



Mr. David M. Bennett, General Manager
Morgantown Power, LLC
25100 Chalk Point Road
Aquasco, MD 20608

MAY 01 2023

Dear Mr. Bennett:

Re: Initial Part 70/ Title V Operating Permit Morgantown Power, LLC -24-017-0279

Enclosed, please find the Initial Part 70/Title V Operating Permit and Fact Sheet for the Morgantown Power, LLC Electric Generating Plant located at 12620 Crain Hwy, Newburg, MD 20664. The Permit will expire on September 30, 2027.

The Code of Maryland Regulations (COMAR) 26.11.03.11 states the following:

If the Department denies a Part 70 permit or issues it with terms and conditions that are objectionable to the applicant, the applicant may request that a contested case hearing be held regarding the permit. This request shall be made to the Department in writing not later than 15 days after the applicant receives notice that the permit has been denied or of the objectionable terms and conditions. The request shall include the basis for the request and refer to any objectionable terms and conditions.

Please note the following revised condition in the Permit under Section II, General Conditions, Number 5, Permit Renewal:

The Permittee shall submit to the Department a completed application for renewal of this Part 70 permit 12 months before the expiration of the Permit. Upon submitting a complete application, the Permittee may continue to operate this facility pending final action by the Department on the renewal.

If you have any questions, please feel free to contact Ms. Marcie Gurley, Chief of the Technical Support Division, at Marcie.gurley@maryland.gov, or (410) 537-3230.

Sincerely,

A handwritten signature in black ink, appearing to read "Suna Yi Sariscak".

Suna Yi Sariscak, Manager
Air Quality Permits Program
Air & Radiation Administration

SYS/jm

Enclosures

cc: Dave Cramer@ David.Cramer@genon.com
EPA Region III (w/encl)

Wes Moore
Governor

State of



Maryland

Serena McIlwain
Secretary

DEPARTMENT OF THE ENVIRONMENT

Air and Radiation Administration
1800 Washington Boulevard, Suite 720
Baltimore, MD 21230

Construction Permit

Part 70
 Operating Permit

PERMIT NO. 24-017-0279

DATE ISSUED MAY - 1 2023

PERMIT FEE To be paid in accordance with COMAR 26.11.02.19B

EXPIRATION DATE September 30, 2027

LEGAL OWNER & ADDRESS

Morgantown Power, LLC
12620 Crain Hwy.
Newburg, MD 20664
Attn: Mr. Gregory A. Stagers
General Manager

SITE

Morgantown CT Site
Morgantown Power, LLC
12620 Crain Hwy.
Newburg, MD 20664
Charles County
AI # 169385

SOURCE DESCRIPTION

Electric Generating Station.

This source is subject to the conditions described on the attached pages.

[Signature]
Program Manager

[Signature]
Director, Air and Radiation Administration

**MORGANTOWN POWER, LLC
MORGANTOWN CT SITE
12620 CRAIN HIGHWAY
NEWBURG, MD 20664
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Attachment A
CO₂ Budget Permit

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SECTION I SOURCE IDENTIFICATION

1. DESCRIPTION OF FACILITY

The Morgantown Generating Station is engaged in the generation of electric energy for sale. The primary SIC code for this facility is 4911. The facility consists of four (4) Combustion turbines, CT 3, 4, 5 and 6, which are GE Frame 7s each rated at 65 MW and fired on No. 2 fuel oil. These CTs are used for peaking purposes.

2. FACILITY INVENTORY LIST

Emissions Unit Number	MDE - ARA Registration Number	Emissions Unit Name and Description	Date of Installation
F-CT3	4-0070	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT4	4-0071	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT5	4-0073	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT6	4-0074	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973

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SECTION II GENERAL CONDITIONS

1. DEFINITIONS

[COMAR 26.11.01.01] and [COMAR 26.11.02.01]

The words or terms in this Part 70 permit shall have the meanings established under COMAR 26.11.01 and .02 unless otherwise stated in this permit.

2. ACRONYMS

ARA	Air and Radiation Administration
BACT	Best Available Control Technology
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEM	Continuous Emissions Monitor
CFR	Code of Federal Regulations
CO	Carbon Monoxide
COMAR	Code of Maryland Regulations
EPA	United States Environmental Protection Agency
FR	Federal Register
gr	grains
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
MDE	Maryland Department of the Environment
MVAC	Motor Vehicle Air Conditioner
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
OTR	Ozone Transport Region
PM	Particulate Matter
PM ₁₀	Particulate Matter with Nominal Aerodynamic Diameter of 10 micrometers or less
ppm	parts per million
ppb	parts per billion
PSD	Prevention of Significant Deterioration
PTC	Permit to construct
PTO	Permit to operate (State)
SIC	Standard Industrial Classification

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SO ₂	Sulfur Dioxide
TAP	Toxic Air Pollutant
tpy	tons per year
VE	Visible Emissions
VOC	Volatile Organic Compounds

3. EFFECTIVE DATE

The effective date of the conditions in this Part 70 permit is the date of permit issuance, unless otherwise stated in the permit.

4. PERMIT EXPIRATION

[COMAR 26.11.03.13B(2)]

Upon expiration of this permit, the terms of the permit will automatically continue to remain in effect until a new Part 70 permit is issued for this facility provided that the Permittee has submitted a timely and complete application and has paid applicable fees under COMAR 26.11.02.16.

Otherwise, upon expiration of this permit the right of the Permittee to operate this facility is terminated.

5. PERMIT RENEWAL

[COMAR 26.11.03.02B(3)] and [COMAR 26.11.03.02E]

The Permittee shall submit to the Department a completed application for renewal of this Part 70 permit at least 12 months before the expiration of the permit. Upon submitting a completed application, the Permittee may continue to operate this facility pending final action by the Department on the renewal.

The Permittee, upon becoming aware that any relevant facts were omitted, or incorrect information was submitted in the permit application, shall submit such supplementary facts or corrected information no later than 10 days after becoming aware that this occurred. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a completed application was submitted, but prior to the release of a draft

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permit. This information shall be submitted to the Department no later than 20 days after a new requirement has been adopted.

6. CONFIDENTIAL INFORMATION

[COMAR 26.11.02.02G]

In accordance with the provisions of the State Government Article, Sec. 10-611 et seq., Annotated Code of Maryland, all information submitted in an application shall be considered part of the public record and available for inspection and copying, unless the Permittee claims that the information is confidential when it is submitted to the Department. At the time of the request for inspection or copying, the Department will make a determination with regard to the confidentiality of the information. The Permittee, when requesting confidentiality, shall identify the information in a manner specified by the Department and, when requested by the Department, promptly provide specific reasons supporting the claim of confidentiality. Information submitted to the Department without a request that the information be deemed confidential may be made available to the public. Subject to approval of the Department, the Permittee may provide a summary of confidential information that is suitable for public review. The content of this Part 70 permit is not subject to confidential treatment.

7. PERMIT ACTIONS

[COMAR 26.11.03.06E(3)] and [COMAR 26.11.03.20(A)]

This Part 70 permit may be revoked or reopened and revised for cause. The filing of an application by the Permittee for a permit revision or renewal; or a notification of termination, planned changes or anticipated noncompliance by the facility, does not stay a term or condition of this permit.

The Department shall reopen and revise, or revoke the Permittee's Part 70 permit under the following circumstances:

- a. Additional requirements of the Clean Air Act become applicable to this facility and the remaining permit term is 3 years or more;

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- b. The Department or the EPA determines that this Part 70 permit contains a material mistake, or is based on false or inaccurate information supplied by or on behalf of the Permittee;
- c. The Department or the EPA determines that this Part 70 permit must be revised or revoked to assure compliance with applicable requirements of the Clean Air Act; or
- d. Additional requirements become applicable to an affected source under the Federal Acid Rain Program.

8. PERMIT AVAILABILITY

[COMAR 26.11.02.13G]

The Permittee shall maintain this Part 70 permit in the vicinity of the facility for which it was issued, unless it is not practical to do so, and make this permit immediately available to officials of the Department upon request.

9. REOPENING THE PART 70 PERMIT FOR CAUSE BY THE EPA

[COMAR 26.11.03.20B]

The EPA may terminate, modify, or revoke and reissue a permit for cause as prescribed in 40 CFR §70.7(g)

10. TRANSFER OF PERMIT

[COMAR 26.11.02.02E]

The Permittee shall not transfer this Part 70 permit except as provided in COMAR 26.11.03.15.

11. REVISION OF PART 70 PERMITS – GENERAL CONDITIONS

[COMAR 26.11.03.14] and [COMAR 26.11.03.06A(8)]

- a. The Permittee shall submit an application to the Department to revise this Part 70 permit when required under COMAR 26.11.03.15 -.17.

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- b. When applying for a revision to a Part 70 permit, the Permittee shall comply with the requirements of COMAR 26.11.03.02 and .03 except that the application for a revision need include only information listed that is related to the proposed change to the source and revision to the permit. This information shall be sufficient to evaluate the proposed change and to determine whether it will comply with all applicable requirements of the Clean Air Act.
- c. The Permittee may not change any provision of a compliance plan or schedule in a Part 70 permit as an administrative permit amendment or as a minor permit modification unless the change has been approved by the Department in writing.
- d. A permit revision is not required for a change that is provided for in this permit relating to approved economic incentives, marketable permits, emissions trading, and other similar programs.

12. SIGNIFICANT PART 70 OPERATING PERMIT MODIFICATIONS

[COMAR 26.11.03.17]

The Permittee may apply to the Department to make a significant modification to its Part 70 Permit as provided in COMAR 26.11.03.17 and in accordance with the following conditions:

- a. A significant modification is a revision to the federally enforceable provisions in the permit that does not qualify as an administrative permit amendment under COMAR 26.11.03.15 or a minor permit modification as defined under COMAR 26.11.03.16.
- b. This permit does not preclude the Permittee from making changes, consistent with the provisions of COMAR 26.11.03, that would make the permit or particular terms and conditions of the permit irrelevant, such as by shutting down or reducing the level of operation of a source or of an emissions unit within the source. Air pollution control equipment shall not be shut down or its level of operation reduced if doing so would violate any term of this permit.
- c. Significant permit modifications are subject to all requirements of COMAR 26.11.03 as they apply to permit issuance and renewal,

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including the requirements for applications, public participation, and review by affected states and EPA, except:

- (1) An application need include only information pertaining to the proposed change to the source and modification of this permit, including a description of the change and modification, and any new applicable requirements of the Clean Air Act that will apply if the change occurs;
 - (2) Public participation, and review by affected states and EPA, is limited to only the application and those federally enforceable terms and conditions of the Part 70 permit that are affected by the significant permit modification.
- d. As provided in COMAR 26.11.03.15B(5), an administrative permit amendment may be used to make a change that would otherwise require a significant permit modification if procedures for enhanced preconstruction review of the change are followed that satisfy the requirements of 40 CFR 70.7(d)(1)(v).
 - e. Before making a change that qualifies as a significant permit modification, the Permittee shall obtain all permits-to-construct and approvals required by COMAR 26.11.02.
 - f. The Permittee shall not make a significant permit modification that results in a violation of any applicable requirement of the Clean Air Act.
 - g. The permit shield in COMAR 26.11.03.23 applies to a final significant permit modification that has been issued by the Department, to the extent applicable under COMAR 26.11.03.23.

13. MINOR PERMIT MODIFICATIONS

[COMAR 26.11.03.16]

The Permittee may apply to the Department to make a minor modification to the federally enforceable provisions of this Part 70 permit as provided in COMAR 26.11.03.16 and in accordance with the following conditions:

- a. A minor permit modification is a Part 70 permit revision that:

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- (1) Does not result in a violation of any applicable requirement of the Clean Air Act;
- (2) Does not significantly revise existing federally enforceable monitoring, including test methods, reporting, record keeping, or compliance certification requirements except by:
 - (a) Adding new requirements,
 - (b) Eliminating the requirements if they are rendered meaningless because the emissions to which the requirements apply will no longer occur, or
 - (c) Changing from one approved test method for a pollutant and source category to another;
- (3) Does not require or modify a:
 - (a) Case-by-case determination of a federally enforceable emissions standard,
 - (b) Source specific determination for temporary sources of ambient impacts, or
 - (c) Visibility or increment analysis;
- (4) Does not seek to establish or modify a federally enforceable permit term or condition for which there is no corresponding underlying applicable requirement of the Clean Air Act, but that the Permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject, including:
 - (a) A federally enforceable emissions standard applied to the source pursuant to COMAR 26.11.02.03 to avoid classification as a Title I modification; and
 - (b) An alternative emissions standard applied to an emissions unit pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act
- (5) Is not a Title I modification; and

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(6) Is not required under COMAR 26.11.03.17 to be processed as a significant modification to this Part 70 permit.

b. Application for a Minor Permit Modification

The Permittee shall submit to the Department an application for a minor permit modification that satisfies the requirements of COMAR 26.11.03.03 which includes the following:

- (1) A description of the proposed change, the emissions resulting from the change, and any new applicable requirements that will apply if the change is made;
- (2) The proposed minor permit modification;
- (3) Certification by a responsible official, in accordance with COMAR 26.11.02.02F, that:
 - (a) The proposed change meets the criteria for a minor permit modification, and
 - (b) The Permittee has obtained or applied for all required permits-to-construct required by COMAR 26.11.03.16 with respect to the proposed change;
- (4) Completed forms for the Department to use to notify the EPA and affected states, as required by COMAR 26.11.03.07-.12.

c. Permittee's Ability to Make Change

- (1) For changes proposed as minor permit modifications to this permit that will require the applicant to obtain a permit to construct, the permit to construct must be issued prior to the new change.
- (2) During the period of time after the Permittee applies for a minor modification but before the Department acts in accordance with COMAR 26.11.03.16F(2):
 - (a) The Permittee shall comply with applicable requirements of the Clean Air Act related to the change and the permit terms and conditions described in the application for the minor modification.

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- (b) The Permittee is not required to comply with the terms and conditions in the permit it seeks to modify. If the Permittee fails to comply with the terms and conditions in the application during this time, the terms and conditions of both this permit and the application for modification may be enforced against it.
- d. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.16 is not within the scope of this regulation.
- e. Minor permit modification procedures may be used for Part 70 permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, but only to the extent that the minor permit modification procedures are explicitly provided for in regulations approved by the EPA as part of the Maryland SIP or in other applicable requirements of the Clean Air Act.

14. ADMINISTRATIVE PART 70 OPERATING PERMIT AMENDMENTS

[COMAR 26.11.03.15]

The Permittee may apply to the department to make an administrative permit amendment as provided in COMAR 26.11.03.15 and in accordance with the following conditions:

- a. An application for an administrative permit amendment shall:
 - (1) Be in writing;
 - (2) Include a statement certified by a responsible official that the proposed amendment meets the criteria in COMAR 26.11.03.15 for an administrative permit amendment, and
 - (3) Identify those provisions of this part 70 permit for which the amendment is requested, including the basis for the request.
- b. An administrative permit amendment:
 - (1) Is a correction of a typographical error;

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- (2) Identifies a change in the name, address, or phone number of a person identified in this permit, or a similar administrative change involving the Permittee or other matters which are not directly related to the control of air pollution;
 - (3) requires more frequent monitoring or reporting by the Permittee;
 - (4) Allows for a change in ownership or operational control of a source for which the Department determines that no other revision to the permit is necessary and is documented as per COMAR 26.11.03.15B(4);
 - (5) Incorporates into this permit the requirements from preconstruction review permits or approvals issued by the Department in accordance with COMAR 26.11.03.15B(5), but only if it satisfies 40 CFR 70.7(d)(1)(v);
 - (6) Incorporates any other type of change, as approved by the EPA, which is similar to those in COMAR 26.11.03.15B(1)—(4);
 - (7) Notwithstanding COMAR 26.11.03.15B(1)—(6), all modifications to acid rain control provisions included in this Part 70 permit are governed by applicable requirements promulgated under Title IV of the Clean Air Act; or
 - (8) Incorporates any change to a term or condition specified as State-only enforceable, if the Permittee has obtained all necessary permits-to-construct and approvals that apply to the change.
- c. The Permittee may make the change addressed in the application for an administrative amendment upon receipt by the Department of the application, if all permits-to-construct or approvals otherwise required by COMAR 26.11.02 prior to making the change have first been obtained from the Department.
 - d. The permit shield in COMAR 26.11.03.23 applies to administrative permit amendments made under Section B(5) of COMAR 26.11.03.15 , but only after the Department takes final action to revise the permit.

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- e. The Permittee is subject to enforcement action if it is determined at any time that a change made under COMAR 26.11.03.15 is not within the scope of this regulation.

15. OFF-PERMIT CHANGES TO THIS SOURCE

[COMAR 26.11.03.19]

The Permittee may make off-permit changes to this facility as provided in COMAR 26.11.03.19 and in accordance with the following conditions:

- a. The Permittee may make a change to this permitted facility that is not addressed or prohibited by the federally enforceable conditions of this Part 70 permit without obtaining a Part 70 permit revision if:
 - (1) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;
 - (2) The change is not subject to any requirements under Title IV of the Clean Air Act;
 - (3) The change is not a Title I modification; and
 - (4) The change does not violate an applicable requirement of the Clean Air Act or a federally enforceable term or condition of the permit.
- b. For a change that qualifies under COMAR 26.11.03.19, the Permittee shall provide contemporaneous written notice to the Department and the EPA, except for a change to an emissions unit or activity that is exempt from the Part 70 permit application, as provided in COMAR 26.11.03.04. This written notice shall describe the change, including the date it was made, any change in emissions, including the pollutants emitted, and any new applicable requirements of the Clean Air Act that apply as a result of the change.
- c. Upon satisfying the requirements of COMAR 26.11.03.19, the Permittee may make the proposed change.
- d. The Permittee shall keep a record describing:

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- (1) Changes made at the facility that result in emissions of a regulated air pollutant subject to an applicable requirement of the Clean Air Act, but not otherwise regulated under this permit; and
 - (2) The emissions resulting from those changes.
- e. Changes that qualify under COMAR 26.11.03.19 are not subject to the requirements for Part 70 revisions.
 - f. The Permittee shall include each off-permit change under COMAR 26.11.03.19 in the application for renewal of the part 70 permit.
 - g. The permit shield in COMAR 26.11.03.23 does not apply to off-permit changes made under COMAR 26.11.03.19.
 - h. The Permittee is subject to enforcement action if it is determined that an off-permit change made under COMAR 26.11.03.19 is not within the scope of this regulation.

16. ON-PERMIT CHANGES TO SOURCES

[COMAR 26.11.03.18]

The Permittee may make on-permit changes that are allowed under Section 502(b)(10) of the Clean Air Act as provided in COMAR 26.11.03.18 and in accordance with the following conditions:

- a. The Permittee may make a change to this facility without obtaining a revision to this Part 70 permit if:
 - (1) The change is not a Title I modification;
 - (2) The change does not result in emissions in excess of those expressly allowed under the federally enforceable provisions of the Part 70 permit for the permitted facility or for an emissions unit within the facility, whether expressed as a rate of emissions or in terms of total emissions;
 - (3) The Permittee has obtained all permits and approvals required by COMAR 26.11.02 and .03;

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- (4) The change does not violate an applicable requirement of the Clean Air Act;
 - (5) The change does not violate a federally enforceable permit term or condition related to monitoring, including test methods, record keeping, reporting, or compliance certification requirements;
 - (6) The change does not violate a federally enforceable permit term or condition limiting hours of operation, work practices, fuel usage, raw material usage, or production levels if the term or condition has been established to limit emissions allowable under this permit;
 - (7) If applicable, the change does not modify a federally enforceable provision of a compliance plan or schedule in this Part 70 permit unless the Department has approved the change in writing; and
 - (8) This permit does not expressly prohibit the change under COMAR 26.11.03.18.
- b. The Permittee shall notify the Department and the EPA in writing of a proposed on-permit change under COMAR 26.11.03.18 not later than 7 days before the change is made. The written information shall include the following information:
- (1) A description of the proposed change;
 - (2) The date on which the change is proposed to be made;
 - (3) Any change in emissions resulting from the change, including the pollutants emitted;
 - (4) Any new applicable requirement of the Clean Air Act; and
 - (5) Any permit term or condition that would no longer apply.
- c. The responsible official of this facility shall certify in accordance with COMAR 26.11.02.02F that the proposed change meets the criteria for the use of on-permit changes under COMAR 26.11.03.18.
- d. The Permittee shall attach a copy of each notice required by condition b. above to this Part 70 permit.

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- e. On-permit changes that qualify under COMAR 26.11.03.18 are not subject to the requirements for part 70 permit revisions.
- f. Upon satisfying the requirements under COMAR 26.11.03.18, the Permittee may make the proposed change.
- g. The permit shield in COMAR 26.11.03.23 does not apply to on-permit changes under COMAR 26.11.03.18.
- h. The Permittee is subject to enforcement action if it is determined that an on-permit change made under COMAR 26.11.03.18 is not within the scope of the regulation or violates any requirement of the State air pollution control law.

17. FEE PAYMENT

[COMAR 26.11.02.16A(2) & (5)(b)]

- a. The fee for this Part 70 permit is as prescribed in Regulation .19 of COMAR 26.11.02.
- b. The fee is due on and shall be paid on or before each 12-month anniversary date of the permit.
- c. Failure to pay the annual permit fee constitutes cause for revocation of the permit by the Department.

18. REQUIREMENTS FOR PERMITS-TO-CONSTRUCT AND APPROVALS

[COMAR 26.11.02.09.]

The Permittee may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits-to-construct and approvals:

- a. New Source Review source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;

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- b. Prevention of Significant Deterioration source, as defined in COMAR 26.11.01.01, approval required, except for generating stations constructed by electric companies;
- c. New Source Performance Standard source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;
- d. National Emission Standards for Hazardous Air Pollutants source, as defined in COMAR 26.11.01.01, permit to construct required, except for generating stations constructed by electric companies;
- e. A stationary source of lead that discharges one ton per year or more of lead or lead compounds measured as elemental lead, permit to construct required, except for generating stations constructed by electric companies;
- f. All stationary sources of air pollution, including installations and air pollution control equipment, except as listed in COMAR 26.11.02.10, permit to construct required;
- g. In the event of a conflict between the applicability of (a.— e.) above and an exemption listed in COMAR 26.11.02.10, the provision that requires a permit applies.
- h. Approval of a PSD or NSR source by the Department does not relieve the Permittee obtaining an approval from also obtaining all permits-to-construct required by (c.— g.) above.

19. CONSOLIDATION OF PROCEDURES FOR PUBLIC PARTICIPATION

[COMAR 26.11.02.11C] and [COMAR 26.11.03.01K]

The Permittee may request the Department to authorize special procedures for the Permittee to apply simultaneously, to the extent possible, for a permit to construct and a revision to this permit.

These procedures may provide for combined public notices, informational meetings, and public hearings for both permits but shall not adversely affect the rights of a person, including EPA and affected states, to obtain information about the application for a permit, to comment on an application, or to challenge a permit that is issued.

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These procedures shall not alter any existing permit procedures or time frames.

20. PROPERTY RIGHTS

[COMAR 26.11.03.06E(4)]

This Part 70 permit does not convey any property rights of any sort, or any exclusive privileges.

21. SEVERABILITY

[COMAR 26.11.03.06A(5)]

If any portion of this Part 70 permit is challenged, or any term or condition deemed unenforceable, the remainder of the requirements of the permit continues to be valid.

22. INSPECTION AND ENTRY

[COMAR 26.11.03.06G(3)]

The Permittee shall allow employees and authorized representatives of the Department, the EPA, and local environmental health agencies, upon presentation of credentials or other documents as may be required by law, to:

- a. Enter at a reasonable time without delay and without prior notification the Permittee's property where a Part 70 source is located, emissions-related activity is conducted, or records required by this permit are kept;
- b. Have access to and make copies of records required by the permit;
- c. Inspect all emissions units within the facility subject to the permit and all related monitoring systems, air pollution control equipment, and practices or operations regulated or required by the permit; and

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- d. Sample or monitor any substances or parameters at or related to the emissions units at the facility for the purpose of determining compliance with the permit.

23. DUTY TO PROVIDE INFORMATION

[COMAR 26.11.03.06E(5)]

The Permittee shall furnish to the Department, within a reasonable time specified by the Department, information requested in writing by the Department in order to determine whether the Permittee is in compliance with the federally enforceable conditions of this Part 70 permit, or whether cause exists for revising or revoking the permit. Upon request, the Permittee shall also furnish to the Department records required to be kept under the permit.

For information claimed by the Permittee to be confidential and therefore potentially not disclosable to the public, the Department may require the Permittee to provide a copy of the records directly to the EPA along with a claim of confidentiality.

The Permittee shall also furnish to the Department, within a reasonable time specified by the Department, information or records requested in writing by the Department in order to determine if the Permittee is in compliance with the State-only enforceable conditions of this permit.

24. COMPLIANCE REQUIREMENTS

[COMAR 26.11.03.06E(1)] and [COMAR 26.11.03.06A(11)] and [COMAR 26.11.02.05]

The Permittee shall comply with the conditions of this Part 70 permit. Noncompliance with the permit constitutes a violation of the Clean Air Act, and/or the Environment Article Title 2 of the Annotated Code of Maryland and may subject the Permittee to:

- a. Enforcement action,
- b. Permit revocation or revision,
- c. Denial of the renewal of a Part 70 permit, or

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d. Any combination of these actions.

The conditions in this Part 70 permit are enforceable by EPA and citizens under the Clean Air Act except for the State-only enforceable conditions.

Under Environment Article Section 2-609, Annotated Code of Maryland, the Department may seek immediate injunctive relief against a person who violates this permit in such a manner as to cause a threat to human health or the environment.

25. CREDIBLE EVIDENCE

Nothing in this permit shall be interpreted to preclude the use of credible evidence to demonstrate noncompliance with any term of this permit.

26. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

[COMAR 26.11.03.06E(2)]

The need to halt or reduce activity in order to comply with the conditions of this permit may not be used as a defense in an enforcement action.

27. CIRCUMVENTION

[COMAR 26.11.01.06]

The Permittee may not install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total weight of emissions, conceals or dilutes emissions which would otherwise constitute a violation of any applicable air pollution control regulation.

28. PERMIT SHIELD

[COMAR 26.11.03.23]

A permit shield as described in COMAR 26.11.03.23 shall apply only to terms and conditions in this Part 70 permit that have been specifically

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identified as covered by the permit shield. Neither this permit nor COMAR 26.11.03.23 alters the following:

- a. The emergency order provisions in Section 303 of the Clean Air Act, including the authority of EPA under that section;
- b. The liability of the Permittee for a violation of an applicable requirement of the Clean Air Act before or when this permit is issued or for a violation that continues after issuance;
- c. The requirements of the Acid Rain Program, consistent with Section 408(a) of the Clean Air Act;
- d. The ability of the Department or EPA to obtain information from a source pursuant to Maryland law and Section 114 of the Clean Air Act; or
- e. The authority of the Department to enforce an applicable requirement of the State air pollution control law that is not an applicable requirement of the Clean Air Act.

29. ALTERNATE OPERATING SCENARIOS

[COMAR 26.11.03.06A(9)]

For all alternate operating scenarios approved by the Department and contained within this permit, the Permittee, while changing from one approved scenario to another, shall contemporaneously record in a log maintained at the facility each scenario under which the emissions unit is operating and the date and time the scenario started and ended.

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SECTION III PLANT WIDE CONDITIONS

1. PARTICULATE MATTER FROM CONSTRUCTION AND DEMOLITION

[COMAR 26.11.06.03D]

The Permittee shall not cause or permit any building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

2. OPEN BURNING

[COMAR 26.11.07]

Except as provided in COMAR 26.11.07.04, the Permittee shall not cause or permit an open fire from June 1 through August 31 of any calendar year. Prior to any open burning, the Permittee shall request and receive approval from the Department.

3. AIR POLLUTION EPISODE

[COMAR 26.11.05.04]

When requested by the Department, the Permittee shall prepare in writing standby emissions reduction plans, consistent with good industrial practice and safe operating procedures, for reducing emissions creating air pollution during periods of Alert, Warning, and Emergency of an air pollution episode.

4. REPORT OF EXCESS EMISSIONS AND DEVIATIONS

[COMAR 26.11.01.07] and [COMAR 26.11.03.06C(7)]

The Permittee shall comply with the following conditions for occurrences of excess emissions and deviations from requirements of this permit, including those in Section VI – State-only Enforceable Conditions:

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- a. Report any deviation from permit requirements that could endanger human health or the environment, by orally notifying the Department immediately upon discovery of the deviation;
- b. Promptly report all occurrences of excess emissions that are expected to last for one hour or longer by orally notifying the Department of the onset and termination of the occurrence;
- c. When requested by the Department the Permittee shall report all deviations from permit conditions, including those attributed to malfunctions as defined in COMAR 26.11.01.07A, within 5 days of the request by submitting a written description of the deviation to the Department. The written report shall include the cause, dates and times of the onset and termination of the deviation, and an account of all actions planned or taken to reduce, eliminate, and prevent recurrence of the deviation;
- d. The Permittee shall submit to the Department semi-annual monitoring reports that confirm that all required monitoring was performed, and that provide accounts of all deviations from permit requirements that occurred during the reporting periods. Reporting periods shall be January 1 through June 30 and July 1 through December 31, and reports shall be submitted within 30 days of the end of each reporting period. Each account of deviation shall include a description of the deviation, the dates and times of onset and termination, identification of the person who observed or discovered the deviation, causes and corrective actions taken, and actions taken to prevent recurrence. If no deviations from permit conditions occurred during a reporting period, the Permittee shall submit a written report that so states.
- e. When requested by the Department, the Permittee shall submit a written report to the Department within 10 days of receiving the request concerning an occurrence of excess emissions. The report shall contain the information required in COMAR 26.11.01.07D(2).

5. ACCIDENTAL RELEASE PROVISIONS

[COMAR 26.11.03.03B(23)] and [40 CFR 68]

Should the Permittee become subject to 40 CFR 68 during the term of this permit, the Permittee shall submit risk management plans by the date

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specified in 40 CFR 68.150 and shall certify compliance with the requirements of 40 CFR 68 as part of the annual compliance certification as required by 40 CFR 70.

The Permittee shall initiate a permit revision or reopening according to the procedures of 40 CFR 70.7 to incorporate appropriate permit conditions into the Permittee's Part 70 permit.

6. GENERAL TESTING REQUIREMENTS

[COMAR 26.11.01.04]

The Department may require the Permittee to conduct, or have conducted, testing to determine compliance with this Part 70 permit. The Department, at its option, may witness or conduct these tests. This testing shall be done at a reasonable time, and all information gathered during a testing operation shall be provided to the Department.

7. EMISSIONS TEST METHODS

[COMAR 26.11.01.04]

Compliance with the emissions standards and limitations in this Part 70 permit shall be determined by the test methods designated and described below or other test methods submitted to and approved by the Department.

Reference documents of the test methods approved by the Department include the following:

- a. 40 CFR 60, appendix A
- b. 40 CFR 51, appendix M
- c. The Department's Technical Memorandum 91-01 "Test Methods and Equipment Specifications for Stationary Sources", (January 1991), as amended through Supplement 3, (October 1, 1997)

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8. EMISSIONS CERTIFICATION REPORT

**[COMAR 26.11.01.05-1] and [COMAR 26.11.02.19C] and
[COMAR 26.11.02.19D]**

The Permittee shall certify actual annual emissions of regulated pollutants from the facility on a calendar year basis.

- a. The certification shall be on forms obtained from the Department and submitted to the Department not later than April 1 of the year following the year for which the certification is required;
- b. The individual making the certification shall certify that the information is accurate to the individual's best knowledge. The individual shall be:
 - (1) Familiar with each source for which the certifications forms are submitted, and
 - (2) Responsible for the accuracy of the emissions information;
- c. The Permittee shall maintain records necessary to support the emissions certification including the following information if applicable:
 - (1) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;
 - (2) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
 - (3) Amounts, types and analyses of all fuels used;
 - (4) Emissions data from continuous emissions monitors that are required by this permit, including monitor calibration and malfunction information;
 - (5) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment including:

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- (a) Significant maintenance performed,
 - (b) Malfunctions and downtime, and
 - (c) Episodes of reduced efficiency of all equipment;
- (6) Limitations on source operation or any work practice standards that significantly affect emissions; and
- (7) Other relevant information as required by the Department.

9. COMPLIANCE CERTIFICATION REPORT

[COMAR 26.11.03.06G(6) and (7)]

The Permittee shall submit to the Department and EPA Region III a report certifying compliance with each term of this Part 70 permit including each applicable standard, emissions limitation, and work practice for the previous calendar year by April 1 of each year.

- a. The compliance certification shall include:
 - (1) The identification of each term or condition of this permit which is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether the compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of each source, currently and over the reporting period; and
 - (5) Any other information required to be reported to the Department that is necessary to determine the compliance status of the Permittee with this permit.
- b. The Permittee shall submit the compliance certification reports to the Department and EPA simultaneously.

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10. CERTIFICATION BY RESPONSIBLE OFFICIAL

[COMAR 26.11.02.02F]

All application forms, reports, and compliance certifications submitted pursuant to this permit shall be certified by a responsible official as to truth, accuracy, and completeness. The Permittee shall expeditiously notify the Department of an appointment of a new responsible official.

The certification shall be in the following form:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. SAMPLING AND EMISSIONS TESTING RECORD KEEPING

[COMAR 26.11.03.06C(5)]

The Permittee shall gather and retain the following information when sampling and testing for compliance demonstrations:

- a. The location as specified in this permit, and the date and time that samples and measurements are taken;
- b. All pertinent operating conditions existing at the time that samples and measurements are taken;
- c. The date that each analysis of a sample or emissions test is performed and the name of the person taking the sample or performing the emissions test;
- d. The identity of the Permittee, individual, or other entity that performed the analysis;
- e. The analytical techniques and methods used; and

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- f. The results of each analysis.

12. GENERAL RECORDKEEPING

[COMAR 26.11.03.06C(6)]

The Permittee shall retain records of all monitoring data and information that support the compliance certification for a period of five (5) years from the date that the monitoring, sample measurement, application, report or emissions test was completed or submitted to the Department.

These records and support information shall include:

- a. All calibration and maintenance records;
- b. All original data collected from continuous monitoring instrumentation;
- c. Records which support the annual emissions certification; and
- d. Copies of all reports required by this permit.

13. GENERAL CONFORMITY

[COMAR 26.11.26.09]

The Permittee shall comply with the general conformity requirements of 40 CFR 93, Subpart B and COMAR 26.11.26.09.

14. ASBESTOS PROVISIONS

[40 CFR 61, Subpart M]

The Permittee shall comply with 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.

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15. OZONE DEPLETING REGULATIONS

[40 CFR 82, Subpart F]

The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for MVACs in subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the prohibitions and required practices pursuant to 40 CFR 82.154 and 82.156.
- b. Equipment used during the maintenance, service, repair or disposal of appliances shall comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- c. Persons performing maintenance, service, repairs or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- d. Persons disposing of small appliances, MVACS, and MVAC-like appliances as defined in 40 CFR 82.152, shall comply with record keeping requirements pursuant to 40 CFR 82.155.
- e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.157.

16. ACID RAIN PERMIT

Not Applicable.

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SECTION IV PLANT SPECIFIC CONDITIONS

This section provides tables that include the emissions standards, emissions limitations, and work practices applicable to each emissions unit located at this facility. The Permittee shall comply with all applicable emissions standards, emissions limitations and work practices included herein.

The tables also include testing, monitoring, record keeping and reporting requirements specific to each emissions unit. In addition to the requirements included here in **Section IV**, the Permittee is also subject to the general testing, monitoring, record keeping, and reporting requirements included in **Section III – Plant Wide Conditions** of this permit.

Unless otherwise provided in the specific requirements for an emissions unit, the Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, all records that the Permittee is required under this section to establish. **[Reference: COMAR 26.11.03.06C(5)(g)]**

Table IV – 1	
1.0	<p><u>Emissions Unit Number(s): F CT3 thru F-CT6: Combustion Turbines</u></p> <p>F-CT3, F-CT4, F-CT5, F-CT6 – Four (4) General Electric Frame-7 combustion turbines, each rated at 65 MW and used for peaking service. These combustion turbines are fired on No. 2 fuel oil. The exhaust gas is vented to single 20 ft high stacks. [4-0070, 4-0071, 4-0073 & 4-0074]</p>
1.1	<p><u>Applicable Standards/Limits:</u></p> <p>A. <u>Control of Visible Emissions</u> COMAR 26.11.09.05 - Visible Emissions. “A. Fuel Burning Equipment. (1) Areas I, II, V, and VI. In Areas I, II, V, and VI, a person may not cause or permit the discharge of emissions from any fuel burning equipment, other than water in an uncombined form, which is greater than 20 percent opacity. (3) <u>Exceptions.</u> Section A(1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, startup, or adjustments or occasional cleaning of control equipment if: (a) The visible emissions are not greater than 40 percent opacity; and (b) The visible emissions do not occur for more than 6 consecutive minutes in any sixty-minute period.”</p>

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Table IV – 1

	<p>B. <u>Control of Sulfur Oxides</u> COMAR 26.11.09.07A(1) - Sulfur Content Limitations for Fuel. “A person may not burn, sell, or make available for sale any fuel with a sulfur content by weight in excess of or which otherwise exceeds the following limitations: In Areas I, II, V and VI: (c) Distillate fuel oils, 0.3 percent.”</p> <p>C. <u>Control of Nitrogen Oxides</u> COMAR 26.11.09.08G. - Requirements for Fuel-Burning Equipment with a Capacity Factor of 15 Percent or Less, and Combustion Turbines with a Capacity Factor Greater than 15 Percent. “(1) A person who owns or operates fuel-burning equipment with a capacity factor (as defined in 40 CFR Part 72.2) of 15 percent or less shall: (a) Provide certification of the capacity factor of the equipment to the Department in writing; (b) For fuel-burning equipment that operates more than 500 hours during a calendar year, perform a combustion analysis and optimize combustion at least once annually; (c) Maintain the results of the combustion analysis at the site for at least 2 years and make these results available to the Department and the EPA upon request. (2) A person who owns or operates a combustion turbine with a capacity factor greater than 15 percent shall meet an hourly average NO_x emission rate of not more than 42 ppm when burning gas or 65 ppm when burning fuel oil (dry volume at 15 percent oxygen) or meet applicable Prevention of Significant Deterioration limits, whichever is more restrictive.”</p> <p>Cross-State Air Pollution Rule See Table IV-1a: CSAPR for requirements.</p>
<p>1.2</p>	<p><u>Testing Requirements:</u></p> <p>A. <u>Control of Visible Emissions:</u> See Monitoring Requirements.</p> <p>B. <u>Control of Sulfur Oxides:</u> See Monitoring Requirements.</p> <p>C. <u>Control of Nitrogen Oxides:</u> If the turbines operate more than 500 hours, perform a combustion analysis and optimize combustion at least once annually. [Reference: COMAR 26.11.09.08G(1)(b)].</p>

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Table IV – 1

1.3	<p><u>Monitoring Requirements:</u></p> <p>A. <u>Control of Visible Emissions</u> The Permittee shall verify that visible emissions are less than 20 percent opacity. An observer shall perform an EPA Reference Method 9 observation of stack emissions for 18-minute period once every 168 hours of operation or at a minimum once per year. If a turbine operates for less than 100 hours in a calendar year, the visual observation requirement for that year is waived. The Permittee shall perform the following, if emissions are visible to human observer in excess of 20 percent opacity: (a) inspect combustion control system and combustion turbine operations, (b) perform all necessary adjustments and/or repairs to the combustion turbine within 48 hours of operation so that visible emissions are eliminated; and (c) document in writing the results of inspections, adjustments and/or repairs to the combustion turbine. The Permittee shall after 48 hours of operation, if the required adjustments and/or repairs had not eliminated the visible emissions, perform another Method 9 observation once daily when combustion turbine operating for 18 minutes until corrective action have reduce visible emissions to less than 20 percent opacity. [Reference: COMAR 26.11.03.06C]</p> <p>B. <u>Control of Sulfur Oxides:</u> The Permittee shall obtain a certification from the fuel supplier indicating that the oil complies with the limitation on the sulfur content of the fuel oil [Reference: COMAR 26.11.03.06C]</p> <p>C. <u>Control of Nitrogen Oxides:</u> The Permittee shall calculate the capacity factor of the engine within 30 days after the end of each month. [Reference: COMAR 26.11.03.06C].</p>
1.4	<p><u>Record Keeping Requirements:</u></p> <p><u>Note:</u> All records must be maintained for a period of at least 5 years. [Reference: COMAR 26.11.03.06C(5)(g)]</p> <p>A. <u>Control of Visible Emissions</u> The Permittee shall keep a copy of the visible emissions readings and the certification of the visible emission reader(s) for at least five years on site and make available to the Department upon request. [Reference: COMAR 26.11.03.06C]</p>

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Table IV – 1	
	<p>B. <u>Control of Sulfur Oxides:</u> The Permittee shall maintain records of fuel supplier’s certification on site for at least five years and shall make records available to the Department upon request. [Reference: COMAR 26.11.03.06C]</p> <p>C. <u>Control of Nitrogen Oxides</u> The Permittee shall maintain the results of the combustion analysis and any stack tests at the site for at least 5 years and make these results available to the Department and the EPA upon request. The Permittee shall maintain records of the calculations of the capacity factors. [Reference: COMAR 26.11.09.08G(1)(c) & COMAR 26.11.03.06C]</p>
1.5	<p><u>Reporting Requirements:</u></p> <p>A. <u>Control of Visible Emissions:</u> The Permittee shall report incidents of visible emissions in accordance with permit condition 4, Section III, Plant Wide Conditions, “Report of Excess Emissions and Deviations”. [Reference: COMAR 26.11.03.06C]</p> <p>B. <u>Control of Sulfur Oxides:</u> The Permittee shall report fuel supplier certifications to the Department upon request. [Reference: COMAR 26.11.09.07C]</p> <p>C. <u>Control of Nitrogen Oxides</u> The Permittee shall provide certification of the annual capacity factor of the equipment to the Department with the support documentation in the Annual Emission Certification Report. [Reference: COMAR 26.11.09.08G(1)(a) & COMAR 26.11.03.06C].</p>

“A permit shield shall cover the applicable requirements identified for the emissions unit(s) listed in the table above.”

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Table IV–2: Cross State Air Pollution Rule (CSAPR)	
2.0	<p><u>Emissions Unit Number(s): F CT3 thru F-CT6: Combustion Turbines (Cont'd)</u></p> <p>F-CT3, F-CT4, F-CT5, F-CT6 – Four (4) General Electric Frame-7 combustion turbines, each rated at 65 MW and used for peaking service. These combustion turbines are fired on No. 2 fuel oil. The exhaust gas is vented to single 20 ft high stacks. [4-0070, 4-0071, 4-0073 & 4-0074]</p>
2.1	<p><u>Applicable Standards/Limits:</u></p> <p>COMAR 26.11.28.02 - Requirements.</p> <p>A. This chapter incorporates by reference the U.S. EPA CSAPR and the CSAPR Update, including the definitions, criteria, and procedures therein.</p> <p>B. <u>Trading Program Requirements.</u></p> <p>(1) This chapter incorporates by reference provisions of the CSAPR NO_x Annual Trading Program set forth in 40 CFR Part 97, Subpart AAAAA, as published July 1, 2017, and associated reference methods, performance specifications, and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §97.411(b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j).</p> <p>(2) This chapter incorporates by reference provisions of the CSAPR NO_x Ozone Season Group 2 Trading Program set forth in 40 CFR Part 97, Subpart EEEEE, as published July 1, 2017, and associated reference methods, performance specifications and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §§97.811(b)(2) and (c)(5)(iii), 97.812(b), and 97.821(h) and (j). (<i>This is superseded by Group 3 Subpart GGGGG published April 30, 2021, effective June 29, 2021.</i>)</p> <p>(3) This chapter incorporates by reference provisions of the CSAPR SO₂ Group 1 Trading Program set forth in 40 CFR Part 97, Subpart CCCCC, as published July 1, 2017, and associated reference methods, performance specifications and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §§97.611(b)(2) and (c)(5)(iii), 97.612(b), and 97.621(h) and (j).</p> <p>A. 40 CFR Part 97 Subpart AAAAA—CSAPR NO_x Annual Trading Program §97.406 - Standard requirements.</p>

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(a) Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.413 through 97.418.

(b) Emissions monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the designated representative, of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.430 through 97.435.

(2) The emissions data determined in accordance with §§97.430 through 97.435 shall be used to calculate allocations of CSAPR NO_x Annual allowances under §§97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO_x Annual emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NO_x emissions requirements—(1) **CSAPR NO_x Annual emissions limitation.** (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall hold, in the source's compliance account, CSAPR NO_x Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Annual units at the source.

(ii) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Annual units at a CSAPR NO_x Annual source are in excess of the CSAPR NO_x Annual emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall hold the CSAPR NO_x Annual allowances required for deduction under §97.424(d); and

(B) The owners and operators of the source and each CSAPR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

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(2) CSAPR NO_x Annual assurance provisions. (i) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Annual allowances available for deduction for such control period under §97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.425(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR NO_x Annual allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NO_x emissions exceed the sum, for such control period, of the State NO_x Annual trading budget under §97.410(a) and the State's variability limit under §97.410(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Annual units at CSAPR NO_x Annual sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common

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designated representative's share of total NO_x emissions from the CSAPR NO_x Annual units at CSAPR NO_x Annual sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR NO_x Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR NO_x Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods. (i) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under §97.430(b) and for each control period thereafter.

(ii) A CSAPR NO_x Annual unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under §97.430(b) and for each control period thereafter.

(4) Vintage of CSAPR NO_x Annual allowances held for compliance. (i) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR NO_x Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) of this section for a control period in a given year must be a CSAPR NO_x Annual allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:

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- (i) Such authorization shall only be used in accordance with the CSAPR NO_x Annual Trading Program; and
- (ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) *Property right.* A CSAPR NO_x Annual allowance does not constitute a property right.
- (d) Title V permit requirements.** (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Annual allowances in accordance with this subpart.
- (2) A description of whether a unit is required to monitor and report NO_x emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.430 through 97.435 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.
- (e) Additional recordkeeping and reporting requirements.** (1) Unless otherwise provided, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i) The certificate of representation under §97.416 for the designated representative for the source and each CSAPR NO_x Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.416 changing the designated representative.
- (ii) All emissions monitoring information, in accordance with this subpart.

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(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Annual Trading Program.

(2) The designated representative of a CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall make all submissions required under the CSAPR NO_x Annual Trading Program, except as provided in §97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

(f) Liability. (1) Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual source or the designated representative of a CSAPR NO_x Annual source shall also apply to the owners and operators of such source and of the CSAPR NO_x Annual units at the source.

(2) Any provision of the CSAPR NO_x Annual Trading Program that applies to a CSAPR NO_x Annual unit or the designated representative of a CSAPR NO_x Annual unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CSAPR NO_x Annual Trading Program or exemption under §97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Annual source or CSAPR NO_x Annual unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.”

B.40 CFR Part 97 Subpart CCCCC—CSAPR SO₂ Group 1 Trading Program

§97.606 - Standard requirements.

(a) Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.613 through 97.618.

(b) Emissions monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the designated representative, of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.630 through 97.635.

(2) The emissions data determined in accordance with §§97.630 through 97.635 shall be used to calculate allocations of CSAPR SO₂ Group 1

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allowances under §§97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO₂ Group 1 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) SO₂ emissions requirements—(1) CSAPR SO₂ Group 1 emissions limitation. (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO₂ Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all CSAPR SO₂ Group 1 units at the source.

(ii) If total SO₂ emissions during a control period in a given year from the CSAPR SO₂ Group 1 units at a CSAPR SO₂ Group 1 source are in excess of the CSAPR SO₂ Group 1 emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR SO₂ Group 1 unit at the source shall hold the CSAPR SO₂ Group 1 allowances required for deduction under §97.624(d); and

(B) The owners and operators of the source and each CSAPR SO₂ Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) CSAPR SO₂ Group 1 assurance provisions. (i) If total SO₂ emissions during a control period in a given year from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO₂ emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO₂ Group 1 allowances available for deduction for such control period under

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§97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.625(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such SO₂ emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR SO₂ Group 1 allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total SO₂ emissions exceed the sum, for such control period, of the State SO₂ Group 1 trading budget under §97.610(a) and the State's variability limit under §97.610(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total SO₂ emissions from all CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total SO₂ emissions from the CSAPR SO₂ Group 1 units at CSAPR SO₂ Group 1 sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR SO₂ Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR SO₂ Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i)

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through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods. (i) A CSAPR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under §97.630(b) and for each control period thereafter.

(ii) A CSAPR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of January 1, 2017, or the deadline for meeting the unit's monitor certification requirements under §97.630(b) and for each control period thereafter.

(4) Vintage of CSAPR SO₂ Group 1 allowances held for compliance. (i) A CSAPR SO₂ Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR SO₂ Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) of this section for a control period in a given year must be a CSAPR SO₂ Group 1 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR SO₂ Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR SO₂ Group 1 Trading Program; and

(ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) Property right. A CSAPR SO₂ Group 1 allowance does not constitute a property right.

(d) Title V permit requirements. (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO₂ Group 1 allowances in accordance with this subpart.

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(2) A description of whether a unit is required to monitor and report SO₂ emissions using a continuous emission monitoring system (under subpart B of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.630 through 97.635 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.

(e) Additional recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

(i) The certificate of representation under §97.616 for the designated representative for the source and each CSAPR SO₂ Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.616 changing the designated representative.

(ii) All emissions monitoring information, in accordance with this subpart.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO₂ Group 1 Trading Program.

(2) The designated representative of a CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall make all submissions required under the CSAPR SO₂ Group 1 Trading Program, except as provided in §97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

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(f) **Liability.** (1) Any provision of the CSAPR SO₂ Group 1 Trading Program that applies to a CSAPR SO₂ Group 1 source or the designated representative of a CSAPR SO₂ Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO₂ Group 1 units at the source.
(2) Any provision of the CSAPR SO₂ Group 1 Trading Program that applies to a CSAPR SO₂ Group 1 unit or the designated representative of a CSAPR SO₂ Group 1 unit shall also apply to the owners and operators of such unit.
(g) **Effect on other authorities.** No provision of the CSAPR SO₂ Group 1 Trading Program or exemption under §97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO₂ Group 1 source or CSAPR SO₂ Group 1 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act."

C.40 CFR Part 97 Subpart GGGGG - CSAPR NO_x Ozone Season Group 3 Trading Program

"§97.1006 Standard requirements.

(a) **Designated representative requirements.** The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.1013 through 97.1018.

(b) **Emissions monitoring, reporting, and recordkeeping requirements.**

(1) The owners and operators, and the designated representative, of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.1030 through 97.1035.

(2) The emissions data determined in accordance with §§97.1030 through 97.1035 shall be used to calculate allocations of CSAPR NO_x Ozone Season Group 3 allowances under §§97.1011(a)(2) and (b) and 97.1012 and to determine compliance with the CSAPR NO_x Ozone Season Group 3 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.1030 through 97.1035 and rounded

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to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NO_x emissions requirements -

(1) CSAPR NO_x Ozone Season Group 3 emissions limitation.

(i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NO_x Ozone Season Group 3 allowances available for deduction for such control period under §97.1024(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Ozone Season Group 3 units at the source.

(ii) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Ozone Season Group 3 units at a CSAPR NO_x Ozone Season Group 3 source are in excess of the CSAPR NO_x Ozone Season Group 3 emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall hold the CSAPR NO_x Ozone Season Group 3 allowances required for deduction under §97.1024(d); and

(B) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) CSAPR NO_x Ozone Season Group 3 assurance provisions.

(i) If total NO_x emissions during a control period in a given year from all base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Ozone Season Group 3 allowances available for deduction for such control period under §97.1025(a) in an amount equal to two times the product (rounded to the

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Table IV-2: Cross State Air Pollution Rule (CSAPR)

nearest whole number), as determined by the Administrator in accordance with §97.1025(b), of multiplying -

(A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO_x emissions from all base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR NO_x Ozone Season Group 3 allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total NO_x emissions from all base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NO_x emissions exceed the sum, for such control period, of the State NO_x Ozone Season Group 3 trading budget under §97.1010(a), the State's variability limit under §97.1010(b), and, for the control period in 2021 only, the product (rounded to the nearest allowance) of 1.21 multiplied by the supplemental amount of CSAPR NO_x Ozone Season Group 3 allowances determined for the State under §97.1010(d).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NO_x emissions from all base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total NO_x emissions from the base CSAPR NO_x Ozone Season Group 3 units at base CSAPR NO_x Ozone Season Group 3 sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR NO_x Ozone Season Group 3 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section:

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(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
(B) Each CSAPR NO_x Ozone Season Group 3 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods.

(i) A CSAPR NO_x Ozone Season Group 3 unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2021, or the deadline for meeting the unit's monitor certification requirements under §97.1030(b) and for each control period thereafter.

(ii) A base CSAPR NO_x Ozone Season Group 3 unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of May 1, 2021, or the deadline for meeting the unit's monitor certification requirements under §97.1030(b) and for each control period thereafter.

(4) Vintage of CSAPR NO_x Ozone Season Group 3 allowances held for compliance.

(i) A CSAPR NO_x Ozone Season Group 3 allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR NO_x Ozone Season Group 3 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR NO_x Ozone Season Group 3 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) of this section for a control period in a given year must be a CSAPR NO_x Ozone Season Group 3 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR NO_x Ozone Season Group 3 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR NO_x Ozone Season Group 3 allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR NO_x Ozone Season Group 3 Trading Program; and

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- (ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR NO_x Ozone Season Group 3 allowance does not constitute a property right.
- (d) Title V permit requirements.**
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Ozone Season Group 3 allowances in accordance with this subpart.
- (2) A description of whether a unit is required to monitor and report NO_x emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.1030 through 97.1035 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.
- (e) Additional recordkeeping and reporting requirements.**
- (1) Unless otherwise provided, the owners and operators of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i) The certificate of representation under §97.1016 for the designated representative for the source and each CSAPR NO_x Ozone Season Group 3 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.1016 changing the designated representative.
- (ii) All emissions monitoring information, in accordance with this subpart.

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	<p>(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Ozone Season Group 3 Trading Program.</p> <p>(2) The designated representative of a CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall make all submissions required under the CSAPR NO_x Ozone Season Group 3 Trading Program, except as provided in §97.1018. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.</p> <p>(f) <u>Liability.</u></p> <p>(1) Any provision of the CSAPR NO_x Ozone Season Group 3 Trading Program that applies to a CSAPR NO_x Ozone Season Group 3 source or the designated representative of a CSAPR NO_x Ozone Season Group 3 source shall also apply to the owners and operators of such source and of the CSAPR NO_x Ozone Season Group 3 units at the source.</p> <p>(2) Any provision of the CSAPR NO_x Ozone Season Group 3 Trading Program that applies to a CSAPR NO_x Ozone Season Group 3 unit or the designated representative of a CSAPR NO_x Ozone Season Group 3 unit shall also apply to the owners and operators of such unit.</p> <p>(g) <u>Effect on other authorities.</u> No provision of the CSAPR NO_x Ozone Season Group 3 Trading Program or exemption under §97.1005 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Ozone Season Group 3 source or CSAPR NO_x Ozone Season Group 3 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.”</p>
2.2	<p><u>Testing Requirements:</u></p> <p>A, B & C: See Monitoring Requirements.</p>
2.3	<p><u>Monitoring Requirements:</u></p> <p>A. 40 CFR Part 97 Subpart AAAAA - CSAPR NO_x Annual Trading Program</p> <p>The Permittee shall comply with the monitoring requirements found in §97.406, §97.430, and §97.434 for the NO_x Annual Trading Program.</p>

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	<p>B. 40 CFR Part 97 Subpart CCCCC - CSAPR SO₂ Group 1 Trading Program The Permittee shall comply with the monitoring requirements found in §97.606, §97.630, §97.631, §97.632, and §97.633.</p> <p>The Permittee shall monitor using 40 CFR Part 75, Subpart B (for SO₂ monitoring) and 40 CFR Part 75, Subpart H (for NO_x monitoring).</p> <p>C. 40 CFR Part 97 Subpart GGGGG - CSAPR NO_x Ozone Season Group 3 Trading Program The Permittee shall comply with the monitoring requirements found in §97.1006; §97.1030; §97.1031, §97.1032, and §97.1033 for the NO_x Ozone Season Group 3 Trading Program.</p>
2.4	<p><u>Record Keeping Requirements:</u> Note: All records must be maintained for a period of at least 5 years. [Reference: COMAR 26.11.03.06C(5)(g)]</p> <p>A. 40 CFR Part 97 Subpart AAAAA - CSAPR NO_x Annual Trading Program The Permittee shall comply with the recordkeeping requirements found in §97.406, §97.430, and §97.434 for the NO_x Annual Trading Program.</p> <p>B. 40 CFR Part 97 Subpart CCCCC - CSAPR SO₂ Group 1 Trading Program The Permittee shall comply with the recordkeeping requirements found in §97.606, §97.630, and §97.634.</p> <p>C. 40 CFR Part 97 Subpart GGGGG - CSAPR NO_x Ozone Season Group 3 Trading Program The Permittee shall comply with the recordkeeping requirements found in §97.1006; §97.1030 and §97.1034 for the NO_x Ozone Season Group 3 Trading Program.</p>
2.5	<p><u>Reporting Requirements:</u></p> <p>A. 40 CFR Part 97 Subpart AAAAA - CSAPR NO_x Annual Trading Program</p>

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	<p>The Permittee shall comply with the reporting requirements found in §97.406, §97.430, §97.433 and §97.434 for the NO_x Annual Trading Program.</p>
	<p>B. 40 CFR Part 97 Subpart CCCCC - CSAPR SO₂ Group 1 Trading Program</p> <p>The Permittee shall comply with the reporting requirements found in §97.606, §97.630, §97.633 and §97.634.</p>
	<p>C. 40 CFR Part 97 Subpart GGGGG - CSAPR NO_x Ozone Season Group 3 Trading Program</p> <p>The Permittee shall comply with the reporting requirements found in §97.1006; §97.1030 and §97.1034 for the NO_x Ozone Season Group 3 Trading Program</p>

“A permit shield shall cover the applicable requirements identified for the emissions unit(s) listed in the table above.”

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SECTION V INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 1 Stationary internal combustion engines with an output less than 500 brake horsepower (373 kilowatts) and which are not used to generate electricity for sale or for peak or load shaving;

This *diesel fire pump is* subject to the following requirements:

- (A) COMAR 26.11.09.05E(2), Emissions During Idle Mode: The Permittee may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity.
- (B) COMAR 26.11.09.05E(3), Emissions During Operating Mode: The Permittee may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity.
- (C) Exceptions:
 - (i) COMAR 26.11.09.05E(2) does not apply for a period of 2 consecutive minutes after a period of idling of 15 consecutive minutes for the purpose of clearing the exhaust system.
 - (ii) COMAR 26.11.09.05E(2) does not apply to emissions resulting directly from cold engine start-up and warm-up for the following maximum periods:
 - (a) Engines that are idled continuously when not in service: 30 minutes.
 - (b) all other engines: 15 minutes.
 - (iii) COMAR 26.11.09.05E(2) & (3) do not apply while maintenance, repair or testing is being performed by qualified mechanics.

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(D) All applicable terms, provisions, emissions standards, testing, monitoring, record keeping, and reporting requirements included in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) promulgated under 40 CFR 63, Subparts ZZZZ for Stationary Reciprocating Internal Combustion Engine.

(2) Containers, reservoirs, or tanks used exclusively for:

(a) ✓ Storage of butane, propane, or liquefied petroleum, or natural gas;

(b) No. 5 Storage of lubricating oils;

(c) No. 2 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel;

(3) ✓ Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use;

(4) ✓ Comfort air conditioning subject to requirements of Title VI of the Clean Air Act;

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SECTION VI STATE-ONLY ENFORCEABLE CONDITIONS

The Permittee is subject to the following State-only enforceable requirements:

Applicable Regulations:

COMAR 26.11.06.08 – Nuisance. “An installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created. Nothing in this regulation relating to the control of emissions may in any manner be construed as authorizing or permitting the creation of, or maintenance of, nuisance or air pollution.”

COMAR 26.11.06.09 - Odors. “A person may not cause or permit the discharge into the atmosphere of gases, vapors, or odors beyond the property line in such a manner that a nuisance or air pollution is created.”

Maryland Department of the Environment
Air and Radiation Administration

CO₂ BUDGET TRADING PROGRAM PERMIT

Plant Name: - Morgantown Generating Station	
Affected Trading Units: CT-3, CT-4, CT-5, and CT-6	
Owner: Morgantown Power, LLC.	ORIS Code 1573
Effective Date From: May 1, 2023 To: September 30, 2027	

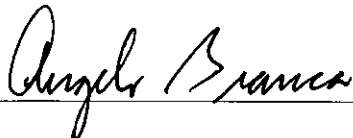
Contents:

1. Statement of Basis
2. Table of Affected Units
3. Standard Requirements.
4. The permit application forms submitted for this source.

1. Statement of Basis

Statutory and Regulatory Authorities: In accordance with Environmental Article §2-401, Annotated Code of Maryland, the Maryland Department of the Environment, Air and Radiation Administration issues this permit pursuant to COMAR 26.09.01 thru COMAR 26.09.04.

Initial Permit Approval



Christopher Hoagland., Director
Air and Radiation Administration

MAY 01 2023

Date of Issue

2. Affected Units

Unit ID #	ARA ID #	Unit Description
CT-3	4-0070	65 MWe (approx) No. 2 fuel oil fired combustion turbine
CT-4	4-0071	65 MWe (approx) No. 2 fuel oil fired combustion turbine
CT-5	4-0073	65 MWe (approx) No. 2 fuel oil fired combustion turbine
CT-6	4-0074	65 MWe (approx) No. 2 fuel oil fired combustion turbine

3. Standard Requirements:

(A) Selection and Responsibilities of CO₂ Budget Source Compliance Account Authorized Account Representatives.

- (1) Each CO₂ budget source shall have a CO₂ authorized account representative and an alternate CO₂ authorized account representative.
(COMAR 26.09.01.04B)
- (2) Upon receipt of a complete account certificate of representation:
 - (a) The CO₂ authorized account representative and alternate CO₂ authorized account representative shall represent and, by representations, actions, inactions, or submissions, legally bind each owner or operator of the CO₂ budget source represented and each CO₂ budget unit at the source in all matters pertaining to this subtitle, notwithstanding any agreement between the CO₂ authorized account representative, alternate CO₂ authorized account representative, and the owners or operators; and
(COMAR 26.09.01.04E (1))
 - (b) The owners or operators shall be bound by any decision or order issued to the CO₂ authorized account representative or alternate CO₂ authorized account representative by the Department or a court regarding the CO₂ budget source or unit.
(COMAR 26.09.01.04E (2))
- (3) A CO₂ budget permit may not be issued, or a compliance account established for a CO₂ budget source until the Department has received a complete account certificate of representation for a CO₂ authorized account representative and alternate CO₂ authorized account representative of the source and the CO₂ budget units at the source.
(COMAR 26.09.01.04F)
- (4) Each submission shall be signed and certified by the CO₂ authorized account representative or alternate CO₂ authorized account representative on behalf of each CO₂ budget source and shall include the following statement by the CO₂ authorized account representative or alternate CO₂ authorized account representative: "I am authorized to make the submission on behalf of the owners or operators of the CO₂ budget sources or CO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in the document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the

statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
(COMAR 26.09.01.04G)

(B) Distribution of CO₂ Allowances And Compliance

- (1) Unless otherwise specified in this chapter, a CO₂ budget source shall demonstrate compliance with its CO₂ budget emissions limitation by having one CO₂ allowance in its compliance account for every ton of CO₂ that it emits in a control period, by the allowance transfer deadline for that control period.
(COMAR 26.09.02.03E(1))
- (2) The following CO₂ allowances may be deducted from a compliance account for purposes of complying with a budget source's CO₂ budget emissions limitation for a certain control period
 - (a) CO₂ allowances that are not CO₂ offset allowances and are identified as allowances falling within a prior control period or the same control period for which the allowances are deducted;
 - (b) CO₂ allowances that are held or transferred into the CO₂ budget source's compliance account as of the CO₂ allowance transfer deadline for that control period;
 - (c) CO₂ offset allowances that are available to be deducted for compliance during a control period may not exceed the following:
 - (i) 3.3 percent;
 - (ii) 5 percent, if the Department determines that there has been a Stage 1 trigger event; and
 - (iii) 10 percent, if the Department determines that there has been a Stage 2 trigger event.
(COMAR 26.09.02.03E(2)(a)-(c))
- (3) The Department shall deduct CO₂ allowances from the CO₂ budget source's compliance account until the number of CO₂ allowances deducted equals the number of tons of total CO₂ emissions, less any CO₂ emissions attributable to the burning of eligible biomass.
(COMAR 26.09.02.03E (3))
- (4) The identification of available CO₂ allowances for compliance deduction by serial number or by default is as follows:
 - (a) The CO₂ authorized account representative for a source's compliance account may request that specific CO₂ allowances, identified by serial number for a control period, be deducted; and
 - (b) In the absence of an identification or in the case of a partial identification of available CO₂ allowances by serial number, the Department shall deduct CO₂ allowances for a control period in the following descending order:
 - (i) For the first control period, all CO₂ allowances purchased by direct sale from the Department during years 2009, 2010, and 2011 resulting from the occurrence of the \$7 auction clearing price;
 - (ii) All CO₂ allowances for a control period allocated to a CO₂ budget unit from the Long-Term Contract Set-aside Account or the Clean Generation Set-aside Account;
 - (iii) Subject to the relevant compliance deduction limitations identified in §E(2)(c) of this

regulation, any CO₂ offset allowances transferred and recorded in the compliance account, in chronological order; and

(iv) Any CO₂ allowances, other than those identified in §E(4)(b)(i) — (iii) of this regulation, that are available for deduction in the order they were recorded.
(COMAR 26.09.02.03E (4)(a)-(b))

(5) Deductions for Excess Emissions:

- (a) If a CO₂ budget source has excess emissions, the Department shall deduct, from the CO₂ budget source's compliance account, CO₂ allowances from allocation years that occur after the control period in which the source has excess emissions that equal three times the number of the source's excess emissions.
- (b) If a source has insufficient CO₂ allowances to cover three times the number of the source's excess emissions, the source shall immediately transfer sufficient allowances into its compliance account.
- (c) CO₂ offset allowances may not be deducted to account for the source's excess emissions.
- (d) Any CO₂ allowance deduction does not affect the liability of the owners or operators of the CO₂ budget units at the source for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under applicable State law.
(COMAR 26.09.02.03E (5)(a)-(d))

(6) The following guidelines apply in assessing fines, penalties, or other obligations:

- (a) For purposes of determining the number of days of violation, if a CO₂ budget unit has excess emissions for a control period, each day in the control period constitutes a day of violation unless the owners or operators of the unit can demonstrate to the satisfaction of the Department that a lesser number of days should be considered; and
- (b) The Department shall consider the amount of excess emissions in determining the severity of the violation.
(COMAR 26.09.02.03E (6)(a)-(b))

(7) If the CO₂ budget source's compliance account no longer exists, the CO₂ allowances shall be deposited in a general account selected by the owner or operator of the CO₂ budget source.
(COMAR 26.09.02.03E (7))

(8) Adjustments and Errors:

- (a) The Department may review and conduct independent audits concerning any submission under this subtitle and make appropriate adjustments of the information, if necessary.
- (b) The Department may correct any error in any account and, within 10 business days of making any correction, notify the CO₂ authorized account representative for the account
(COMAR 26.09.02.03E (8)(a)-(b))

(C) Applicability and Administration

- (1) The requirements of this permit apply to the owner or operator of a CO₂ budget unit. When this permit establishes a requirement such as the submittal of a permit application, a report, a request for allowances or transfer of allowances, or general information, these actions shall be achieved through the authorized account representative on behalf of the owner or operator of the affected

CO₂ budget source or unit.
(COMAR 26.09.02.02A)

- (2) The requirements of this subtitle are effective on January 1, 2009, or, for new CO₂ budget units, on the day on which the unit commences operation.
(COMAR 26.09.02.02C).
- (3) The provisions of this permit do not exempt or otherwise relieve the owners or operators of a CO₂ budget source from achieving compliance with any other provision of applicable State and federal laws and regulations.
(COMAR 26.09.02.02D).
- (4) Unless otherwise stated under this subtitle, any time period scheduled to begin:
 - (a) On the occurrence of an act or event, begins on the day the act or event occurs; and
 - (b) Before the occurrence of an act or event, is computed so that the period ends the day before the act or event occurs.
(COMAR 26.09.02.02F)
- (5) Unless otherwise stated, if the final day of any time period for performing an act required by this subtitle falls on a weekend or on a State or federal holiday, the time period is extended until or to the next business day.
(COMAR 26.09.02.02G)

(D) Permit Requirements

- (1) The account representative or designate alternate account representative) of each affected unit at a source, (every fossil fuel fired unit with a nameplate capacity of 25 MW or greater) for that source shall comply with the following:
 - (a) The CO₂ authorized account representative for the source shall submit an initial CO₂ budget permit application by October 1, 2008, or 12 months before the date on which the CO₂ budget source, or a new unit at the source, commences operation.
(COMAR 26.09.02.04A (2));
 - (b) The CO₂ budget permit application shall include the following in a format prescribed by the Department: 1) the identification of the CO₂ budget source; 2) facility name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration of the U. S. Department of Energy, if applicable; 3) each CO₂ budget unit at the source; and 4) other information required by the Department.
(COMAR 26.09.02.04A (3))
 - (c) The authorized account representative for the source shall submit a complete application for the renewal of an existing CO₂ budget permit on forms provided by the Department not later than 90 days before the expiration of the current CO₂ budget permit.
(COMAR 26.09.02.04 E)
- (2) Each CO₂ budget source shall apply for and have in effect a CO₂ budget permit that contains all applicable requirements.
(COMAR 26.09.02.04A (1)).

- (3) The CO₂ budget permit issued by the Department shall be separate but attached to the budget source's Part 70 permit.
(COMAR 26.09.02.04B)
- (4) A CO₂ budget permit expires 5 years from the date of issuance by the Department, unless an earlier expiration date is specified in the permit.
(COMAR 26.09.02.04D)

(E) Monitoring, Initial Certification and Recertification Requirements

- (1) For each control period in which a CO₂ budget source is subject to the CO₂ budget emissions limitation, the CO₂ authorized account representative of the source shall submit a compliance certification report by the March 1 following the relevant control period.
(COMAR 26.09.02.05 A (1))
- (2) The CO₂ authorized account representative shall include in the compliance certification report the following:
 - (a) Identification of the source and each CO₂ budget unit at the source;
 - (b) At the CO₂ authorized account representative's option, the serial numbers of the CO₂ allowances that are to be deducted from the source's compliance account for the control period, including the serial numbers of any CO₂ offset allowances that are to be deducted subject to applicable limitations; and
 - (c) The compliance certification required by §A(3) of COMAR 26.11.02.05.
(COMAR 26.09.02.05 A (2))
- (3) In the compliance certification report, the CO₂ authorized account representative shall certify whether the source and each CO₂ budget unit at the source for which the compliance certification is submitted was operated during the control period in compliance with the requirements of this subtitle, including:
 - (a) Whether each CO₂ budget unit at the source was operated in compliance with the CO₂ budget emissions limitation;
 - (b) Whether the monitoring plan applicable to each unit at the source has been maintained to reflect the actual operation and monitoring of the unit and contains all information necessary to track CO₂ emissions from the unit;
 - (c) Whether all CO₂ emissions from each unit at the source were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including identification of all conditional data reported in the quarterly reports; and if conditional data were reported, whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

- (d) Whether the basis for certification or for using an excepted monitoring method or approved alternative monitoring method has changed;
- (e) If a change is required to be reported, include: the nature and reasons for the change; when the change occurred; and how the unit's compliance status was determined after the change, including the method used to determine emissions when a change mandated the need for monitor recertification.
(COMAR 26.09.02.05A (3) (a)-(e))
- (4) The Department, at its discretion, may review and conduct independent audits of any compliance certification or other submission required by this permit.
(COMAR 26.09.02.05 B (1))
- (5) The Department may deduct CO₂ allowances from, or transfer CO₂ allowances to, a compliance account to correct errors in the account or to accurately reflect CO₂ emissions, based on the information in the compliance certification or other submissions.
(COMAR 26.09.02.05 B (2))

(6) The owner or operator of a CO₂ budget unit shall:

- (a) Install monitoring systems to monitor CO₂ concentration, stack gas flow rate, oxygen concentration, heat input, and fuel flow rate;
- (b) Install all monitoring systems in accordance with 40 CFR Part 75, except for equation G-1 in Appendix G (see below); and

$$W_{CO_2} = \frac{(MW_C + MW_{O_2}) \times W_C}{2,000 MW_C} \text{ (Eq. G-1)}$$

Where:

W_{CO₂}=CO₂ emitted from combustion, tons/day.

MW_C=Molecular weight of carbon (12.0).

MW_{O₂}=Molecular weight of oxygen (32.0)

W_C= Carbon burned, lb/day, determined using fuel sampling and analysis and fuel feed rates.

- (c) Record, report, and verify the data from the monitoring systems.
(COMAR 26.09.02.10A (1) (a)-(c))
- (7) Install and certify the monitoring system on or before the following dates:
 - (a) For a CO₂ budget unit that commences commercial operation before July 1, 2008, the owner or operator shall comply on or before January 1, 2009; and
 - (b) For a CO₂ budget unit that commences commercial operation or constructs a new stack or

flue on or after July 1, 2008, the owner or operator shall comply by January 1, 2009, or 90 operating days after the date on which the unit commences commercial operation.
(COMAR 26.09.02.10 A (1) (d))

- (8) The owner or operator of a CO₂ budget unit that does not meet the applicable compliance date shall, in accordance with the provisions in 40 CFR §75.31(b)(2) or (c)(3), or §2.4 of Appendix D, determine, record, and report maximum potential or, as appropriate, minimum potential for the following:
- (a) CO₂ concentration;
 - (b) CO₂ emissions rate;
 - (c) Stack gas moisture content;
 - (d) Fuel flow rate; and
 - (e) Any other parameter required to determine CO₂ mass emissions.
(COMAR 26.09.02.10 A (2) (a)-(e))
- (9) The owner or operator of a CO₂ budget unit that does not meet the applicable compliance date for any monitoring system shall determine, record, and report substitute data using the applicable missing data procedures in 40 CFR Part 75 Subpart D, or Appendix D, instead of the maximum potential values or, as appropriate, minimum potential values for a parameter, if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation.
(COMAR 26.09.02.10 A (3))
- (10) An owner or operator of a CO₂ budget unit or a non-CO₂ budget unit monitored under 40 CFR §75.72 (b) (2) (ii) may not:
- (a) Use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emissions monitoring system without having obtained prior written approval from the Department;
 - (b) Operate the unit so as to discharge, or allow to be discharged, CO₂ emissions to the atmosphere without accounting for all emissions in accordance with the applicable provisions of this chapter and 40 CFR Part 75;
 - (c) Disrupt the operation of the CEMS, any portion of the CEMS, or any other approved emissions monitoring method, and thereby avoid monitoring and recording CO₂ mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed; or
 - (e) Permanently discontinue use of the approved CEMS unless the owner or operator monitors emissions with a system approved in accordance with this chapter and 40 CFR Part 75.
(COMAR 26.09.02.10 A (4) (a)-(e))

- (11) For purposes of this subtitle only, the owner or operator of a CO₂ budget unit is exempt from demonstrating compliance with the initial certification requirements of 40 CFR §75.20 for a monitoring system if the following conditions are met:
- (a) The monitoring system has been previously certified in accordance with 40 CFR §75.20; and
 - (b) The applicable quality assurance and quality-control requirements of 40 CFR §75.21 and Appendix B and Appendix D of 40 CFR Part 75 are fully met for the certified monitoring system.
(COMAR 26.09.02.10 B (1) (a)-(b))
- (12) The recertification provisions of this regulation apply to a monitoring system exempt from the initial certification requirements of this regulation.
(COMAR 26.09.02.10 B (2))
- (13) If the Department has previously approved a petition under 40 CFR §75.72(b)(2)(ii) or 40 CFR §75.16(b)(2)(ii)(B) pursuant to 40 CFR §75.13 for apportioning the CO₂ emissions rate measured in a common stack or a petition under 40 CFR §75.66 for an alternative requirement in 40 CFR Part 75, the CO₂ authorized account representative shall resubmit the petition to the Department to determine whether the approval applies under this chapter.
(COMAR 26.09.02.10 B (3))
- (14) The owner or operator of a CO₂ budget unit shall comply with the initial certification and recertification procedures for a CEMS and an excepted monitoring system under 40 CFR Part 75, Appendix D.
(COMAR 26.09.02.10 B (4))
- (15) The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology in 40 CFR §75.19 or that qualifies to use an alternative monitoring system under 40 CFR Part 75, Subpart E, shall comply with this regulation.
(COMAR 26.09.02.10 B (5))
- (16) When the owner or operator replaces, modifies, or changes a CEMS that the Department determines significantly affects the ability of the system to accurately measure or record CO₂ mass emissions or to meet the quality assurance and quality control requirements of 40 CFR §75.21 or Appendix B, the owner or operator shall recertify the monitoring system according to 40 CFR §75.20(b).
(COMAR 26.09.02.10 C (1))
- (17) When the owner or operator replaces, modifies, or changes the flue gas handling system or the unit's operation in a manner that the Department determines has significantly changed the flow or concentration profile, the owner or operator shall recertify the CEMS according to 40 CFR §75.20(b).
(COMAR 26.09.02.10 C (2))
- (18) Approval Process for Initial Certifications and Recertification. The procedures in 40 CFR §75.20(b)(5) and (g)(7) apply for recertification. The CO₂ authorized account representative shall submit to the Department:

- (a) A written notice of the dates of certification; and
 - (b) A recertification application for each monitoring system, including the information specified in 40 CFR §75.63.
(COMAR 26.09.02.10 C(3) (a)-(b))
- (19) Provisional certification data for a monitor shall be:
- (a) Determined in accordance with 40 CFR §75.20(a)(3);
 - (b) A provisionally certified monitor may be used for a period not to exceed 120 days after receipt of the complete certification application for the monitoring system or component; and
 - (c) Data measured and recorded by the provisionally certified monitoring system or component is considered valid quality assured data, retroactive to the date and time of provisional certification, if the Department does not issue a notice of disapproval within 120 days of receipt of the complete certification application.
(COMAR 26.09.02.10 C (4) (a)-(c))
- (20) The Department shall issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application.
(COMAR 26.09.02.10 D (1))
- (21) If the Department does not issue the notice within the 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application shall be deemed certified for use.
(COMAR 26.09.02.10 D (2))
- (22) If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR Part 75, the Department shall issue a written notice of approval of the certification application within 120 days of receipt.
(COMAR 26.09.02.10 D (3))
- (23) If the certification application is not complete, the Department shall issue a written notice of incompleteness that sets a reasonable date by which the CO₂ authorized account representative is to submit the additional information required to complete the certification application.
(COMAR 26.09.02.10 D (4))
- (24) If the CO₂ authorized account representative does not comply with the notice of incompleteness by the specified date, the Department may issue a notice of disapproval.
(COMAR 26.09.02.10 D (5))
- (25) If the Department issues a notice of disapproval of a certification application or a notice of disapproval of certification status, the owner or operator shall substitute the following values for each disapproved monitoring system, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time,

date, and hour specified under 40 CFR §75.20(a)(5)(i) or 75.20(g)(7):

- (a) For units using or intending to monitor for CO₂ mass emissions using heat input or for units using the low mass emissions excepted methodology under 40 CFR §75.19, the maximum potential hourly heat input of the unit; or
 - (b) For units intending to monitor for CO₂ mass emissions using a CO₂ pollutant concentration monitor and a flow monitor, the maximum potential concentration of CO₂ and the maximum potential flow rate of the unit under 40 CFR Part 75, Appendix A, §2.1.
(COMAR 26.09.02.10 D (6) (a)-(b))
- (26) The CO₂ authorized account representative shall submit a notification of certification retest dates and a new certification application. The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Department's notice of disapproval, not later than 30 operating days after the date of issuance of the notice of disapproval.
(COMAR 26.09.02.10 D (7))
- (27) The owner or operator of a unit qualified to use the low mass emissions excepted methodology under 40 CFR §75.19 shall meet the applicable certification and recertification requirements of 40 CFR §§75.19(a) (2) and 75.20(h).
(COMAR 26.09.02.10 E (1))
- (28) If the owner or operator of this unit elects to certify a fuel flow meter system for heat input determinations, the owner or operator shall also meet the certification and recertification requirements in 40 CFR §75.20(g).
(COMAR 26.09.02.10 E (2))
- (29) Certification and Recertification Procedures for Alternative Monitoring Systems. For each unit for which the owner or operator intends to use an alternative monitoring system approved by the Department, 40 CFR Part 75, Subpart E, shall be used to comply with the applicable notification and application procedures of 40 CFR §75.20(f).
(COMAR 26.09.02.10 F)
- (30) When any monitoring system fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable procedures in 40 CFR Part 75, Subpart D, Appendix D.
(COMAR 26.09.02.10 G (1))
- (31) Audit Decertification.
- (a) Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any monitoring system should not have been certified or recertified because it did not meet a particular performance specification or the applicable provisions of 40 CFR Part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Department shall issue a notice of disapproval of the certification status of the monitoring system.
 - (b) By issuing the notice of disapproval, the certification status of the monitoring system is prospectively revoked.

(COMAR 26.09.02.10 G (2))

- (32) The data measured and recorded by the monitoring system may not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status.
(COMAR 26.09.02.10 G (3))

(F) Record Keeping and Reporting Requirements

- (1) The CO₂ authorized account representative shall comply with all record-keeping and reporting requirements in COMAR 26.09.02.10 and the applicable record-keeping and reporting requirements under 40 CFR §75.73.
(COMAR 26.09.02.11 A)
- (2) The CO₂ authorized account representative shall submit quarterly reports as described below in this section.
(COMAR 26.09.02.11 B (1))
- (3) The report shall contain the CO₂ mass emissions data for the CO₂ budget unit in an electronic format, unless otherwise required by the Department, for each calendar quarter beginning with:
- (a) The calendar quarter covering January 1, 2009 — March 31, 2009, for a unit that commences commercial operation before July 1, 2008; or
 - (b) For a unit commencing commercial operation on or after July 1, 2008, the calendar quarter corresponding to the earlier of the following dates: date of provisional certification; or applicable deadline for initial certification.
 - (c) If the quarter is the third or fourth quarter of 2008, reporting shall commence in the quarter covering January 1, 2009, through March 31, 2009.
(COMAR 26.09.02.11 B (2) (a)-(b))
- (4) The CO₂ authorized account representative shall submit each quarterly report within 30 days following the end of the calendar quarter covered by the report and in accordance with 40 CFR Part 75, Subpart H, §75.64 and 40 CFR Part 75, Subpart G except for the opacity, NO_x and SO₂ provisions.
(COMAR 26.09.02.11 B (4))
- (5) The CO₂ authorized account representative shall submit a compliance certification in support of each quarterly report. The certification shall state that:
- (a) The monitoring data submitted were recorded in accordance with the applicable requirements of this chapter and 40 CFR Part 75, including the quality assurance procedures and specifications;
 - (b) For a unit with add-on CO₂ emissions controls and for all hours where data are substituted in accordance with 40 CFR §75.34(a)(1), the add-on emissions controls were operating within the range of parameters listed in the quality assurance and quality control program under 40 CFR Part 75, Appendix B, and the substitute values do not systematically underestimate CO₂ emissions; and

- (c) The CO₂ concentration values substituted for missing data under 40 CFR Part 75, Subpart D, do not systematically underestimate CO₂ emissions.
(COMAR 26.09.02.11 B (5) (a)-(c))
- (6) The CO₂ authorized account representative of a CO₂ budget unit may submit a petition to the Department under 40 CFR §75.66 requesting approval to apply an alternative to any requirement of this chapter.
(COMAR 26.09.02.11 C)
- (7) The CO₂ authorized account representative or alternate CO₂ authorized account representative of a CO₂ budget unit that burns eligible biomass as a compliance mechanism under this chapter shall report the following information for each calendar quarter:
- (a) For each shipment of solid eligible biomass fuel fired at the CO₂ budget unit:
 - (i) Total eligible biomass fuel input, on an as-fired basis, in pounds; and
 - (ii) The moisture content, on an as-fired basis, as a fraction of weight;
 - (b) For each distinct type of gaseous eligible biomass fuel fired at the CO₂ budget unit:
 - (i) The density of the biogas, on an as-fired basis, in pounds per standard cubic foot; and
 - (ii) The moisture content of the biogas, as a fraction by total weight;
 - (c) For each distinct type of eligible biomass fuel fired at the CO₂ budget unit:
 - (i) The dry basis carbon content of the fuel type, as a fraction by dry weight;
 - (ii) The dry basis higher heating value, in MMBtu per dry pound;
 - (iii) The total dry basis eligible biomass fuel input, in pounds;
 - (iv) The total eligible biomass fuel heat input; and
 - (v) Chemical analysis, including heat value and carbon content;
 - (d) The total amount of CO₂ emitted from the CO₂ budget unit due to firing eligible biomass fuel, in tons, calculated as in §D(2)(b) of this regulation;
 - (e) The total heat input to the CO₂ budget unit due to firing eligible biomass fuel, in MMBtu, calculated below; and
 - (f) Description and documentation of monitoring technology and fuel sampling methodology employed, including sampling frequency.
(COMAR 26.09.02.11 D (1) (a)-(f))
- (8) An owner or operator of a CO₂ budget unit shall calculate and submit on a quarterly basis the total

dry weight for each distinct type of eligible biomass fired by the CO₂ budget unit during the reporting quarter:

(a) For solid eligible biomass fuel, determined as follows:

$$F_j = \sum_{i=1}^m (1 - M_i) x F_i$$

where:

- (i) F_j = Total eligible biomass dry basis fuel input (pounds) for fuel type j;
- (ii) F_i = Eligible biomass as fired fuel input (pounds) for fired shipment i;
- (iii) M_i = Moisture content (fraction) for fired shipment i;
- (iv) i = fired fuel shipment;
- (v) j = fuel type; and
- (vi) m = number of shipments.

(b) For gaseous eligible biomass fuel, as determined as follows:

$$F_j = D_j x V_j x (1 - M_j)$$

where:

- (i) F_j = Total eligible biomass dry basis fuel input (pounds) for fuel type j;
- (ii) D_j = Density of biogas (pounds/scf) for fuel type j;
- (iii) V_j = Total volume (scf) for fuel type j;
- (iv) M_j = Moisture content (fraction) for fuel type j; and
- (v) j = fuel type

(COMAR 26.09.02.11 D (2) (a)-(b))

(9) The amount of CO₂ emissions that is produced from the firing of eligible biomass for any full calendar quarter, during which either no fuel other than eligible biomass is combusted or during which fuels other than eligible biomass are combusted, is determined as follows:

$$CO_2 \text{ tons} = \sum_{j=1}^n F_j x C_j x O_j \left(\frac{44 \left(\frac{g}{mol CO_2} \right)}{12 \left(\frac{g}{mol C} \right)} \right) (0.0005)$$

where:

- (a) CO₂ tons = CO₂ emissions due to firing of eligible biomass for the reporting quarter;
- (b) F_j = Total eligible biomass dry basis fuel input (pounds) for fuel type j, as calculated in §D(2)(a) of this regulation;
- (c) C_j = Carbon fraction (dry basis) for fuel type j;
- (d) O_j = Oxidation factor for eligible biomass fuel type j, derived for solid fuels based on the ash content of the eligible biomass fired and the carbon content of this ash or for gaseous eligible biomass fuels, a default oxidation factor of 0.995 may be used;

$$(e) \frac{44 \left(\frac{g}{molCO_2} \right)}{12 \left(\frac{g}{molC} \right)}$$

= The number of tons of carbon dioxide that are created when one ton of carbon is combusted;

(f) 0.0005 = The number of short tons which is equal to one pound;

(g) j = Fuel type; and

(h) n = number of distinct fuel types.

(COMAR 26.09.02.11 D (3))

(10) Heat input due to firing of eligible biomass for each quarter shall be determined as follows:

(a) For each distinct fuel type:

$$H_j = F_j x HHV_j$$

where:

(i) H_j = Heat input (MMBtu) for fuel type j;

(ii) F_j = Total eligible biomass dry basis fuel input (pounds) for fuel type j;

(iii) HHV_j = Higher heating value (MMBtu/pound), dry basis, for fuel type j, as determined through chemical analysis;

(iv) j = Fuel type.

(b) For all fuel types:

$$HeatInputMMBtu = \sum_{j=1}^n H_j$$

where:

(i) H_j = Heat input (MMBtu) for fuel type j;

(ii) j = fuel type; and

(iii) n = number of distinct fuel types.

Fuel sampling methods and fuel sampling technology shall be consistent with the New York State Renewable Portfolio Standard Biomass Guidebook, May 2006.

(COMAR 26.09.02.11D(4) & D(5))

(11) A CO₂ budget unit shall submit to the Department the megawatt-hour value and a statement certifying that the megawatt-hour of electrical output reported reflects the total actual electrical output for all CO₂ budget units at the facility used by the independent system operator (ISO) to determine settlement resources of energy market participants.

(COMAR 26.09.02.11 E (1))

(12) A CO₂ budget unit shall report gross hourly megawatts to the Department in the same electronic data report (EDR) for gross output as submitted to the EPA Administrator, for the operating time in the hour, added for all hours in a year.

(COMAR 26.09.02.11 E (2))

- (13) A CO₂ budget unit shall submit the net electrical output to the Department in accordance with this regulation. A CO₂ budget source whose electrical output is not used in the independent system operator (ISO) energy market settlement determinations shall propose a method for quantification of net electrical output.

(COMAR 26.09.02.11 E (3))

- (14) Report of net Steam Output.

(a) CO₂ budget sources selling steam shall use billing meters to determine net steam output or an alternative method to measure net steam output approved by the Department.

(b) If data for steam output is not available, the CO₂ budget source may report heat input, substituting useful steam output for steam output.

(COMAR 26.09.02.11 E (4) (a)-(b))

- (15) Each CO₂ budget source shall submit an output monitoring plan with a description and diagram that include the following:

(a) If the CO₂ budget unit monitors net electric output, the diagram shall contain all CO₂ budget units and all generators served by each CO₂ budget unit and the relationship between CO₂ budget units and generators;

(b) If a generator served by a CO₂ budget unit is also served by a nonaffected unit, the nonaffected unit and its relationship to each generator shall be indicated on the diagram;

(c) The diagram shall indicate where the net electric output is measured and include all electrical inputs and outputs to and from the plant;

(d) If net electric output is determined using a billing meter, the diagram shall show each billing meter used to determine net sales of electricity and show that all electricity measured at the point of sale is generated by the CO₂ budget units;

(e) If the CO₂ budget unit monitors net thermal output, the diagram shall indicate all steam or hot water coming into the net steam system, including steam from CO₂ budget units and nonaffected units, and all exit points of steam or hot water from the net steam system;

(f) Each input and output stream shall have an estimated temperature, pressure and phase indicator, and an enthalpy in Btu per pound;

(g) The diagram of the net steam system shall identify all useful loads, house loads, parasitic loads, any other steam loads, and all boiler feedwater returns;

(h) The diagram shall represent all energy losses in the system as either usable or unusable losses;

(i) The diagram shall indicate all flow meters, temperature or pressure sensors, or other equipment used to calculate gross thermal output; and

- (j) If a sales agreement is used to determine net thermal output, the diagram shall show the monitoring equipment used to determine the sales of steam.
(COMAR 26.09.02.11 F (2) (a)-(j))
- (16) The description of the output monitoring system shall include:
 - (a) A written description of the output system and the equations used to calculate output, and, for net thermal output systems, descriptions and justifications of each useful load;
 - (b) A detailed description of all quality assurance and quality control activities that will be performed to maintain the output system; and
 - (c) Documentation supporting any output value to be used as a missing data value if there are periods of invalid output data.
 - (d) The missing data output value shall be either zero or an output value that is likely to be lower than a measured value and approved as part of the required monitoring plan.
(COMAR 26.09.02.11 F (3) (a)-(b))
- (17) A certification statement shall be submitted by the CO₂ authorized account representative stating that either:
 - (a) The output monitoring system consists entirely of billing meters; or
 - (b) The output monitoring system meets one of the accuracy requirements for nonbilling meters.
(COMAR 26.09.02.11 G (1) (a)-(b))
- (18) The billing meter shall record the electric or thermal output. Any electric or thermal output values reported shall be the same as the values used in billing for the output.
(COMAR 26.09.02.11 G (2))
- (19) For nonbilling meters, either the output monitoring system shall meet an accuracy of within 10 percent of the reference value, or each component monitor for the output system shall meet an accuracy of within 3 percent of the full scale value, whichever is less stringent.
(COMAR 26.09.02.11 G (3))
- (20) The system approach to accuracy shall include:
 - (a) A determination of how the system accuracy of 10 percent is achieved using the individual components in the system; and
 - (b) Data loggers and any wattmeters used to calculate the final net electric output data or any flowmeters for steam or condensate, temperature measurement devices, absolute pressure measurement devices, and differential pressure devices used for measuring thermal energy.
(COMAR 26.09.02.11 G (4) (a)-(b))
- (21) If, upon testing a piece of output measurement equipment, it is determined that the output readings are

not accurate to within 3 percent of the full scale value, then the equipment shall be repaired or replaced to meet that requirement.

(COMAR 26.09.02.11 G (5))

- (22) Data is invalid until the output measurement equipment passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test.

(COMAR 26.09.02.11 G (6))

- (23) Ongoing quality assurance and quality control activities shall be performed in order to maintain the output system.

(COMAR 26.09.02.11 H (1))

- (24) If billing meters are used to determine output, quality assurance and quality control activities are not required beyond what are already performed.

(COMAR 26.09.02.11 H (2))

- (25) Certain types of equipment such as potential transformers, current transformers, nozzle and venture type meters, and the primary element of an orifice plate only require an initial certification of calibration and do not require periodic recalibration unless the equipment is physically changed.

(a) Pressure and temperature transmitters accompanying an orifice plate will require periodic retesting.

(b) For other types of equipment, the meter accuracy shall be recalibrated or verified at least once every 2 years, unless a consensus standard allows for less frequent calibrations or accuracy tests.

(c) For nonbilling meters, either the output monitoring system shall meet an accuracy of within 10 percent of the reference value, or each component monitor for the output system shall meet an accuracy of within 3 percent of the full scale value, whichever is less stringent.

(d) If, upon testing a piece of output measurement equipment, it is determined that the output readings are not accurate to within 3 percent of the full scale value, then the equipment shall be repaired or replaced to meet that requirement.

(COMAR 26.09.02.11 H (3) (a)-(e))

- (26) Out-of-Control Periods.

(a) If, upon testing a piece of output measurement equipment, it is determined that the output readings are not accurate to the certification value, data is invalid until the output measurement equipment passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test.

(b) All invalid data shall be replaced by either zero or an output value that is likely to be lower than a measured value and that is approved as part of the required monitoring plan.

(COMAR 26.09.02.11 H (4) (a)-(b))

- (27) The CO₂ authorized account representative shall submit annual output reports, as follows:

(a) Data shall be sent both electronically and in hardcopy by March 1 for the immediately preceding calendar year; and

(COMAR 26.09.02.11 I (1))

- (28) The annual report shall include unit level megawatt hours, all useful steam output, and a certification statement from the CO₂ authorized account representative stating the following, “I am authorized to make this submission on behalf of the owners and operators of the CO₂ budget sources or CO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

(COMAR 26.09.02.11 I (2))

(G) CO₂ Emission Offset Projects

- (1) In order to qualify for the award of CO₂ offset allowances, the following offset projects shall satisfy all applicable requirements identified in COMAR 26.09.03 and initially commence on or after December 20, 2005:
- (a) Landfill methane capture and destruction;
 - (b) Reduction in emissions of sulfur hexafluoride (SF₆);
 - (c) Sequestration of carbon due to afforestation;
 - (d) Reduction or avoidance of CO₂ emissions from natural gas, oil, or propane end-use combustion due to end-use energy efficiency; and
 - (e) Avoided methane emissions from agricultural manure management operations.
- (COMAR 26.09.03.01 A (1)-(5))

4. Permit Application (See Attachment)

**MORGANTOWN POWER, LLC.
MORGANTOWN CT SITE
PERMIT NO. 24-017-0279
PART 70 OPERATING PERMIT FACT SHEET**

BACKGROUND

The Morgantown CT Site is engaged in the generation of electric energy for sale. The primary SIC code for this facility is 4911. The facility consists of four (4) Combustion turbines, CT 3, 4, 5 and 6, which are GE Frame 7s each rated at 65 MW and fired on No. 2 fuel oil. These CTs are used for peaking purposes.

The following table summarizes the actual emissions from Morgantown CT Site based on its Annual Emission Certification Reports:

Table 1: Actual Emissions

Year	NO_x (TPY)	SO_x (TPY)	PM₁₀/PM_{2.5} (TPY)	CO (TPY)	VOC (TPY)	Total HAP (TPY)
2021	4.8	2.8	0.109	0.03	0.0016	0.0
2020	13.6	7.6	0.323	0.0675	0.0084	0.0
2019	7.8	14.2	0.17	0.05	0.0	0.02
2018	68.4	38.1	1.46	0.42	0.05	0.16
2017	18.4	10.4	0.39	0.11	0.01	0.04

Note: PM_{2.5} includes filterable; PM₁₀ includes filterable and PM condensable. Billable HAPs for CTs only.

The major source threshold for triggering Title V permitting requirements in Charles County is 25 tons per year for NO_x and VOCs, 100 tons per year for any other criteria pollutant, and 10 tons per year of any single hazardous air pollutant (HAP) or 25 tons per year of any combination of HAPs. Since actual emissions of NO_x, SO_x, VOC, PM₁₀ and CO are greater than the major source threshold, Morgantown CT Site is required to obtain a Title V Part 70 Operating Permit under COMAR 26.11.03.01.

The Department, on May 19, 2020, received the Morgantown CT Site's Part 70-permit initial application, which was submitted by GenOn Mid-Atlantic, LLC. An administrative completeness review was conducted, and the application was deemed complete. A completeness determination letter was sent to GenOn Mid-Atlantic, LLC on September 14, 2020, granting Morgantown CT Site an application shield.

GenOn submitted two (2) T5 applications (CTs and coal units) in order that the facility be split into two entities for potential future sale. This Morgantown Power, LLC permit will be an initial Title V operating with a new name for the combustion turbines, CT 3, 4, 5 & 6.

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A letter dated January 5, 2022, from Lanyard Power Holdings, LLC stating that the company is not seeking renewal permits for the retired coal units, since these units are retired and will remain permanently retired. A letter dated June 6, 2022, stated that the coal units (Units 1 & 2) retired June 1, 2022, and ceased coal operation.

Morgantown CT Site is subject to the NO_x Reasonably Available Control Technology (RACT) requirements, and the Cross-State Air Pollution Rule (CSAPR). Morgantown CT Site is also subject to the requirements of the Regional Greenhouse Gas Initiative (RGGI) program which is a State-only enforceable program. Under these regulations, GenOn is required to submit a RGGI permit application. The renewal RGGI permit upon issuance will be attached to the Part 70 permit.

Cross-State Air Pollution Rule (CSAPR)

The U.S. Environmental Protection Agency (EPA) issued the Cross-State Air Pollution Rule (CSAPR) in July 2011 to address Clean Air Act requirements concerning interstate transport of air pollution and to replace the previous Clean Air Interstate Rule (CAIR) which the D.C. Circuit remanded to the EPA for replacement. Following the original rulemaking, CSAPR was amended by three further rules known as the Supplemental Rule, the First Revisions Rule, and the Second Revisions Rule. As amended, CSAPR requires 28 states to limit their state-wide emissions of sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x) in order to reduce or eliminate the states' contributions to fine particulate matter and/or ground-level ozone pollution in other states. The emissions limitations are defined in terms of maximum state-wide "budgets" for emissions of annual SO₂, annual NO_x, and/or ozone season NO_x by each state's large electricity generating units (EGUs). The emissions budgets are implemented in two phases of generally increasing stringency. As the mechanism for achieving compliance with the emissions limitations, CSAPR establishes federal implementation plans (FIPs) that require large EGUs in each affected state to participate in one or more new emission trading programs that supersede the existing CAIR emissions trading programs. On December 30, 2011, in response to petitions challenging CSAPR, the D.C. Circuit granted a stay of the rule, ordering the EPA to continue administering CAIR on an interim basis. In a subsequent decision, the Court vacated CSAPR but on April 29, 2014, the U.S. Supreme Court reversed that decision and remanded the case to the D.C. Circuit Court for further proceedings. In order to allow CSAPR to replace CAIR in an orderly manner, EPA filed a motion asking the D.C. Circuit to lift the stay and to toll, by three years, all CSAPR compliance deadlines that had not yet passed. On October 23, 2014, the Court granted the EPA's motion.

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Consistent with the Court's order, compliance with CSAPR's Phase 1 emissions budgets is now required in 2015 and 2016 and compliance with the rule's Phase 2 emissions budgets and assurance provisions is now required in 2017 and beyond.

On September 7, 2016, EPA finalized the CSAPR Update, which further reduced NO_x emissions from EGUs in 22 states during the ozone season, May 1 thru September 30, thereby reducing pollution transport and helping downwind states achieve and maintain the 2008 ozone standard (75 ppb). On October 26, 2016, CSAPR Update was published in the federal register, with an effective date of December 27, 2016.

On March 15, 2021, EPA finalized the Revised Cross-State Air Pollution Rule Update for the 2008 ozone National Ambient Air Quality Standards (NAAQS). Starting in the 2021 ozone season, the rule will require additional emissions reductions of nitrogen oxides (NO_x) from power plants in 12 states, improving air quality for millions of Americans. On April 30, 2021, the Revised CSAPR Update was published in the federal register, with an effective date of June 29, 2021.

This renewal Part 70 permit identifies the applicable regulations of the CSAPR rule as found in 40 CFR Part 97 subparts AAAAA - NO_x Annual Trading Program, subparts GGGGG - NO_x Ozone Season Group 3 Trading Program, and subpart CCCCC SO₂ Group 1 Trading Program.

Regional Greenhouse Gas Initiative

The Regional Greenhouse Gas Initiative (RGGI) is a market-based carbon dioxide (CO₂) cap and trade program designed to reduce CO₂ emissions from fossil fuel-fired power plants. It is a Maryland State-only enforceable program. The Healthy Air Act (discussed above) required Maryland to join RGGI by July 2007. Maryland joined RGGI by signing RGGI's multi-state Memorandum of Understanding (MOU) on April 20, 2007. The MOU required Maryland to adopt regulations by December 31, 2008, implementing the RGGI program. The Maryland CO₂ Budget Trading Program, Code of Maryland Regulations (COMAR) 26.09.01 to .03, became effective on July 17, 2008. COMAR 26.09.04 became effective as an emergency action on April 4, 2008, and as a permanent action on August 25, 2008.

The regulations require the following:

- 1) Implement a cap-and-trade program for CO₂ emissions from fossil fuel-fired electric generating units located in Maryland having a capacity of at least 25 megawatts;
- 2) Distribute CO₂ allowances to stakeholders through auction, sale and/or allocation;

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- 3) Require each affected source to have a CO₂ budget account representative and a compliance account;
- 4) Require each budget unit to hold in its source's compliance account at the end of each 3-year control period one allowance for each ton of CO₂ emissions emitted in that period;
- 5) Require sources to monitor emissions and submit quarterly and annual emission reports;
- 6) Establish set-aside accounts for voluntary renewable purchase, limited industrial generator exemptions, and long-term contract generators;
- 7) Establish a consumer benefit or strategic energy purpose fund to support energy efficiency, directly mitigate electricity ratepayer impacts, promote renewable or non-carbon emitting energy technologies, stimulate or reward investment in the development of innovative carbon emissions abatement technologies with significant carbon reduction potential, and fund administration of the program; and
- 8) Establish procedures to evaluate and award allowances to persons who undertake offset projects that will reduce CO₂ emissions.
- 9) Require affected sources to submit an application for a CO₂ Budget Permit. A CO₂ Budget Permit when issued will be an attachment to the Part 70 permit.

GREENHOUSE GAS (GHG) EMISSIONS

Morgantown CT Site emits the following greenhouse gases (GHGs) related to Clean Air Act requirements: carbon dioxide, methane, and nitrous oxide. These GHGs originate from various processes (i.e., combustion turbines) contained within the facility premises applicable to Morgantown CT Site. The facility has not triggered Prevention of Significant Deterioration (PSD) requirements for GHG emissions; therefore, there are no applicable GHG Clean Air Act requirements. While there may be no applicable requirements as a result of PSD, emission certification report for the years 2018 thru 2021 showed that Morgantown CT Site is not a major source (threshold: 100,000tpy CO_{2e}) for GHG's (see Table 2 shown below). The Permittee shall quantify facility wide GHGs emissions and report them in accordance with Section 3 of the Part 70 permit.

The following table summarizes the actual emissions from Morgantown CT Site based on its Annual Emission Certification Reports:

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Table 2: Greenhouse Gases Emissions Summary

GHG	Conversion factor	2018 tpy CO_{2e}	2019 tpy CO_{2e}	2020 tpy CO_{2e}	2021 tpy CO_{2e}
Carbon dioxide CO ₂	1	18,584.14	2,112.04	4,081	1,485.3
Methane CH ₄	25	35.97	5.14	4.04	1.535
Nitrous Oxide N ₂ O	298	15.09	2.16	6.10	3.576
Total GHG CO_{2eq}		18,635.21	2,119.33	4,091.14	1,490.41

EMISSION UNIT IDENTIFICATION

Morgantown CT Site has identified the following emission units as being subject to Title V permitting requirements and having applicable requirements.

Table 3: Emission Unit Identification

Emissions Unit Number	MDE - ARA Registration Number	Emissions Unit Name and Description	Date of Installation
F-CT3	4-0070	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT4	4-0071	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT5	4-0073	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	June 1973
F-CT6	4-0074	General Electric Frame-7 combustion turbine rated at 65 MW and used for peaking service. The combustion turbine is	June 1973

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Emissions Unit Number	MDE - ARA Registration Number	Emissions Unit Name and Description	Date of Installation
		fired on No. 2 fuel oil. The exhaust gas is vented to a single 20 ft high stack.	

AN OVERVIEW OF THE PART 70 PERMIT

The Fact Sheet is an informational document. If there are any discrepancies between the Fact Sheet and the Part 70 permit, the Part 70 permit is the enforceable document.

Section I of the Part 70 Permit contains a brief description of the facility and an inventory list of the emissions units for which applicable requirements are identified in Section IV of the permit.

Section II of the Part 70 Permit contains the general requirements that relate to administrative permit actions. This section includes the procedures for renewing, amending, reopening, and transferring permits, the relationship to permits to construct and approvals, and the general duty to provide information and to comply with all applicable requirements.

Section III of the Part 70 Permit contains the general requirements for testing, record keeping and reporting; and requirements that affect the facility as a whole, such as open burning, air pollution episodes, particulate matter from construction and demolition activities, asbestos provisions, ozone depleting substance provisions, general conformity, and acid rain permit. This section includes the requirement to report excess emissions and deviations, to submit an annual emissions certification report and an annual compliance certification report, and results of sampling and testing.

Section IV of the Part 70 Permit identifies the emissions standards, emissions limitations, operational limitations, and work practices applicable to each emissions unit located at the facility. For each standard, limitation, and work practice, the permit identifies the basis upon which the Permittee will demonstrate compliance. The basis will include testing, monitoring, record keeping, and reporting requirements. The demonstration may include one or more of these methods.

Section V of the Part 70 Permit contains a list of insignificant activities. These activities emit very small quantities of regulated air pollutants and do not require a permit to construct or registration with the Department. For insignificant activities that are subject to a requirement under the Clean Air Act, the requirement is listed under the activity.

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Section VI of the Part 70 Permit contains State-only enforceable requirements. Section VI identifies requirements that are not based on the Clean Air Act, but solely on Maryland air pollution regulations. These requirements generally relate to the prevention of nuisances and implementation of Maryland's Air Toxics Program.

**REGULATORY REVIEW/TECHNICAL REVIEW/COMPLIANCE
METHODOLOGY**

Emission Units: F CT3 thru F-CT6: Combustion Turbines

F-CT3, F-CT4, F-CT5, F-CT6 – Four (4) General Electric Frame-7 combustion turbines, each rated at 65 MW and used for peaking service. These combustion turbines are fired on No. 2 fuel oil. The exhaust gas is vented to single 20 ft high stacks. [4-0070, 4-0071, 4-0073 & 4-0074]

All combustion turbines were installed prior to subpart GG standards and therefore are not subject to 40 CFR Part 60, subpart GG and have no NO_x controls.

Control of Particulate Matter: The requirements in Figure 1 and Figure 2 of this chapter do not apply to fuel-burning equipment burning gas or distillate oil. [COMAR 26.11.09.06A3(c)].

The CTs are not subject to the requirements of 40 CFR Part 63, Subpart YYYY— National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines since they were constructed before March 5, 2004.

Compliance Status

During the February 20, 2020, full compliance inspection, the results are as follows: None of the CTs operated more than 168 hours in 2018. Visible Emission Observations were performed in January 2018 and July 2019. No visible emissions were observed. A visible emission observation was performed on **F-CT6** in March 2019.

The heat input-based capacity factors as reported in facility's annual compliance certification report are as follows:

CTs	2019	2018	2017
F-CT3	0.08%	1.0%	0.18%
F-CT4	0.11%	1.1%	0.16%
F-CT5	0.08%	0.9%	0.16%
F-CT6	0.02%	0.8%	0.17%

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None of the CTs had a capacity factor greater than 15%, so they are not subject to an hourly average NOx emission rate limit.

Applicable Standards and Limitations:

A. Control of Visible Emissions

COMAR 26.11.09.05 - Visible Emissions.

"A. Fuel Burning Equipment.

(1) Areas I, II, V, and VI. In Areas I, II, V, and VI, a person may not cause or permit the discharge of emissions from any fuel burning equipment, other than water in an uncombined form, which is greater than 20 percent opacity.

(3) Exceptions. Section A(1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, startup, or adjustments or occasional cleaning of control equipment if:

(a) The visible emissions are not greater than 40 percent opacity; and

(b) The visible emissions do not occur for more than 6 consecutive minutes in any sixty-minute period."

Compliance Demonstration

The Permittee shall verify that visible emissions are less than 20 percent opacity. An observer shall perform an EPA Reference Method 9 observation of stack emissions for 18-minute period once every 168 hours of operation or at a minimum once per year. If a turbine operates for less than 100 hours in a calendar year, the visual observation requirement for that year is waived. The Permittee shall perform the following, if emissions are visible to human observer in excess of 20 percent opacity:

- (a) inspect combustion control system and combustion turbine operations,
- (b) perform all necessary adjustments and/or repairs to the combustion turbine within 48 hours of operation so that visible emissions are eliminated; and
- (c) document in writing the results of inspections, adjustments and/or repairs to the combustion turbine.

The Permittee shall after 48 hours of operation, if the required adjustments and/or repairs had not eliminated the visible emissions, perform another Method 9 observation once daily when combustion turbine operating for 18 minutes until corrective action have reduce visible emissions to less than 20 percent opacity. The Permittee shall keep a copy of the visible emissions readings and the certification of the visible emission reader(s) for at least five years on site and make available to the Department upon request. The Permittee shall report incidents of visible emissions in accordance with permit condition 4, Section III, Plant Wide Conditions, "Report of Excess Emissions and Deviations".

[Reference: COMAR 26.11.03.06C]

B. Control of Sulfur Oxides

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COMAR 26.11.09.07A(1) - Sulfur Content Limitations for Fuel.

"A person may not burn, sell, or make available for sale any fuel with a sulfur content by weight in excess of or which otherwise exceeds the following limitations: In Areas I, II, V and VI: **(c) Distillate fuel oils, 0.3 percent.**"

Compliance Demonstration

The Permittee shall obtain a certification from the fuel supplier indicating that the oil complies with the limitation on the sulfur content of the fuel oil. The Permittee shall maintain records of fuel supplier's certification on site for at least five years and shall make records available to the Department upon request. **[Reference: COMAR 26.11.03.06C]**. The Permittee shall report fuel supplier certifications to the Department upon request. **[Reference: COMAR 26.11.09.07C]**

Rationale for Periodic Monitoring: This strategy to certify sulfur content in oil is similar to the requirements for boilers under New Source Performance Standards.

C. Control of Nitrogen Oxides

COMAR 26.11.09.08G. - Requirements for Fuel-Burning Equipment with a Capacity Factor of 15 Percent or Less, and Combustion Turbines with a Capacity Factor Greater than 15 Percent.

"(1) A person who owns or operates fuel-burning equipment with a capacity factor (as defined in 40 CFR Part 72.2) of 15 percent or less shall:
(a) Provide certification of the capacity factor of the equipment to the Department in writing;
(b) For fuel-burning equipment that operates more than 500 hours during a calendar year, perform a combustion analysis and optimize combustion at least once annually;
(c) Maintain the results of the combustion analysis at the site for at least 2 years and make these results available to the Department and the EPA upon request.
(2) A person who owns or operates a combustion turbine with a capacity factor greater than 15 percent shall meet an hourly average NO_x emission rate of not more than 42 ppm when burning gas or 65 ppm when burning fuel oil (dry volume at 15 percent oxygen) or meet applicable Prevention of Significant Deterioration limits, whichever is more restrictive."

Compliance Demonstration

If the turbines operate more than 500 hours, perform a combustion analysis and optimize combustion at least once annually. **[Reference: COMAR 26.11.09.08G(1)(b)]**. The Permittee shall calculate the capacity factor of the engine within 30 days after the end of each month. **[Reference: COMAR 26.11.03.06C]**.

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The Permittee shall maintain the results of the combustion analysis and any stack tests at the site for at least 5 years and make these results available to the Department and the EPA upon request. The Permittee shall maintain records of the calculations of the capacity factors. [Reference: **COMAR 26.11.09.08G(1)(c) & COMAR 26.11.03.06C**]

The Permittee shall provide certification of the annual capacity factor of the equipment to the Department with the support documentation in the Annual Emission Certification Report. [Reference: **COMAR 26.11.09.08G(1)(a) & COMAR 26.11.03.06C**].

Emission Units: F-CT3 thru F-CT6; Combustion Turbines (Cont'd)

Cross State Air Pollution Rule (CSAPR)

F-CT3, F-CT4, F-CT5, F-CT6 – Four (4) General Electric Frame-7 combustion turbines, each rated at 65 MW and used for peaking service. These combustion turbines are fired on No. 2 fuel oil. The exhaust gas is vented to single 20 ft high stacks. [4-0070, 4-0071, 4-0073 & 4-0074]

Compliance Status

Low Mass Emission (LME) Units – Per COMAR 26.11.28 and 40 CFR 75.19, periodically (once every 20 calendar quarters (i.e., 5 years) GenOn is required to perform NOx stack tests on the four (4) peaking combustion turbines **F-CT3 thru F-CT6**. Since all four (4) CTs are GE Frame-7 peak load use turbines and considered identical units per 40 CFR 75.1(C)(1)(iv)(B)(1), only 2 of the 4 units need be tested as representative units. The NOx emission rates obtained during the tests will be used in calculating and reporting quarterly NOx emissions from the CTs per 40 CFR 75.

On July 12 & 13, 2017 testing was performed on two of the four (**F-CT3 & F-CT4**) CTs as representative units since all four CTs are identical. The results while burning No. 2 fuel oil are as follows:

Unit	NO _x lb./MMBtu ISO corrected	Unit Load (MW)
F-CT3	0.537	46
F-CT4	0.542	49

(7/12/2017): The highest average base load NOx emission rate = 0.542 lb./MMBtu*

(7/12/2017): The highest average peak load NOx emission rate = 0.623 lb./MMBtu*

* Per 40 CFR 75.19(c)(1)(iv)(C)(9) peak load is calculated by multiplying the base load by 1.15.

On July 15, 2022, testing was performed on two of the four (**F-CT5 & F-CT6**) CTs as representative units while burning No. 2 fuel oil. The results are as follows:

Unit	NO _x lb./MMBtu ISO corrected	Unit Load (MW)
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F-CT5	0.519	50
F-CT6	0.453	44.7

F-CT5 - The highest average base load NOx emission rate = 0.530 lb./MMBtu*

F-CT6 - The highest average peak load NOx emission rate = 0.458 lb./MMBtu*

* per 40 CFR 75.19(c)(1)(iv)(C)(3) per 40 CFR 75.19(c)(1)(iv)(C)(9) peak load is calculated by multiplying the base load by 1.15

Applicable Standards and Limitations:

COMAR 26.11.28.02 - Requirements.

A. This chapter incorporates by reference the U.S. EPA CSAPR and the CSAPR Update, including the definitions, criteria, and procedures therein.

B. Trading Program Requirements.

(1) This chapter incorporates by reference provisions of the CSAPR NO_x Annual Trading Program set forth in 40 CFR Part 97, Subpart AAAAA, as published July 1, 2017, and associated reference methods, performance specifications, and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §97.411(b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j).

(2) This chapter incorporates by reference provisions of the CSAPR NO_x Ozone Season Group 2 Trading Program set forth in 40 CFR Part 97, Subpart EEEEE, as published July 1, 2017, and associated reference methods, performance specifications and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §§97.811(b)(2) and (c)(5)(iii), 97.812(b), and 97.821(h) and (j). ***(This is superseded by Group 3 Subpart GGGGG published April 30, 2021, effective June 29, 2021).***

(3) This chapter incorporates by reference provisions of the CSAPR SO₂ Group 1 Trading Program set forth in 40 CFR Part 97, Subpart CCCCC, as published July 1, 2017, and associated reference methods, performance specifications and other test methods referenced by these standards, as applicable to existing and new units in Maryland, except the provisions at 40 CFR §§97.611(b)(2) and (c)(5)(iii), 97.612(b), and 97.621(h) and (j).

**A. 40 CFR Part 97 Subpart AAAAA-CSAPR NO_x Annual Trading Program
CSAPR NO_x Annual Trading Program requirements (40 CFR 97.406)**

The Permittee shall comply with the provisions and requirements of §97.401 through §97.435

Note: §97.406(c) NO_x emissions requirements. For CSAPR NO_x Annual emissions limitation: As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Annual source and each CSAPR NO_x Annual unit at the source shall hold, in the source's compliance account, CSAPR NO_x Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Annual units at the source.

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Allowance transfer deadline means, for a control period in a given year, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately after such control period and is the deadline by which a CSAPR NO_x Annual allowance transfer must be submitted for recordation in a CSAPR NO_x Annual source's compliance account in order to be available for use in complying with the source's CSAPR NO_x Annual emissions limitation for such control period in accordance with §§97.406 and 97.424.

**B. 40 CFR Part 97 Subpart CCCCC-CSAPR SO₂ Group 1 Trading Program
CSAPR SO₂ Group 1 Trading Program requirements (40 CFR 97.606)**

The Permittee shall comply with the provisions and requirements of §97.601 through §97.635

Note: §97.606(c) SO₂ emissions requirements. For CSAPR SO₂ Group 1 emissions limitation: As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO₂ Group 1 source and each CSAPR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO₂ Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all CSAPR SO₂ Group 1 units at the source.

Allowance transfer deadline means, for a control period in a given year, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately after such control period and is the deadline by which a CSAPR SO₂ Group 1 allowance transfer must be submitted for recordation in a CSAPR SO₂ Group 1 source's compliance account in order to be available for use in complying with the source's CSAPR SO₂ Group 1 emissions limitation for such control period in accordance with §§97.606 and 97.624.

Compliance Demonstration

The Permittee shall comply with the monitoring, record keeping, and reporting requirements found in §97.406, §97.430, §97.431, §97.432, and §97.433 for the CSAPR NO_x Annual Trading Program; §97.806, §97.830, §97.831, §97.832, §97.833 and §97.834 for the CSAPR NO_x Ozone Season Group 2 Trading Program; and §97.606, §97.630, §97.631, §97.632, and §97.633 and §97.634 for CSAPR SO₂ Group 1 Trading Program.

The Permittee operates continuous emission monitoring system (CEMS) pursuant to 40 CFR Part 75, Subpart B (for SO₂ monitoring) and 40 CFR Part 75, Subpart H (for NO_x monitoring).

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**C. 40 CFR Part 97 Subpart GGGGG-CSAPR NO_x Ozone Season Group 3
Trading Program**

**CSAPR NO_x Ozone Season Group 3 Trading Program Requirements (40
CFR 97.1006)**

The Permittee shall comply with the provisions and requirements of §97.1001 through §97.1035.

Note: §97.1006(c) NO_x emissions requirements. For CSAPR NO_x Ozone Season Group 3 emissions limitation: As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NO_x Ozone Season Group 3 allowances available for deduction for such control period under §97.1024(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Ozone Season Group 3 units at the source.

Allowance transfer deadline means, for a control period in a given year, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately after such control period and is the deadline by which a CSAPR NO_x Ozone Season Group 3 allowance transfer must be submitted for recordation in a CSAPR NO_x Ozone Season Group 3 source's compliance account in order to be available for use in complying with the source's CSAPR NO_x Ozone Season Group 3 emissions limitation for such control period in accordance with §§97.1006 and 97.1024.

Compliance Demonstration

The Permittee shall comply with the monitoring, record keeping, and reporting requirements found in §97.406, §97.430, §97.431, §97.432, and §97.433 for the CSAPR NO_x Annual Trading Program; §97.1006, §97.1030, §97.1031, §97.1032, §97.1033 and §97.1034 for the CSAPR NO_x Ozone Season Group 3 Trading Program; and §97.606, §97.630, §97.631, §97.632, and §97.633 and §97.634 for CSAPR SO₂ Group 1 Trading Program.

The Permittee operates continuous emission monitoring system (CEMS) pursuant to 40 CFR Part 75, Subpart B (for SO₂ monitoring) and 40 CFR Part 75, Subpart H (for NO_x monitoring).

COMPLIANCE SCHEDULE

Morgantown CT Site is currently in compliance with all applicable air quality regulations.

TITLE IV – ACID RAIN

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Morgantown CT Site is not subject to the Acid Rain Program requirements.

TITLE VI – OZONE DEPLETING SUBSTANCES

The Permittee shall comply with the standards for recycling and emission reductions pursuant to 40 CFR Part 82, Subpart F.

SECTION 112(r) – ACCIDENTAL RELEASE

Morgantown CT Site is not subject to the requirements of Section 112 (r) of the Clean Air Act.

PERMIT SHIELD

The Morgantown CT Site facility requested that a permit shield be expressly included in the Permittee's Part 70 permit. Permit shields are granted on an emission unit by emission unit basis. If an emission unit is covered by a permit shield, a permit shield statement will follow the emission unit table in Section IV - Plant Specific Conditions of the permit. In this case, a permit shield was granted for each emission unit covered by the permit.

INSIGNIFICANT ACTIVITIES

This section provides a list of insignificant emissions units that were reported in the Title V permit application. The applicable Clean Air Act requirements, if any, are listed below the insignificant activity.

- (1) No. 1 Stationary internal combustion engines with an output less than 500 brake horsepower (373 kilowatts) and which are not used to generate electricity for sale or for peak or load shaving;

This diesel fire pump is subject to the following requirements:

- (A) COMAR 26.11.09.05E(2), Emissions During Idle Mode:
The Permittee may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity.

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(B) COMAR 26.11.09.05E(3), Emissions During Operating Mode: The Permittee may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity.

(C) Exceptions:

(i) COMAR 26.11.09.05E(2) does not apply for a period of 2 consecutive minutes after a period of idling of 15 consecutive minutes for the purpose of clearing the exhaust system.

(ii) COMAR 26.11.09.05E(2) does not apply to emissions resulting directly from cold engine start-up and warm-up for the following maximum periods:

(a) Engines that are idled continuously when not in service: 30 minutes.

(b) all other engines: 15 minutes.

(iii) COMAR 26.11.09.05E(2) & (3) do not apply while maintenance, repair or testing is being performed by qualified mechanics.

(D) All applicable terms, provisions, emissions standards, testing, monitoring, record keeping, and reporting requirements included in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) promulgated under 40 CFR 63, Subparts ZZZZ for Stationary Reciprocating Internal Combustion Engine.

(2) Containers, reservoirs, or tanks used exclusively for:

(a) ✓ Storage of butane, propane, or liquefied petroleum, or natural gas;

(b) No. 5 Storage of lubricating oils;

(c) No. 2 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel;

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- (3) ✓ Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use;
- (4) ✓ Comfort air conditioning subject to requirements of Title VI of the Clean Air Act;

STATE ONLY ENFORCEABLE REQUIREMENTS

The Permittee is subject to the following State-only enforceable requirements:

Applicable Regulations:

COMAR 26.11.06.08 – Nuisance. “An installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created. Nothing in this regulation relating to the control of emissions may in any manner be construed as authorizing or permitting the creation of, or maintenance of, nuisance or air pollution.”

COMAR 26.11.06.09 - Odors. “A person may not cause or permit the discharge into the atmosphere of gases, vapors, or odors beyond the property line in such a manner that a nuisance or air pollution is created.”