. Also, that the emissions exhausted for testing count towards the overall 24 tons NOX allowed.
5. Fines: If the overall emissions exceed 24 tons in a 12-month period. The permit holder is subject to fines and has to apply for a major non-attainment New Source Review and Title V – Part 70 operating permit within 30 days of violation or their permit is terminated.
6. If a Spare the air day is issued for the 10-mile surrounding area of the site, maintenance use operations are not allowed until the condition is rescinded.
7. The overall site is limited to an hourly limit of 100 parts per billion (ppb) NOX and 100 tons NOX per year. Each operator on the site will have to coordinate their uses with other operators to comply. If limit is violated, all operators are viewed as being non-compliant and are subject to fines or will be required to submit a major non-attainment New Source Review and Title V – Part 70 operating permit.



Shannon Heafey -MDE- <shannon.heafey@maryland.gov>

Aligned Data Centers permit for diesel generators

1 message

Hope Green <hope.green76@yahoo.com>

To: "shannon.heafey@maryland.gov" <shannon.heafey@maryland.gov>

Mon, Dec 30, 2024 at 5:19 PM

Ms. Heafey,

I am opposed to the approval of the diesel generators requested by Aligned Data Centers. With Bauxite I's ninety-two generators and Bauxite's II and III (not sure of how many) and data centers to come at Loophole's campus, where does it end? There could be potentially 1,000 or more generators in total. You should consider that and the fact that once the permit is approved, the applicant can request modification for more without public input. Not that our opinion matters as MOE has approved every permit that's been applied for.

How bad does the air we and our animals breathe have to get before there's a crisis. We can't burn brush in Frederick Co. during the Summer because we might pollute the air.

Would you or Govenor Moore want to live within earshot of 1,000 or more diesel generators? Who's going to inspect the operation of all those potential generators - MOE? A spill of diesel is inevitable with so many operating. Your inspections have been lax so far when it comes to ground and surface water contamination.

I know you will approve the permit, because that's what Govenor Moore wants and has probably told you to do.

MOE has lost its way/purpose. Your Mission Statement is nothing more than words on a page.

I'm saddened, disgusted, angry and afraid. I used to love calling Maryland my home, not anymore.

Hope Green
5515B Mountville Rd
5515A Mountville Rd
5252 Mountville Rd
Adamstown, MD 21710